



LINCOLN

BAR ASSOCIATION

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President's Perspective

by Elizabeth Elliott, LBA President



Once again the time has come for changing of the guards. At the April Business meeting the general membership elected this year's slate of officers. We also

welcomed three new attorneys to the board and said goodbye to three attorneys who gave a lot of their time, energy and support to making LBA a stronger, better organization.

The 13 attorneys that will work tirelessly this year to provide great CLEs and hopefully an enjoyable time for all are:

- President Elizabeth Elliott—After working nearly nine years at the Lancaster County Public Defender's Office, I made a drastic change in February by accepting a job as Assistant General Counsel at the Nebraska Department of Administrative Services, where I handle everything from contracts to employment and labor law issues.
- Vice-President Milissa Johnson-Wiles—Milissa is an Assistant Attorney General.
- Secretary Brittany Behrens—Brittany is an attorney with the civil division of the Lancaster County Attorney's Office.
- Treasurer Matthew Kosmicki—Matt works at Brennan Nielsen Law Offices and is engaged in the gener-

al practice of law, with an emphasis on Criminal defense and high end collections.

- Hon. Susan Strong—Susan is a Lancaster County Judge.
- David Kyker—Dave is a sole practitioner who focuses on personal injury and social security disability law.
- Stanton Beeder—Stan is an attorney with Cline Williams Wright Johnson & Oldfather, L.L.P., handling white collar criminal defense, as well as commercial litigation and government relations.
- Andrea Snowden—Andrea is an attorney at Baylor Evnen, specializing in civil litigation with a focus on defense of professional liability claims.
- Jeffrey Lapin—Jeff is a sole practitioner, focusing on personal injury law.
- Sarah Newell—Sarah is a criminal defense attorney with the Nebraska Public Advocacy Commission.
- Greg Walklin—Greg is an Assistant Attorney General in the Consumer Protection and Antitrust Division.
- Adam Little—Adam is an attorney at Ballew Covalt Hazen, PC LLO, with a majority of his practice in the area of family law, primarily divorce and modification, as well as appellate practice.
- Tara Tesmer Paulson—Tara is an attorney with Rembolt Ludtke, practicing in the areas of commercial

and corporate litigation, as well as employment and labor law.

I would like to send out a huge thank you to our outgoing board members Bob Wagner and Hon. Sam Van Pelt. Thank you for taking time out of your busy schedules to make LBA a better organization for all. Finally, I would like to extend a huge thank you to Frank Daley. You are an outstanding leader who will be missed greatly.

As years past, this year's board will be working hard to try and come up with new and interesting CLE topics. The board's goal is to try and encompass as many areas of practice as possible, so that all members can find at least one CLE interesting. If there is an area of interest or an area where the law has recently changed that you think we should cover, please let us know.

Finally, as we adjust to the always changing legal community, the board will also make the final decision on whether the time honored tradition of Barristers Show should be eliminated. We will announce the final decision in the Fall newsletter.

If you have any suggestions for CLE topics or would like to express your opinion on whether we should keep the Barristers Show, please contact me at president@lincolnbarassociation.com. We look forward to seeing all of you in the fall!! ■



New Supreme Court Rules Define Changes in Bar Membership

By Carole McMahon-Boies, Director, Nebraska Judicial Branch Education

The Supreme Court's December 2013 opinion in *In re Petition for a Rule Change*, 286 Neb. 1018 (2013), has led to the creation of the Supreme Court Attorney Services Division (ASD). With the opinion came the transfer to the Court of many functions that the NSBA had overseen in the past. All functions dealing with the regulation of the legal profession were transferred to the Court and supported by the creation of the mandatory membership assessment.

To effectuate the transfer of mandatory dues payment and other regulatory functions from the NSBA to the Supreme Court, the Court has created the new division which will provide administrative support to the Counsel for Discipline, MCLE Commission, State Bar Commission, and Commission on the Unauthorized Practice of Law. This configuration will allow the court to expand its online MCLE program to provide a means for the annual collection of mandatory dues and processing of the required annual trust account and liability insurance reports. The Court's goal is to minimize the potential for error in the licensure renewal process and also minimize the personnel hours spent on the task of tracking licensure status.

In addition to hosting the membership functions, the ASD will also oversee the listing of Guardians ad Litem who are compliant with the Supreme Court education requirements, and provide access to Guardian ad Litem education. The Supreme Court office of Judicial Branch Education has launched a new course required of anyone wanting to be added to the list of approved GALS for the first time. At this time attorneys can get access to the class by calling Judicial Branch Education at 402-471-3137. Once the online system changes are in place sign up will be

done within the attorney's online account. The course costs \$25 and provides the information attorneys need as they take on GAL assignments in juvenile court. The Court has plans to host further courses that will satisfy the annual three-hour education requirement for GALS.

The Changes the Court has made will have the following implications for licensed attorneys:

1. Beginning April 1, 2014 all licensure tracking functions became the responsibility of the Attorney Services Division (ASD).
2. Attorney status changes will now be made by the ASD. An attorney wanting to activate a license, retire or become inactive should contact the ASD at 402-471-3137 or nsc.attrservices@nebraska.gov or Supreme Court Attorney Services Division P.O. Box 98910 Lincoln, NE 68509. The Supreme Court website hosts the necessary forms to effectuate a status change. A change from Active to Inactive can be done at the time of annual license renewal within the online system if that option works for the attorney.
3. All mandatory 2015 dues will be paid through the Court's online system. The changes in the system will be launched next fall. Beginning December 1, 2014 the attorney will log into their MCLE account (which will be renamed Attorney Services Account) and choose the annual licensure function to renew a license to practice. And beginning December 1, 2014, all mandatory dues will be required to be paid through a credit card transaction using the attorney's personal portal.
4. In order to reconcile the due dates for all practice requirements, late fees for nonpayment of dues will not accrue in 2015 and subsequent years until January 20th, the day MCLE reports are considered due.
5. This will be the last year "bar cards" will be issued to members. After 2014 the proof of admission status will be a form that can be printed off for verification of membership in Nebraska State Bar Association after payment of the mandatory assessment. It can also be kept as an electronic file and is fully accessible for reprinting at all times.
6. The following link, which can be reached from the Supreme Court Web site, will be the source for address and status information for practicing attorneys:
<https://mcle.wcc.ne.gov/ext/SearchLawyer.do>
7. **Attorneys must notify the ASD of any changes in their contact information.** This can be done by logging into the MCLE account and using the maintain personal information function. Notifying NSBA of contact information changes does not serve to update your contact information that is used for official notifications by the Court. NSBA will be updated on any changes you make to the contact information you give the ASD.
8. The initial course for qualifying as a Guardian ad Litem in Juvenile Court is now hosted exclusively by the Supreme Court and can be found at <http://jbeinstruction.org> Until the launch of the new online system in the fall access to the course can be secured by calling the Attorney Services Division or e-mailing:
402-471-3137
nsc.attrservices@nebraska.gov

For full details of the recent changes see Neb.Ct.R. § 3-100; § 3-310; § 3-803; § 3-1010; § 3-905. ■



Nebraska Bar Association Adapts to Supreme Court Decision

By Liz Neeley, Ph.D., Executive Director, Nebraska State Bar Association

On December 6, 2013, the Nebraska Supreme Court released its opinion in *In Re Petition for a Rule Change to Create a Voluntary State Bar of Nebraska*. In essence, the Nebraska Supreme Court Opinion states that mandatory dues can only be used for the purposes of regulating the legal profession and that all other activities of the state bar, while certainly laudable and even appreciated, will not be funded by mandatory dues. All licensed attorneys are still required to be “members” of the Association but dues to the association, and the accompanying benefits and services are now voluntary (in essence we are now a hybrid mandatory/voluntary bar).

Regulation of the Profession

Regulatory functions are defined in the opinion as 1) admitting qualified applicants to membership in the Bar Association, 2) maintaining the records of membership, 3) enforcing the ethical rules governing the Bar Association’s members, 4) regulating the mandate of continuing legal education, 5) maintaining records of trust account requirements for lawyers, and 6) pursuing those who engage in the unauthorized practice of law. To this end, the Court has created an “Attorney Services Division” which will oversee: Mandatory Continuing Legal Education, the Counsel for Discipline, Bar Admissions, the Commission on the Unauthorized Practice of Law, and maintenance of the roster of licensed attorneys. Moving forward, attorneys will need to use the Court’s MCLE website to pay their mandatory assessment to the Nebraska Supreme Court (now \$98 for actives and \$49 for inactives) and to update or change their status, trust account and/or professional liability insurance reports. Questions regarding the licensure process or other regulato-

ry matters can be directed to: nsc.atrservicees@nebraska.gov. (Ed. Note: For more information about the ASD, see “New Supreme Court Rules Define Changes in Bar Membership,” P. 2.)

Nebraska State Bar Association

The Nebraska State Bar Association is taking this opportunity to critically evaluate and re-define itself and the value that it provides its membership. A lesson that we’ve learned is that historically we have not done a good job of effectively communicating the value of bar membership. Many attorneys are not aware of the benefits they already receive by paying dues to the NSBA. Benefits like two free hours of Ethics CLE, Casemaker, a 25 percent discount on all live NSBA CLEs, access to Sections and listservs, legislative updates, access to products like NebDocs, insurance discounts, etc. Similarly, many attorneys are not aware that their dues to the Association support programs that strengthen the legal profession and the courts and support the public. Programs like the Nebraska

Lawyers Assistance Program, the Volunteer Lawyers Project, the Client Assistance Fund, SOLACE, the Rural Practice Initiative, the Minority Justice Committee, the Leadership Academy, etc.

In addition to improving our communication, in the coming months the NSBA will be working hard to improve member benefits and assessing the value of its programs. This “re-making” of the Nebraska State Bar Association should be a member-informed process. To this end, in May of 2014, the NSBA disseminated an electronic survey to the entire bar membership to gain feedback about the future benefits and services to be provided by the NSBA. Focus groups and interviews were also conducted across the entire state. We are looking forward to using this information to find ways to better serve our members. Do you have suggestions or comments regarding the future of the NSBA? I would invite you to share them with me at Lneeley@nebar.com. In the meantime, I will look forward to updating you soon on the new direction of the NSBA. ■

LBA Memorial Service

By Frank Daley

On May 23rd the Lincoln Bar Association held its annual Memorial Day Service in Courtroom 30, with Judge Paul Merritt presiding. The purpose of the service is to remember those of our colleagues in the legal profession who have passed away during the preceding year.

This year the LBA honored the memory of deceased lawyers Mucho Berri Balka, John Binning, John R. Doyle, Dick Emery, John Goc, John M. Gradwohl, Hyman Polsky, John Stewart, John Taylor, Earl J. Witthoff, Richard Wood Corliss Young, and William Jerome Orester.

At the service a friend or colleague spoke in tribute to each. Many thanks to Joe Badami for organizing the service. ■



Looking Back at the LBA

Selections from more than 20 years of Lincoln Bar Association Newsletters

This issue's feature: the first year of the Lincoln Bar Association Newsletter—1994:

Vol. II, Issue 1 - June

- Law Day was celebrated May 2, 1994 with the presentation—before 200 people—of four Liberty Bell Awards by then-Chief Justice William C. Hastings. Awards were presented to Dennis R. Keefe and Marilyn Beggs; to the Community Legal Education Program at the UNL College of Law; and to Mothers Against Drunk Driving. The theme of Law Day 1994 was “Just Solutions.”

Vol. II, Issue 2 - September

- Rex Schultze, then-LBA Newsletter

editor, wrote an article about Genio Madison Lambertson, a prominent attorney in Lincoln in the late 19th Century, as well as another about his most famous case. In 1878, Lambertson was appointed by President Rutherford B. Hayes as the United States Attorney for the State of Nebraska. He served in that position for eight years, but became more notable for his subsequent work in *In the Matter of Andrew J. Sawyer, et al.*, 124 U.S. 403 (1888), whereby he secured the release of the Lincoln mayor and eleven city councilman, who were imprisoned in an Omaha jail based on contempt of court charges.

Vol. II, Issue 2 – September

- The Lincoln Bar Association announced it had contracted with the firm of J. Russell Photography to produce a pictorial directory of all Lincoln attorneys.

Vol. II, Issue 3 - December

- An update from the UNL College of Law noted that Dean Harvey Perlman was taking a leave to focus on teaching torts and evidence, while Robert Denicola took over as Acting Dean. As well, visiting professors include Meade Emory, who was teaching tax law, and eventual UNL College of Law Dean Susan Poser, who was teaching a course called “Legal Professional.” ■

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Law Day Program Brings Students and Lawyers Together to Reflect on Right to Vote

By Milissa Johnson-Wiles, Chair, Lincoln Bar Association Law Day Committee

On May 1, Lincoln area attorneys, professors, and judges once again volunteered their time by visiting area high schools in honor of Law Day 2014. This is the 16th consecutive year that the Lincoln Bar Association has developed a presentation to take the role of the law and the legal profession into the classroom. The theme of Law Day 2014 was “American Democracy and the Rule of Law: Why Every Vote Matters.”

The day featured opening ceremonies at Lincoln High School with the Governor, Chief Justice and Attorney General. Then, Law Day volunteers appeared in Civics and Government classes throughout the day—at Lincoln High, Southwest, North Star, Northeast, and the Zoo School/Science Focus

Program—to give this year’s presentation. The presentation began with students taking a literacy test, which was given to Louisiana voters in 1964, as an example of historical voter suppression, followed by a discussion of the Voting Rights Act of 1965. Students were also able to see



excerpts of President Lyndon Johnson’s powerful speech to Congress urging the passage of that Act. Then, the presentation moved to a discussion of the U.S. Supreme Court’s plurality opinion in *Shelby County v. Holder* (2013), wherein the Supreme Court struck down certain provisions of the Act. Volunteers helped students develop arguments for each side. Students were asked to reflect on the importance of the right to vote.

Special thanks to those who volunteered their time and talent to be presenters this year: Melanie Whittamore-Mantzios, Jennifer Tomka, Frank Daley, Andy Barry, Professor John Lenich, Carl Eskridge, Mary Ann Novak, Robbie Seybert, Trent Sidders, Chris Dibbern, Matt Jenkins,

Jennifer Jorgensen, Marna Munn, Liz Gregory, Lea Wroblewski, Judge John Wright, Shannon Harner, Greg Greder, Mike Elsken, Mike Walsh, Allan Eurek, Michelle Sitorius, Kara Ronnau, Judge Robert Otte, Candi Wooster, Jeff Lapin, Torrey Janus Gerdes, Jonathan Urbom, Pat Driver, Amy Duvall, Jeff Kirkpatrick, Katie Baltensperger, Doug Kerns, Glen Witte, Tom Zimmerman, Christopher Roberts, Laura Arp, Brian Craig, Ann Diers, Amy Miller, Susan Ugai, Jon Rehm, Professor Craig Lawson, Perry Pirsch, Hobie Rupe, Benjamin Kramer.

Law Day Committee members for 2014 were: Shela Shanks, Abby Osborn, Angie Zimmer, Greg Walklin, Jeff Lapin, Jessica Kerkhofs, Andy Barry, Sophia Alvarez, Tina Loseke, Robbie Seybert, Doug Kerns, Siobhan Duffy, Sallie Deitrich and Larry Ohs. Thanks to all and to Tiffany Meyer of Cline Williams for her help coordinating the volunteer schedule.

Be sure to save the date for next year’s Law Day: May 1, 2015. ■





Lincoln Bar Association Newsletter

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