

DOUGLAS COUNTY LAW LIBRARY NOTES

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The index to Nebraska bankruptcy opinions (appeals included) is now complete through 1985. The library receives local opinions as they are issued. A current indexing file is maintained at the desk.

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The excesses of contemporary business writing bring to mind Cornelius Vanderbilt, who wrote my favorite business letter:

"Gentlemen:
You have undertaken to cheat me. I won't sue you, for the law is too slow. I'll ruin you.

Yours truly,
Cornelius Vanderbilt"

Not a word wasted. If anyone can offer a better example of solid business writing, I would like to see it.

—Peter Baida, American Heritage.

Omaha Bar NEWSLETTER

Omaha Bar Association
2133 California Street
Omaha, Nebraska 68178

CALENDAR

- Feb.**
27 Thurs. **Omaha Bar Association** monthly meeting — Peony Park — Cocktails 5:30/Dinner 6:30
- Mar.**
3-14 District Court **Jury Session**
11 Tues. **Medical/Legal Dinner** — Holiday Inn Central — Cocktails 5:30/Dinner 6:30
21 Fri. **Creighton University** School of Law Seminar — **Update on Commercial Law** — 8:00 a.m.
- 31-Apr. 11 District Court **Jury Session**
- Apr.**
10 Thurs. **Omaha Bar Association** monthly meeting
28-May 9 District Court **Jury Session**
- May**
1 Thurs. **Law Day** — Theme: "Foundations of Freedom"
27-June 6 District Court **Jury Session**
- June**
9 Mon. **Field Day** — Omaha Country Club

If it weren't for the last minute, a lot of things would never get done.

"An expert doesn't necessarily know more than anyone else. He just has it better organized and he uses slides!"
—Bill Coplin.

There's only one way to cope with the soaring cost of putting your kids through college. When they're very young, you start a special fund for them and every year you add to it. Then, just when they're ready to enter college, you hold up a bank.

Omaha Bar Newsletter



Co-Editors:
Richard N. Berkshire John W. Wilke

Members:
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Patrick J. Barrett Bob Newman
Patrick J. Boylan Deborah Ortman
Stephen Bruckner Carolyn Rothery
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Omaha Bar Association

NEWSLETTER

Vol. VIII No. 1

November, 1986



"Barristers Club officers John Wilke, Joe Jones, John Lindsey, Tom Donnelly, & Cindy Sleder at Peony Park prepare for the Annual Christmas Party Thursday, December 11."

Message From The President

Members of the Omaha Bar Association:

As you all know, I am not one to waste a lot of words so when Mardee says that "it's that time again" it makes me sit back and pause for a few moments.

First, let me say that based upon the number of members who attended our first three meetings, the annual kickoff dinner so graciously sponsored by the **First National Bank** on September 4, our first monthly meeting on the 16th of October, and our joint meeting with the CPAs on November 20th, all functions were a huge success.

The Honorable **Chief Justice Krivosha** spoke at the October meeting. The turnout and response was great — our thanks again to **Judge Krivosha**.

The committees are off and running. You should have received a special mailing by now from **Pat Grewe** regarding the backlog of the domestic matters in the Legal Aid program. I urge



Keith I. Frederick

all of you to assist in this worthwhile endeavor.

In November, a joint meeting with the CPAs was held. I hope this turns into an annual affair.

Thank you all for your help and assistance in promoting the Omaha Bar Association. The officers and members of the Executive Council welcome your suggestions.

Attorney Peter Dies

William A. Peter — Omaha lawyer and German-language newspaper publisher has died after suffering a stroke.

Peter was chairman of Tribune International Corp., which publishes German-language newspapers in Chicago and Milwaukee and he headed a family enterprise, Peter Publications which at one time owned 14 German-language journals — the largest ethnic-language newspaper chain in the United States.

In 1971, the West German government awarded **William A. Peter** its highest decoration, the Officers Cross of the German Order of Merit, for his contributions in preserving German culture in Nebraska and for his role in helping 10,000 East German refugees immigrate to Nebraska after World War II.

Peter practiced law with his son, **William F. Peter** and both belonged to the Omaha Bar Association.

OMAHAN ROBERT M. SPIRE ELECTED IN ATTORNEY GENERAL RACE

by Virginia Koerselman

In his first bid for public office, former Omaha attorney **Robert M. Spire** (Republican) retained his post as Nebraska Attorney General by defeating former Assistant U.S. Attorney **Bernard Glaser** (Democrat) in the November 4 general election.

Spire's appointment by Governor Robert Kerrey to succeed Paul R. Douglas as Attorney General on March 1, 1985, surprised Democratic and Republican Party officials alike, who had expected **Kerrey's** selection to come from the Democratic rank and file. Less than one year later, **Bob Spire** found himself in the middle of a political campaign to retain his office as the chief prosecutor and legal advisor for the State of Nebraska. Although **Spire** was technically the incumbent, he had little advantage over his opponent in the all-important area of name recognition when the race began last December.

Compared with other statewide races, the **Spire** campaign budget was extremely modest at \$120,000-\$125,000, most of which was spent before the primary election in May. **Spire** credits much of the victory to the 130 or so volunteers across the state who worked so hard on his behalf and **Governor Kerrey's** public endorsement. **Spire** himself traveled countless miles during the 11-month campaign in addition to performing his official duties, visiting 15 different towns during the final week alone. The **Spire-Glaser** race was a long and difficult one; but Nebraskans opted for **Spire's** extensive legal experience and public service by a resounding 61% at the polls.

Bob Spire may have been relatively unknown by the general public. Not so, however, among lawyers across the State. A graduate of Harvard University (1949) and Harvard Law School (1952), he was a member of the Omaha law firm of Ellick, Spire & Jones until his appointment as Nebraska Attorney General. He is a past President of both the Nebraska State Bar Association (1981-82) and the Omaha Bar Association (1978-79). The NSBA pro bono legal services program was established under his direction.

Public office may be relatively new to **Bob Spire** but public service is certainly not. He has served on innumerable Boards during his career, including United Community Services of Omaha



Robert M. Spire

and Urban League of Nebraska. He was a trustee of the University of Nebraska Foundation for nine years; served on the Board of Regents for the University of Nebraska at Omaha for five years; and, most recently, was a member of the Governor's Citizens Commission for the Study of Higher Education in Nebraska.

Although winning is always tremendously gratifying, Attorney General **Spire** finds his advocacy and administrative roles much better suited to him than his recent venture into politics. As Attorney General, he has added new caseload management procedures despite budget constraints and has installed a new computer system. Attorneys with strong criminal prosecution experience have been added to the staff, and the consumer protection division has been given greater emphasis. For the first time in a number of years, the Attorney General himself has argued for the State before the Nebraska Supreme Court.

Bob Spire brought his personal credibility and commitment to the office of Attorney General at a difficult time in the history of that office. His recent election demonstrates the trust that Nebraskans have come to place in him in the short time since his appointment. We congratulate Attorney General **Spire** on his victory and recognize that the voters' confidence in him is very well placed.

Notes From OBA's Executive Director:

Our fall season is in full swing with committees set and starting to work on their various projects. (See committee list on pg. 4 & 5). It is the time and devotion of these members that make the bar what it is today. One of our most active committees is in the "Committee Focus" column on page 2. **Bob Freeman** does an excellent job organizing this very busy committee with all its numerous activities.

The October meeting with guest speaker the Honorable **Norman Krivosha**, was one of the biggest ever for a monthly meeting and the hope is you enjoyed it so much that you'll be back! We want to especially welcome the recent graduates that were our guests that night and hope that this is the beginning of a long association with OBA.

Pam Govier, Marion Pruss, John Irwin, James Lang and **Michael McGill** spoke at five different programs organized by the OPS gifted program. **John Trecek, Pat Betterman** and **John Kellogg** likewise spoke to schools. We thank them so much for doing this. It is always amazing to me with all your very busy schedules, how willing attorneys are to do a speaking engagement for OBA. Rarely am I turned down.

Our bar membership keeps increasing and currently stands at 1350. I hope I'm still around (at least maybe wheeling around) when it reaches 2,000!!

Ceal McNamara is in her 21st year as the Lawyer Referral director and was presented an award at the November meeting honoring her many years of service. The Omaha Bar Association is lucky to have such a dedicated employee and I, personally, am lucky to have her not only as a co-worker but more importantly as a special friend!

Mark your calendar now for January 22 for the next monthly meeting. (Note a change from the usual third Thursday, but Creighton basketball is in town that night and we don't want to get "plucked" by those Blue Jays!)

I hope you have a happy holiday season and the best to each of you in 1987. Mardee

The Omaha Legal Secretaries Association will hold their annual Holiday Party on December 12, 1986, at the Old Mill Holiday Inn.

March 19, 1987 will be the date for OLSA nominations and elections of new officers.

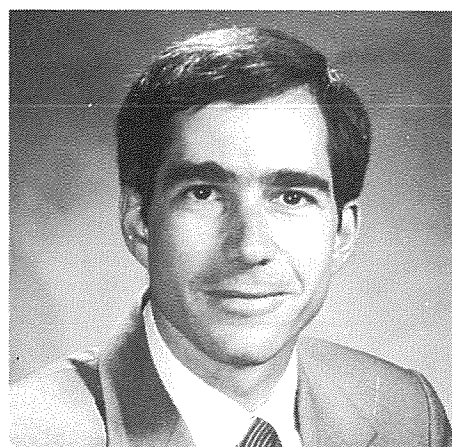
COMMITTEE FOCUS:

THE PUBLIC SERVICE COMMITTEE REACHES OUT

By Steve Bruckner

Lawyers are too often criticized in the popular press as mere seekers of material gain or, at the other extreme, meddlesome protectors of "guilty" criminal defendants. However, under the recent stewardship of **Bob Freeman**, the OBA's Public Service Committee has made great strides toward dispelling such negative images with the development and expansion of a wide array of programs for the Omaha community.

The Committee is responsible for several activities that fall under the broad category "law-related education programs," under the supervision of **Glenda Pierce**. For instance, the Committee sponsors a **Bill of Rights Project** intended to educate the public in connection with the upcoming Bicentennial of the United States Constitution. Other programs include **Law Explorers**, sponsored by Mid-America Council of the Boy Scouts of America, in which practicing attorneys conduct law-related seminars, lectures and field trips for area students; the **Mentor program**, which pairs Omaha law firms with local high schools to foster the development of legal educational programs; and the **Omnibus/Junior League** program



Bob Freeman

for gifted children. The Committee also works with **Metropolitan Technical Community College** to offer law-related curricula to children and adults.

The **Juvenile Court Diversion Project** is one of the Committee's more promising and, certainly, desperately needed programs. The impetus for the Project was a perceived need to remove certain juveniles from the ordinary court system. The Project is intended to provide an alternative for first-time, non-violent offenders who demonstrate a reasonable likelihood that, with proper intervention, they will not be "repeat" offenders. The Diver-

sion program will be a pre-petition option to be elected by the juvenile and his or her parents. Thus, a juvenile who chooses diversion will be required to participate in a rigorous series of programs that might include vocational instruction, career awareness orientation, community service and other activities. If the youngster successfully completes the Diversion program, his or her record is expunged and a juvenile petition will not be filed.

Tim O'Brien is in charge of the Diversion Project, and has been working to develop the program with the Douglas County Attorney's office and other civic groups which have offered their support. The OBA Executive Council has approved limited funding for the Project, to be matched with funds from the Law Student Division of the American Bar Association. The money will be used to fund a pilot program for the Project, which **Freeman** expects will get under way yet this Fall. The Diversion Project, which is modeled after successful programs established in larger cities, will serve a critical need for many first-time juvenile offenders, and provide relief for an overburdened court system, all of which should improve the public's perception of attorneys in our community.

OMAHA BAR ASSOCIATION COMMITTEE ASSIGNMENTS 1986/87

The following have accepted the chair of OBA committees for this year, and their committees are as follows:

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Chairman: Phillip M. Bowen

Members: A. Lee Bloomingdale, Martin M. Bohac, Patrick L. Carmody, Dennis T. Chapman, Brenda J. Council, Thomas P. Egan, Anne O. Fortune, Thomas J. Gaughen, Mary C. Gilbride, Daniel J. Harris, William H. Heavey, Perry W. Hooks, J. Bernard Hurley, Virgil K. Johnson, Colleen Lamont, Susan E. Prazan, Henry C. Rosenthal, James K. Say, Karen L. Shepard, Byron D. Strattan, James C. Stroo, Thomas J. VonRiesen, Dean W. Wallace, Michael Walts, Robert S. Woodruff.

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LAW LIBRARY

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Editors: Richard N. Berkshire

John W. Wilke

Members: Susan J. Anderson, Patrick J. Barrett, Christian R. Blunk, Patrick J. Boylan, Stephen M. Bruckner, David L. Buel, Mark F. Enebach, Lynne Timmerman Fees, Gerald Friedrichsen, Michael F. Gutowski, William R. Hadley, Thomas J. Jenkins, Clifton R. Jessup, Virginia Koerselman, Mary G. Likes, Nancy J. Ludden, Lynn A. Mitchell, E. Robert Newman, Deborah S. Ortman, Carolyn A. Rothery, Frank M. Schepers, Mark J. Slowiaczek, M. David Steier, Michael L. Sullivan, William A. Tinstman, James P. Waldron, Brian Zdan.

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Continued on page 5

PECK RETIRES MAGISTRATE PLANS TO REMAIN IN OMAHA

by Christian R. Blunk

Richard C. Peck will retire on November 30, 1986, as the United States Magistrate for the District of Nebraska, or as soon thereafter as a successor is qualified and installed.

Judge Peck was born on September 16, 1917, in Falls City, Nebraska. He married **Dorothy E. Perrin** and they have one son, **Richard D. Peck**, who resides in Grayslake, Illinois.

Judge Peck graduated cum laude in 1942 from the University of Nebraska College of Law. He then served during World War II in the Counter-Intelligence Corps in Italy. From 1946 to 1956, he practiced law in Cass County, Nebraska. During that time he also served for six years as the Cass County Attorney. From 1956 to 1959, he was the Chief Assistant U.S. Attorney in Omaha, Nebraska.

From 1959 to 1975, **Judge Peck** served as the Clerk of the U.S. District Court for the District of Nebraska. In addition to his duties as the Clerk of the Court, he served from 1966 to 1969 as a United States Commissioner and, in

Committee Assignment

continued from page 4

Lewis R. Leigh, Michael D. Matejka, Joseph W. McNamara, Nancy T. Morris, Howard L. Neuhaus, Steven J. Olson, Jerome J. Ortman, LeRoy S. Owens, David E. Pavel, David M. Pedersen, Robert H. Petersen, William E. Pfeiffer, William C. Ramsey, Robert W. Rieke, Margaret L. Schneider, C. L. Robinson, August Ross, Judith A. Spindler, Marilyn W. Watson, Ernest Wintraub, Thomas A. Woodward, Harold M. Zabin, Warren S. Zweiback.

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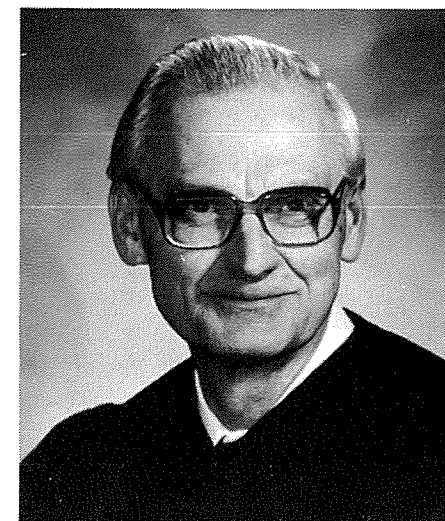
WALK THROUGH COURTS

Chairperson: Barbara J. Gaskins

Chair-elect: Elizabeth S. Borchers

Members: William G. Dittrick, Julia L. Gold, David S. Houghton.

Mardee M. Korinek serves as an ex officio member of each committee.



Richard C. Peck

1970, was appointed as a United States Magistrate. From 1975 to the present, he has served full time as a United States Magistrate.

Peck's professional memberships include Order of the Coif, the American, Nebraska, and Omaha Bar Associations, the National Council of United States Magistrates, and Phi Delta Pi.

While serving as Clerk of the District Court, **Judge Peck** became a key component in the administrative overhaul of the federal court system during the 1960s when the litigation explosion occurred. As Clerk of the Court, he

took over all management of the case docket. He then supervised and conducted all pretrial conferences. This administrative approach allowed for a more efficient use of a federal district judge's time.

Judge Peck also was a part of the vanguard in the transformation of the U.S. Commissioner's system to, that of U.S. Magistrates. A primary result attained from enactment of the Magistrates Act of 1968 has been to provide an increase in judge power available to the district courts without necessity for substantial creation of additional district judgeships.

Richard Peck additionally has contributed to our legal system by authoring the Federal Rules Decision treatises on "Taxation of Costs in Federal Courts", and by serving as a Faculty Lecturer at Federal Judicial Center training seminars for United States Magistrates.

His plans are to remain in Omaha after his retirement. At present, he has no plans to re-enter the private practice of law.

Judge Peck's efforts and contributions to the practice of law are greatly appreciated. The principles and theory which he contributes both as an administrator and a teacher serve to guide and benefit those of us in all areas of the law.

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SEND TO: Omaha Bar Association
2133 California St.
Omaha, NE 68178

Judge Wolf To Retire

by Michael F. Gutowski

Judge A. Q. Wolf has announced that he will retire from the Douglas County Court after more than 35 years of public service.

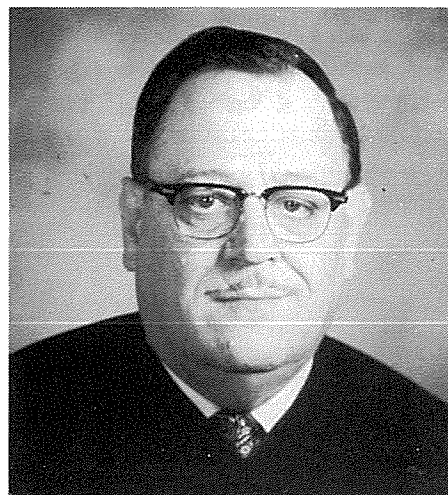
Judge Wolf received his law degree from Creighton University in 1948 and was admitted to the bar the same year. He spent the next two years in private practice in Omaha until his appointment in 1950 as an assistant Public Defender a position he held for the next ten years. He was appointed Douglas County Public Defender in 1960 and was reelected to that position in 1964 and 1968. In January 1971 he was appointed to the Omaha Municipal Court by then Governor **J.J. Exon** and became a judge of the County Court upon the consolidation of the Municipal and County courts in July of 1985.

Judge Wolf has enjoyed his tenure as a judge and feels that serving on the bench is in many ways the ultimate fulfillment of what he had in mind on becoming a lawyer. After 20 years of concentrating in criminal law he found the opportunity to work in other areas to be stimulating and rewarding.

The area he feels most needs improvement in the court system is what he sees as the large number of frivolous and harassing suits filed in civil cases and in the excessive use of multiple charges in criminal cases. He feels that more sanctions should be applied to lawyers to curb such suits and charges as well as frivolous and delaying motions. He attributes the reduction in the respect of the public for the court system during his tenure on the bench in large part to such maneuvering. He also believes that the courts in criminal cases must not lose sight of the fact that the defendant is the most important party and must make positive efforts to see that the rights of the accused are fully protected as the courts seek to do justice for crime victims and society in general.

Judge Wolf plans to use his retirement to travel and catch up on his reading and possibly do some writing. He has no plans to continue in the active practice of law but may be called upon by the Chief Justice to fill in when court dockets become congested.

His flamboyant clothing and sense of humor as well as his common sense decisions will be missed by the bar.



A. Q. Wolf



J. Patrick Mullen

Legal Secretaries Association Forms Job Committee

The Omaha Legal Secretaries Association has an Employment Committee which was established to assist legal secretaries in finding positions with law firms, and also to assist Bar members in finding secretaries, at no cost to either party.

Attorneys can contact the Employment Chairman when they have a job opening, and that opening can be announced at the Legal Secretaries' meetings. The Chairman will also contact any secretaries seeking employment and inform them of the opening.

The Chairman also has a list of freelance legal secretaries who are available for temporary assignments.

If you wish to use these services, please contact **Cherie Sempek**, Employment Chairman, at 896-0710 (or **Diane Greenfield** at 397-9988).

District Court Focus The Most Recent District Court Judge

by John W. Wilke

Judge J. Patrick Mullen, age 42, was born in Washington, D.C. on May 3, 1944 to **John** and **June Mullen**. **Judge Mullen** left D.C. with his parents at an early age and moved to Broken Bow, Nebraska, his father's hometown. One year later, at age 5, the family moved to Omaha where young J. Patrick attended both Monroe and St. Bernard's grade schools. He graduated from Creighton Prep in 1962 and in 1966, obtained a Bachelor of Arts Degree from Creighton University with a double major in theology and philosophy.

Law school was next on Mullen's agenda and he graduated from Creighton's School of Law in 1969. His first job following graduation was with the then known law firm of Craig, Woodruff and Hanley. In 1970 he went to work for **Gary Buccino** as a City Prosecuting Attorney for two (2) years. He then jumped the fence and from 1972 to 1974 worked under **Frank Morrison** as a Deputy Public Defender.

In 1974, **J. Patrick Mullen** became the Juvenile Court referee and in 1976 he was appointed the first Associate Juvenile Court Judge by Hon. **Colleen R. Buckley**. He held this post for nine (9) years before being appointed by Governor **Bob Kerrey** in March of 1985 to the Fourth Judicial District as a Douglas County District Judge, replacing retiring Judge **Sam Caniglia**.

Judge Mullen's parents, John and June Mullen, reside at Ginger Cove, NE. The Judge's father is retired from the IRS. **Judge Mullen** and his wife, **Barbara Harris**, have a 10 month old baby daughter, **Abigail**. His hobbies include bridge, golf, listening to 1950's music and playing back yard football with his sons **Matthew**, age 15 and **Kyle**, age 13.

Judge Mullen occupies Court Room #4 on the 5th Floor with his bailiff, **Thelma Waugh** and his court reporter, **John Thomas**.

Mark your calendar for OBA MONTHLY MEETINGS:

Jan. 22	Peony
Feb. 18	Peony
Mar. 10	Medical/Legal
Apr. 9	Erin Court Shrimp Peel
May 1	Peony - Luncheon Law Day

The Torch is Passed at the Chapter 13 Trustee's Office

by Lynne Timmerman Fees

After 30 years of acting as Bankruptcy Trustee in Chapter 7 and wage-earner plans in Nebraska and Iowa, **Kenneth E. Shreves** has retired. He was not officially appointed as Trustee until 1978. At that time, the federal Judicial Administrative Office appointed him and other then-acting trustees, as well as some new ones.

Judge David L. Crawford appointed **Shreves** as the Chapter 13 Trustee, and he has worked with only those bankruptcies for the last five years. He originally kept his private practice, but that was phased out totally by the time **Shreves** took on the Chapter 13 position.

Over the years, "the job has just gotten bigger," says **Shreves**. "A manual bookkeeping system, a few forms and a secretary were adequate at first." Now, the office is computerized, and it handles around 1400 open cases and two million dollars in receipts. 10% of that amount goes to expenses and support staff.

After retirement, **Shreves** and his wife, **Patricia**, plan to concentrate on their farm and their cattle. They would like to go to Europe, and they plan to spend as much time as possible with their seven children and their families. **Shreves** also hopes to find time to read

and to enroll in some "fine arts-type classes." He also plans to get in some hunting, canoeing and fishing. We certainly wish him well in his future endeavors!

Until the end of the year, **Shreves** is acting as a consultant to the newly-appointed Chapter 13 Trustee, **Kathleen A. Laughlin**. She began working in the office on October 1, 1986. Laughlin graduated from Creighton Law School in 1982.

Prior to attending law school, she was in social work, largely in hospitals. She had planned to go into hospital law or juvenile law. However, after three years of private practice, she decided to specialize in bankruptcy law and took a job as Judge **Timothy J. Mahoney's** law clerk. This was excellent background for the Chapter 13 position. When it was advertised, she applied and was chosen.

Laughlin states that the support staff at the Chapter 13 office is "terrific — they really know what's going on." She plans to attend the First Meetings of Creditors in North Platte once a month as well as the meetings in Omaha and Lincoln. She will also attend all motion hearings which "have repercussions to the plan." She will make sure that those plans are amended if relief is granted. She is also responsible for filing Motions to Dismiss if a case does not meet jurisdictional standards or if a debtor does not make plan payments.

One new challenge for **Laughlin** is a result of **Judge Mahoney's** decision in **In Re: Gregory William Stein and Denise Marie Stein**, BK85 164 (Dec. 13, 1985). Formerly, the creditor had the burden to object to the plan if a claim was in dispute. Since the **Stein** decision has gone into effect, however, the Trustee sends out Motions to Allow Claims, and the burden is on the debtor to object to the creditor's Proof of Claim.

Laughlin anticipates that it will take some time for everyone to get used to the new procedure. She plans to hold an orientation session with local attorneys regarding changes in the law and Chapter 13 in general.

The new Trustee is married to **Michael Laughlin**, who works in defense procurement. They have two children. **Susan** is graduating from UNO in broadcast journalism this year. **Brian** is a seventh-grader at Millard North.

IOLTA UPDATE

by Miden Harvey

At its Annual Membership Meeting on October 8, 1986, Nebraska Lawyers Trust Account Foundation (NLTA) honored **Richard E. Shugrue**, Omaha, **David B. Downing**, Superior, and the Scotts Bluff County Bar Association as well as eight financial institutions for their commendable support of Nebraska's Interest on Lawyers Trust Account (IOLTA) Program. **Thomas J. Walsh, Sr.**, Omaha, was also recognized as outgoing President of NLTA.

Newly elected officers of NLTA are **Steven R. Voigt**, Kearney, President; **Sr. Timothy M. O'Roark**, Omaha, Vice President; **Thomas J. Fitchett**, Lincoln, Secretary; and **Kenneth L. Backemeyer**, Lincoln, Treasurer.

A. B. "Buddy" Hogan of Omaha was elected to the board of directors.

Under the IOLTA program, lawyers may place client trust funds into interest-bearing accounts with the interest paid to NLTA. The IOLTA interest income is then used to support Nebraska's three legal services programs. Over 1,100 Nebraska lawyers participate in IOLTA, and Nebraska's 45.8% lawyer participation rate ranks second in the U.S. for voluntary IOLTA programs.

If you are not an IOLTA participant and would like to become involved in this worthwhile program, please contact **Miden G. Harvey**, Executive Director, Nebraska Lawyers Trust Account Foundation, P.O. Box 81809, Lincoln, Nebraska 68501 or phone (402) 475-7091.

Omaha Bar Newsletter

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Mardee M. Korinek**

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Other Contributors This Issue:

Joan Boeder, OLSA
Barbara Gaskins
Carol Gendler
Miden G. Harvey, IOLTA
Terry O'Hare
Chaplain Bob Potter
Connie Thiele, Legal Assistants

New Procedures Invoked in County Court Judge Selection

by Michael F. Gutowski

The recent or pending retirement of three Douglas County Court judges and one judge in the 20th Judicial District has triggered the operation of new judicial selection procedures added by LB 516 during the 1986 Unicameral session.

Judge **Elizabeth Pittman** has already retired, as have Judges **Francis McLane** and **A. Q. Wolf** who indicated that they would retire and not seek re-election in the November 4 election.

Under former law when a judicial vacancy occurred in a the Clerk of the Supreme Court automatically contacted the chairperson of the appropriate Nominating Commission and set a time for a meeting and public hearing for nominations to fill the vacancy. Under the new legislation two additional steps have been added. First, the Supreme Court must hold a public hearing upon the death, retirement, resignation, removal of failure to be retained of any district or county judge and decide if a vacancy exists. The Court is to consider caseloads, travel time and other factors in determining if a vacancy exists. After the Supreme Court declares that a vacancy exists, a new body, the Judicial Resources Commission must hold another public hearing to determine the location of the vacancy.

The Judicial Resources Commission consists of a Supreme Court Justice chosen by that Court as chairperson. The Supreme Court also appoints three additional judges, one district, one county and one from any court as

commission members. The Executive Council of the Nebraska State Bar Association appoints three NSBA members to serve on the commission and the Governor appoints three lay persons to complete the commission. The Chairman of the Judicial Resources Commission is Justice **Leslie Boslaugh** and Omaha attorney **Joseph F. Baillon** is one of the NSBA members.

The Supreme Court held a hearing on October 15, 1986 and determined that four county court judicial vacancies exist. The Judicial Resources commission held its hearing on October 29, 1986 and declared that three vacancies exist in the Fourth Judicial District (Douglas County). The commission delayed a decision as to the 20th District vacancy. At the hearing the commission heard testimony from a number of witnesses that an additional judge is needed in Douglas County to handle current and anticipated caseloads.

The statutory qualifications for County Court Judge require only that a candidate be at least 30 years old; be a U.S. citizen; have practiced law in Nebraska for at least 5 years; be currently admitted to the bar in Nebraska; and be a resident of the Judicial District at the time the appointment is effective and during tenure in office. The standards to be used by the Nominating Commission in determining who is otherwise qualified to serve as a county court judge are vague on non-existent. A study committee of the Unicameral and an NSBA committee are currently studying the question and the need for additional guidelines and regulations.

NEBRASKA ASSOCIATION OF LEGAL ASSISTANTS

At the annual meeting of the Nebraska Association of Legal Assistants held on September 20, 1986 in Lincoln, Nebraska, the following officers were elected:

President:
Joyce Pardee
First Vice President:
Gayle Westmoreland
Second Vice President:
Martha Peabody
Secretary:
Joyce White
Treasurer:
Janeen Bruner

NALA Liaison Officer:
Z. Louise Cooper, CLA
District Director I:
Madeleine Widstrom
District Director II:
Susan L. Blackwell
District Director III:
Terese A. Reeder
District Director IV:
Janet A. Papiernik

OBA/Omaha Policemen & Firemen Community Foundation

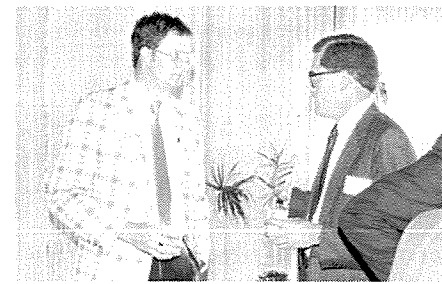
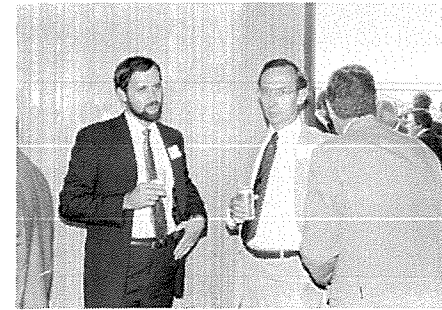
by Terry O'Hare

On August 17, 1970, an Omaha police officer, **Larry W. Minard** was killed and another police officer, **John Tess**, was injured in a bombing incident. The Omaha community responded with donations in excess of \$73,000 to aid the families of those officers. The **Omaha Bar Association**, at that time organized and administered a charitable foundation to aid the families of the two policemen and other policemen and firemen throughout the community. The foundation later became known as the **Omaha Policemen and Firemen Community Foundation**, and has been in existence since 1970.

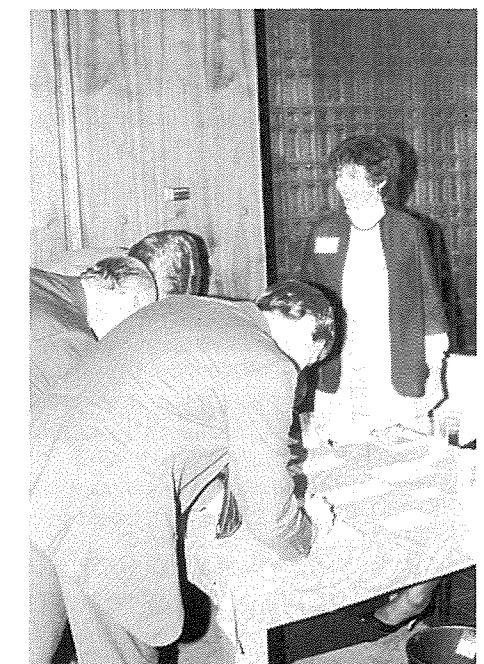
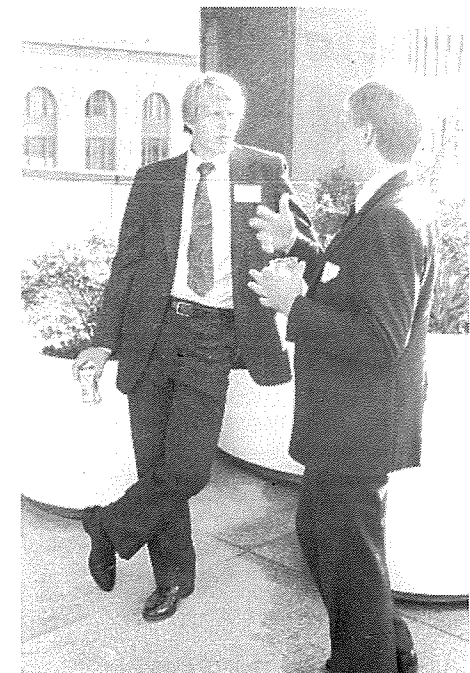
The purpose of that Foundation has been to assist policemen and firemen of the city of Omaha and their dependents in the event of injury or death sustained in the line of duty. The Foundation has been administered by the **Omaha Bar Association** with the assistance of the **FirstTier Bank** Omaha and since its creation has distributed funds to the Minard and Tess families and others as needs dictated. At the present time there is approximately \$6,182 remaining in the Foundation.

As a result of the thoughtfulness of the Omaha Bar Association and particularly **Jack Marer**, President of the Omaha Bar Association, in August of 1970, and the Executive Council at that time made up of **Thomas R. Burke, Howard H. Moldenhauer, Larry W. Myers, William Naviaux, Robert H. Petersen, Allan Garfinkle, Gene Welch, James Koley, Fred Williams** and **Raymond McGrath**, the Omaha Bar Association was again able to provide assistance to the community.

OBA FALL KICKOFF BARBECUE AT FIRST NATIONAL BANK



Clockwise from upper left: **Marks, Diehl and Goodall** (not necessarily in that order) enjoy the fall kick off weather. **Dick Shugrue** relaxes from the grind of his lecture schedule to lecture a former student on how badly **Ron Staskiewicz** will lose. **Tom Von Riesen** thumbs a ride from **Rick Berkshire**, who is already hard at work on these cutlines. **Dave Neely** explains the fine points of a **Bud Life** while **Bob Berkshire** looks at his reflection in **Chuck Schorr's** mirrored sunglasses. **Bob Johnson** takes a deep breath to continue a long-winded explanation of all of the trust services the **First National Bank** has to offer. **Eighth Circuit Judge Don Ross** ponders a careful argument by **Marilyn Abbott** while **Bob Andersen** and an unidentified reporter take notes. **Mardee Korinek** presides over the table and makes sure everyone has a name tag so they can be identified at the end of the night. **Rosemary Bruckner** eagerly awaits the barbecue. **Gary Clatterbuck** squishes his beer can in an attempt to show that he is stronger than professional football players. **Barbara Zandbergen** counts on her fingers the number of times her picture has been taken at one of these functions.



WE NEED HELP!!!!

The Omaha Bar Association Newsletter is now accepting ads. The cost and guide lines are listed below. If you know of anyone who might be interested, please have them contact the OBA office at 342-3786.

PRICES OMAHA BAR ASSOCIATION NEWSLETTER ADS:

	Two or more consecutive issues	
Full page	\$300	\$270
Half page	\$200	\$180
One-fourth of a page	\$150	\$135
One-sixth of a page	\$100	\$ 90
One-eighth of a page	\$ 75	\$ 67.50

For two or more consecutive issues, there would be a ten percent reduction. Ad copy is to be prepared by the advertiser and submitted to the OBA office. Advertisers will be billed by Mardee for their ads after the copy is submitted.

The only restrictions are that the Newsletter has determined not to accept advertising from lawyers, and the other usual standards of good taste would, of course, apply.

October & November Jury Verdicts

Editor's Note: Every effort is made to insure accuracy. However, if you note an error in your case, please drop a note to the OBA office.

836-517 Tammy Determan, Per. Rep. vs. Hopco Inc., et al

Judge: Hamilton
Attorneys: Jack Carpenter & Dave Domina
Case: Accidental Death
Verdict: For Plaintiff \$425,000

842-581 Ronald Zander vs. Phillip Perrone

Judge: Carlson
Attorneys: Frank Meaves & Dennis Smouse
Case: Automobile Negligence
Verdict: For Defendant on defendants counterclaim \$22,500

849-065 Arlene Goodman vs. Mitchell Broadcasting

Judge: Clark
Attorneys: Warren Zweiback & Virginia Koerselman
Case: Contract
Verdict: For Defendant

846-087 Jana K. Lascala vs. David Smith

Judge Buckley:
Attorneys: Robert Shovek & Joe McQuillan
Case: Landlord Tenant Neg.-rape
Verdict: For Plaintiff \$5,000

845-590 James Bradbury vs. U.P.R.R.

Judge: Buckley
Attorneys: Joe & John Inserra & R. Dennis Osterman
Verdict: For Defendant

852-290 Leona Muhleka vs. Viola Wilson

Judge: Mullen
Attorneys: Ron Palagi & John Wilke
Verdict: For Defendant (auto neg.) —
Directed verdict for plaintiff on liability

850-868 Margaret Sacco vs. Bag 'n Save

Judge: Clark
Attorneys: Tim O'Brien & Mike Fortune
Verdict: For Defendant

845-770 Shelter Mutual Insurance vs. Robert Potter, et al

Judge: Burkhard
Attorneys: Dave Woodke & Jerome Kinney
Verdict: For Plaintiff

840-261 John Shepard vs. U.P.R.R.

Judge: Clark
Attorneys: Mike McGill & R. Dennis Osterman
Verdict: For Plaintiff \$50,000

830-449 Peter Delgado vs. Inryco Inc., & Hawkins Construction

Judge: Murphy
Attorneys: Rich Dinsmore & Mike Helms
Case: Prod. Liability
Specials:
Verdict: Directed verdict for Defendant

839-543 Alice Phelps vs. David J. Cronicon et al

Judge: Davis
Attorneys: Steve Lathrop & Jeff Silver
Case: Auto Accident
Verdict: For Defendant



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1905 Harney Street Omaha, Nebraska 68102

841-794 Penny R. Bainbridge vs. Bishop Clarkson Hosp.

Judge: Howard
Attorneys: Phil Lee & Dick Rensch & John Douglas
Case: Medical Malpractice
Verdict: For Plaintiff \$33,000

841-658 Dorothy Uryasz vs. Bergan Mercy Hosp.

Judge: Gitnick
Attorneys: Don Loftus & Mike Kinney
Case: Medical Malpractice
Verdict: For Plaintiff \$105,000

838-797 John C. Maurer vs. Robert Cunningham

Judge: Howard
Attorneys: Dennis Lee & Tom Simpson, Jr.
Verdict: For Plaintiff \$2,300

842-551 Ronald Nelson vs. State Farm Fire & Casualty

Judge: Hickman
Attorneys: Jack Carpenter & Jim Quinlan
Case: Fire Damage
Verdict: For Husband P. \$39,000 & For Wife P. \$6,500

840-497 David & Lark Frank vs. David & Janice Mohler

Judge: Hamilton
Attorneys:
Verdict: For Defendant

833-761 Margie E. Carlson vs. Blue Grass Shows, Inc.

Judge: Burkhard
Attorneys:
Verdict: For Plaintiff \$160,000

Why Bother with Prisoners?

by Chaplain Bob Potter

Most people would like to just ignore prisoners. "Out of sight, out of mind." They did wrong, let them pay. Let the Sheriff or the Warden worry about them. Just don't bother me about them.

Dare conscientious citizens take this view! NO! EMPHATICALLY NO! If we are really concerned about the crime problem, we must concern ourselves with changing prisoners, not just warehousing them. Jail does change people, but unfortunately, they generally become a greater threat to society. Good News Jail & Prison Ministries is doing something about positive change. The world's largest civilian supplier of full-time correctional chaplains, Good News supplies chaplains for more than 140 institutions nationwide.

The chaplains, who are not salaried by the institutions they serve, raise their own financial support by soliciting contributions from local churches, civic groups and concerned citizens. With the help of trained volunteers, the chaplain provides worship services, bible study classes, personal counseling and more, giving the prisoner an opportunity to discover that through personal faith in Jesus Christ they can see their life change, and change they do.

Chaplain Tom Beatty, who serves with Chaplain Bob Potter in the Douglas and Sarpy County jails is a good example. While a resident of the Douglas County Correctional Center in 1979, Beatty committed his life to Jesus Christ. Having served with Chaplain Potter in recent years in a volunteer capacity, Beatty now serves full-time in the jails. Chaplain Beatty will graduate from Omaha's Grace College of the Bible in May, 1987.

Do corrections officials see change? The following comments were made by Sheriff James A. Gondels, Jr., Sheriff of the Arlington County, Virginia jail which has been served by a Good News chaplain for over fifteen years. "They (Good News Jail & Prison Ministries) believe that with the right tools, men and women won't have to return to crime. Good News provides those tools. They have succeeded! I've seen it over and over. Without Good News Jail & Prison Ministries, Arlington's jail wouldn't survive. They're as much a part of our Sheriff's Office as a badge is to a uniform."

Further information can be gained by contacting either Chaplain Potter or Chaplain Beatty at the Douglas County Correctional Center, 444-7400.

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THE OMAHA BARRISTER CLUB PRESENTS:

To the intermittent dismay of a few, but to the overriding delight of all, the Omaha Barristers Club will present their annual Barrister's Christmas Party on Thursday, December 11, 1986 at Peony Park.

As of this writing, the program remains uncertain, however, President John W. Wilke assures, "This year will probably be more rude, crude, lude, and lascivious than last year."

Tickets for the event can be obtained by contacting any of the Omaha Barristers Club Officers: John W. Wilke, President; Joseph Jones, Vice President; John C. Lindsay, Vice President; Thomas J. Donnelly, Secretary; or Cynthia D. Sleder, Treasurer.

Attorneys who are under the age of 36 or who have been in practice for 5 years or less are encouraged to attend the Barristers' informal meetings and assist in the planning of skits and other preparations for the Christmas Party. Meetings are held at the Thomasville Apartment Club House, 5320 S. 99th Street, Omaha. The Barristers have been gathering on Thursday evenings since October 23rd and will continue to meet on Thursday, December 4th and Monday, December 8th at 6:00 p.m.

In addition to the Christmas Party, the Barristers sponsor a steak fry in July and a softball tournament in August. Added to this years agenda will be a "new" social event in April, the nature of which is yet to be determined.

The Omaha Barristers Club is strictly a social organization which was established to enable new lawyers to meet others in their profession and establish a networking system. Membership dues are \$18 annually.

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Access to LEXIS, NEXIS and MEDIS is now available through the Douglas County Law Library Membership Group. Attorneys will be able to conduct research from their own offices using compatible PC terminals. They will be charged only for actual searches; there are no subscription or minimum charges.

This program is designed for the smaller firm or individual practitioner who wishes to avoid fixed charges but desires the convenience of direct access to electronic data.

For those firms that are not yet automated, LEXIS will also be offered on the same basis as WESTLAW and DIALOG research services; research will be conducted by the library staff.

For information on the Douglas County Law Library LEXIS Membership Group and for WESTLAW and DIALOG research services, call 444-7174.

RICHARD SHUGRUE, professor of law, has been presented the "Liberty's Last Champion" Award by the Nebraska Association of Criminal Defense Attorneys. The award is the first the statewide group has ever given and is in recognition of service to the public and the legal profession. The presentation was made Sept. 12, 1986.

For Dialog, Lexis or
WESTLAW service
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444-7174

Omaha Bar NEWSLETTER

Omaha Bar Association
2133 California Street
Omaha, Nebraska 68178

CALENDAR

Dec.

1-12
11 Thurs.

12-13 Fri.-Sat.

12 Fri.

25 Thurs.
27 Sat.

Jan.

1 Thurs.
22 Thurs.

Feb.

8 Sun.

18 Wed.

Mar.

10 Tues.

District Court **JURY SESSION**
BARRISTERS CLUB Christmas Party —
Peony Park
NCLE Seminar: Lenders' Liability,
Red Lion Inn, Omaha
OLSA ANNUAL HOLIDAY PARTY — Old Mill
Holiday Inn
Merry Christmas!
Happy Hanukkah!

Happy New Year!
OBA Monthly Meeting — Peony Park
Cocktails 5:30/Dinner 6:30

OBA Annual **JOHN BURKE SKATING PARTY** —
Ak-Sar-Ben 5:30-7:30 p.m. (Bring the
whole family!)
OBA Monthly Meeting — Peony Park
Cocktails 5:30/Dinner 6:30

Medical/Legal Dinner

Creighton University Sponsors Health Conference

The Creighton University Center For Health Policy & Ethics is sponsoring a conference entitled: "**Health Care for the Uninsured' Politics, Economics & Social Justice**", on Thursday, December 11, 1986 from 12:00 Noon-5:00 p.m. at the Red Lion Inn Ballroom.

The program will feature nationally prominent experts including: **David Durenberger**, J.D., United States Senator from Minnesota, Chairman, Subcommittee on Health of the Senate Finance Committee, Washington, D.C.; Sr. **Corrine Bayley**, CSJ, M.A., Vice President St. Joseph Health Systems, Orange, California; **Dennis O'Leary**, M.D., President, Joint Commission on Accreditation of Hospitals, Dean of Clinical

Affairs, George Washington University School of Medicine, Washington, D.C.; **Russell Smith**, Ph.D., Director of the Center of Applied Urban Research, College of Public Affairs & Community Services, University of Nebraska at Omaha, Omaha, Nebraska.

In addition there will be a panel discussion featuring Sen. Durenberger, Nebraska State Senators **Vard Johnson** and **Don Wesely** and Douglas County Commissioner, **Steve McCollister**.

There is a registration fee of \$35.00, which covers the luncheon, the reception, and the program. If you are interested in attending call **280-2124** for a registration form.

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