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BAR ASSOCIATION

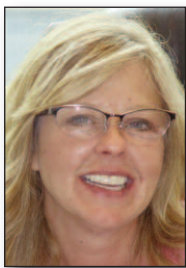
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Winter 2016

Being Jim Gordon

by Milissa Johnson-Wiles, LBA President



Back down memory lane: Lincoln Bar Association Monthly membership meeting, Cornhusker Hotel, circa 1996.

There I sit with my table of new friends.* I am approached by Jim Gordon. I stand, and am rewarded with a big bear hug.

Many of you know Jim Gordon. He has an infectious laugh that you can easily hear from across the room. He is larger than life. Whether he is simply sitting down with friends and colleagues or entertaining the crowd at the LBA's annual Barristers show (remember Carnac the Magnificent?), Jim draws your attention. And you can virtually guarantee that if you are at a Lincoln Bar Association monthly meeting, you will see him there. To me, that

has been the case since I attended my first meeting in 1996, and why I expect to be rewarded with another one of Jim's bear hugs in 2016.

Jim Gordon represents what we can all gain from the Lincoln Bar Association and what we should all strive for as members. He sees the monthly meetings as a way to connect with colleagues and foster the civility that is the basis of the organization. He supports the organization with regular presence at the meetings, committee membership, and participation in other LBA events. He has shared his knowledge by presenting at our clinics, and has served as our Past President and member of the Board of Trustees. Any one of the things that Jim teaches us would be a reason to join the LBA, or take advantage of membership by going to LBA events.

Long ago, when the Association was

established, its mission was set: "To maintain high standards of integrity, honor and courtesy in the practice of the legal profession and to cultivate a spirit of good relationship and fellowship among its members." The Association has a lot to offer newer attorneys as well as those of us that have been around for a while. Whether you seek membership for the free CLE opportunities (with beer if you so choose), the chance to network with others in the profession, or just sit down to dinner with old friends, the LBA has a place for you. Just ask Jim Gordon.

Please join us at our next LBA meeting! ■

*Author's note: This article is part of a series of articles beginning with "Being Rod Cathcart" in the September 2015 newsletter.

Magistrate Judge Openings Announcement

On February 2, 2016, Chief Judge Laurie Smith Camp announced that the U.S. District Court for the District of Nebraska will expand its search process to seek two magistrate judges to succeed Magistrate Judge Thomas D. Thalken, who will retire on December 31, 2016, and Magistrate Judge F.A. Gossett, III, who will retire on June 30, 2017. Applications are due on or before March 14, 2016.

Information about the positions and the selection process, as well as an application form, can be obtained through the court's website at <http://www.ned.uscourts.gov/attorney/appointment-of-magistrate-judge>. ■



2015 Field Day

by Jon Braaten

We celebrated another Field Day on October 12, 2015. For those of you that have not participated in the past, or want to participate in 2016, we have held the annual LBA golf event every year on Columbus Day. This year, the temperature was in the low 70s. Although we had to golf through a little wind, we did not have to deal with rain, snow or freezing temperatures.

We had 38 golfers, which is down from years past—so we encourage all to golf next year. Field Day is a scramble format, which means that each golfer hits a ball and the groups takes whichever is the best shot. If you are not the most experienced or confident of golfers, the scramble format lets

everyone participate and if you have an errant shot, you pick the ball up and move on. It truly is a social event as much as it is a golf event.

This year, we had \$1200 of cash donations and a few other pin prizes. Based on that, we had three flights, with first-, second-, and third-place prizes for each flight. If you do the math, all nine teams won flight prizes. That is a pretty good rate of return. We also had thirteen pin prizes. Every-one who golfed won a prize.

Our First Flight, first place went to Jodi Nelson, Rob Otte, Andy Jacobsen, Karen Flowers, and John Colborn, with a score of 59. They were followed up by Sean Reagan, Dave Kyker, Eddy Rodell, and Steve Sunde with a score of 64.

KEEFE	68	3 rd	Place 2 nd	Flight
BRAATEN				
LAMB				
GREAGER	64	2 nd	Place 1 st	Flight
REAGAN				
KYKER				
RODELL				
HUPP	68	2 nd	Place 2 nd	Flight
BLOMENBERG				
CAMPLIN				
MHENRY				
NELSON	59	1 st	Place 1 st	Flight
OTTE				
JACOBSON				
FLOWERS/COLBORN				
BRENNAN	72	3 rd	Place 3 rd	Flight
LANCASTER				
WOLFE				
WASSERBURGER				
PALL	69	1 st	Place 3 rd	Flight
BLACK				
YARDLEY				
COLTON				
HUSTON				
JOHNSON-WILES	67	1 st	Place 2 nd	Flight
GOYETTE				
GARDEN				
ESKRIDGE	71	2 nd	Place 3 rd	Flight
CASSEL				
HALSTEAD				
RIZAN				
GREIDER				
CHAPIN				
BERLOWITZ	67	3 rd	Place 1 st	Flight
DANLYN				
WEBER				

(See above for the overall score sheet.)

After the golf, we got together for dinner, storytelling, and talking about our great (or not-so-great) golf shots. Several LBA members who did not golf attended the dinner.

Thanks to our sponsors and to HiMark for another great golf outing. See you all on Columbus Day, 2016! ■

WE WANT YOU AND YOUR LEGAL NOTICES

Since the closing of the *Daily Reporter*, many lawyers and government entities have turned to *The Voice News*, as their preferred legal publication. *The Voice News* is the largest weekly newspaper in Southeast Nebraska, representing over 25 communities in and around Lincoln.

We would love to work with you as you look for a place to publish your legal notices for trade names, organizations, corpotaions, trustees sales, civil cases, name changes, etc. We currently work with many law firms on a weekly basis and hope you will also consider using our services.

As the largest legal publication for Lancaster, Gage, Johnson, Otoe and Cass counties, we would be able to help you with any needs that arise in these counties, as well as when you need a general legal publication.

Additionally, if you are looking to grow your customer base, we offer a complimentary marketing assessment/planning meeting, as well as offering many printing and design services. Some items we've helped customers with include logo design, business cards, letter heads, promotional items and other essentials. If you would like to schedule a time for your complimentary assessment with one of our marketing representatives, or if you have questions about our legal notice process, just give us a call at 402-792-2255 or email marketing@voicenebraska.com.

Subscriptions are only \$30 a year to be mailed to your office.

Thank you for considering *The Voice News* and we look forward to working with you in the future.





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LBA November CLE: “Changes, Procedures, Advisory Opinions and Ethical Issues”

by Corey Wasserburger

On November 19, the Lincoln Bar Association (LBA) hosted Mark A. Weber, Nebraska Counsel for Discipline, who presented “Changes, Procedures, Advisory Opinions and Ethical Issues.” The presentation, which qualified for one hour of ethics CLE, was well-attended. In it, Weber touched on the changes that have begun to be implemented in the administration of the Office of the Counsel for Discipline, summarized the procedures followed when the Office for the Counsel for Discipline receives a complaint, and offered practical suggestions for attorneys to implement to reduce the risk of disciplinary action.

Weber noted the increased role of technology in managing the caseload of the Office for the Counsel for Discipline and the emphasis that he has placed on data collection to aid

future efforts to prevent ethical violations. He also explained that a complaint received by his office falls into one of four categories after he completes his initial review: “miscellaneous” complaints, which do not require an inquiry; trust account violations; preliminary inquiries under Rule 3-309(C); and formal grievances.

Weber described the generally high quality of legal representation in Nebraska and asked that attorneys continue to view his office as resource to which they may turn with questions. Contrasting this philosophy with those adhered to in some other states, Weber explained that his office was not merely an adversary for Nebraska attorneys. Weber stressed the importance of communication, both with clients, as well as his office, to effectively avoid ethical violations. He also urged attorneys



to adopt effective intra-office policies to minimize exposure to ethical violations, such as a five-year document destruction policy under Opinion 12-07. ■





Meet the Judges





Law Day 2016: Mark Your Calendars

by Kelsey Helget, Law Day Committee Chair

Law Day is a wonderful tradition hosted by the Lincoln Bar Association. Law Day was established in 1958 by Proclamation of President Dwight Eisenhower to celebrate the rule of law and its importance in our society. Each year the Law Day Committee develops and organizes area high school classroom presentations to highlight the year's Law Day theme. Our goal is to engage the students in topical discussion and highlight the role of the law and the legal profession.

This year's theme, established by the American Bar Association is "Miranda: More Than Words." The ABA Division of Public Education describes the reason for this year's theme as follows:

"In 2016, the nation marks the 50th anniversary of perhaps the nation's best-known U.S. Supreme Court case, *Miranda v. Arizona*. The Miranda Warning has become ingrained in law enforcement and has permeated popu-

lar consciousness through countless recitations in films and television shows. Yet Miranda is only part of the story when it comes to the procedures for ensuring justice. The 2016 Law Day theme — **Miranda: More than Words** — will explore the procedural protections afforded to all of us by the U.S. Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty."

Because May 1st falls on a Sunday, Law Day will be held on Tuesday, May 3, 2016, all around Lincoln. We will need volunteer presenters on Law Day, so keep your eyes open for emails in March seeking volunteers and providing more information on Law Day. The Law Day Committee provides cheat sheets, so you do not need any prior Miranda/5th Amendment knowledge to volunteer as a presenter. ■

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LBA 2015-2016 Event and Clinic Schedule

All Clinics and Dinners will be held at the
Cornhusker Marriott Renaissance Room
33 S. 13th Street • Lincoln

Thursday, February 11

5:30-6:30 MCLE Credit Program-Civil/Other topic
6:30 Social Hour | 6:45 Dinner

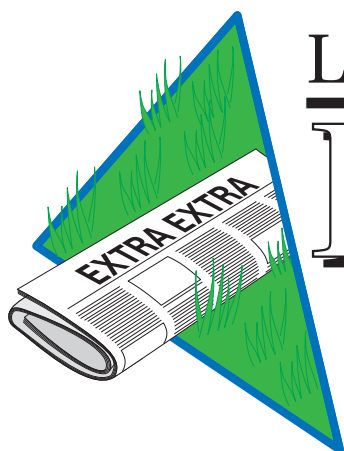
Thursday, March 10

5:30-6:30 MCLE Credit Program-Civil/Other topic
6:30 Social Hour | 6:45 Dinner

Thursday, April 14 Annual Meeting

5:30-6:30 Social Hour, Program | 6:45 Dinner





LANCASTER COUNTY ALIMONY REPORTER

Send your contributions to the County Alimony Reporter to: Deanna Lubken, Office Manager/Legal Assistant, University of Nebraska College of Law, Civil Clinical Law Program, 172 Welpton Courtroom, Lincoln, NE 68583-0902

CONTESTED CASES

Honorable John Colborn

Term of alimony: 2 years
Total alimony: \$300/month for 24 months = \$7,200
Term of alimony as a percentage of length of marriage: 12%
Husband's age: 39; Wife's age: 41; Length of marriage: 17 years
Husband's income: \$52,800/year; Wife's income: \$31,200/year
Recipient's income as percentage of payor's income: 59%
Two minor children, ages 10 and 7

Judge's reasons for alimony award:

- Marriage of 17 years;
- Significant income disparity between Husband and Wife;
- Further education was necessary to increase Wife's future employability;
- Award of alimony was based upon Husband's and Wife's historical earnings as shown by the evidence before the Court;
- In establishing the amount of alimony, the Court considered Husband's duty to support the minor children of the marriage.

Unusual circumstance as reported by counsel (one counsel reporting):

- Opportunity for Wife to go to school for Masters.

Honorable Lori A. Maret

Term of alimony: 5 years
Total alimony: \$800/month for 60 months = \$48,000
Term of alimony as a percentage of length of marriage: 42%
Husband's age: Unknown; Wife's age: Unknown; Length of marriage: 12 years
Husband's income: \$68,900/year; Wife's income: \$13,000/year
Recipient's income as percentage of payor's income: 19%
Three minor children, ages 13, 9 and 7
Judge's reasons for alimony award:
None given

Honorable Paul D. Merritt, Jr.

Term of alimony: 5 years
Total alimony: \$1,500/month for 60 months = \$90,000
Term of alimony as a percentage of length of marriage: 33%
Husband's age: 38; Wife's age: 38; Length of marriage: 15 years
Husband's income: \$123,000-\$145,000/year; Wife's income: None
Two minor children, ages 9 and 6

Judge's reasons for alimony award:

- Appropriate case for spousal support;
- Wife's net monthly income was \$719 and Husband would be paying her

child support of \$1,803, for a total of \$2,522 per month;

- Wife claimed monthly expenses of a little over \$5,300, including almost \$2,000 for house-related expenses, \$300 for "dining out," \$130 for children's "sports" and "lessons," \$325 for entertainment and gifts, and \$750 as an average for "trips/vacations";
- Husband's net monthly income was \$7,097 and he would be required to pay \$1,803 for child support, leaving him \$5,294;
- Husband would also be required to pay a little over \$490 per month on work-related child care expenses (\$539 x .91), reducing his income to around \$4,804;
- Husband claimed monthly expenses totaling \$6,179, including a little over \$2,100 for "house and related items," \$810 for child care, \$208 for "charitable contributions," \$160 for professional and "gym" memberships, \$200 for entertainment, \$200 for children's activities, and \$366 for a loan payment.

Unusual circumstances as reported by counsel (one counsel reporting):

- Judge awarded the marital home to Wife subject to the mortgage indebtedness which was in Husband's name only and refused to require Wife to refinance the debt in her name only;
- After an appeal was filed the parties agreed Wife would refinance the

(continued)



marital home within one year or the house would be sold and an Amended Decree was entered;

- Judge was convinced Husband and his lawyers essentially subverted the discovery process and as a result awarded Wife significant attorney fees.

Honorable Jodi L. Nelson

Term of alimony: None

Husband's age: 41; Wife's age: 41; Length of marriage: 17 years

Husband's income: \$72,000/year; Wife's income: \$15,600/year

Four minor children, ages 11, 10, 6 and 4

Judge's reason for non-award: None given

Unusual circumstances as reported by counsel (one counsel reporting):

- Wife chose to stay home with the children over Husband's objection;
- After child support, Wife's net income was \$2,996 and Husband's was \$2,414;
- Parties agreed Husband would have parenting time with the minor children every other week from Friday after school until Thursday before school;
- Parties agreed if Wife provided child care for the minor children during Husband's work hours by way of direct care, Husband would pay Wife \$520 per month for the months of September through May until all of the minor children were attending school full time.

Honorable Stephanie Stacy

Term of alimony: None

Husband's age: 49; Wife's age: 49; Length of marriage: 25 years

Husband's income: \$65,000/year; Wife's income: \$130,000+/year

No minor children

Judge's reasons for non-award:

- Husband requested alimony of \$2,500 per month for a period of 10 years;
- Wife took the position that this was not an appropriate case for an award of alimony;
- Parties were married for over 24 years;
- At the time of trial, parties were both 49 years old;
- Parties' children had reached the age of majority;
- Neither party had significant debt;
- Both parties had income which exceeded their expenses;
- No evidence Husband interrupted his career or passed up an educational opportunity to stay home with the children;
- Marital estate of significant value was divided evenly with each party receiving \$750,000 plus;
- Having considered the evidence and the income and earning capacity of each party, found this not to be an appropriate case for an award of alimony.

Honorable Stephanie Stacy

Term of alimony: None

Husband's age: Unknown; Wife's age: Unknown; Length of marriage: 26 years

Husband's income: \$73,788/year; Wife's income: \$11,116/year

One minor child, age 18

Judge's reasons for non-award:

- Considered very carefully all of the statutory elements, the income and earning capacity of both parties and the general equities of the situation;

- Found that Wife had a greater earning capacity than she was realizing;
- Found that Wife did not pass up any education, work-related or career opportunities due to the marriage;
- Found this not to be an appropriate case for an award of alimony because the purpose of alimony is to provide for the continued maintenance or support of one party by the other when the relative economic circumstances make it appropriate.

Unusual circumstances:

- Parties' were granted joint custody of the minor child and physical custody of the minor child was granted to Husband;
 - Pursuant to the Nebraska Child Support Guidelines using a basic custody calculator, Wife would have been obligated to pay Husband \$91 per month;
 - Parties agreed that a downward deviation was appropriate such that neither party would pay child support to the other;
- *Husband was ordered to pay Wife \$22,289.90 as a property equalization payment.

Honorable Stephanie Stacy

Term of alimony: 6 years

Total alimony: \$150/month for 72 months = \$10,800

Term of alimony as a percentage of length of marriage: 32%

Husband's age: Unknown; Wife's age: Unknown; Length of marriage: 19 years

Husband's income: \$62,838/year; Wife's income: \$13,776/year

Recipient's income as percentage of payor's income: 22%

Three minor children, ages 16, 11 and 8

Judge's reason for alimony award: None given



Lincoln Bar Association Newsletter

Gregory J. Walklin, Editor

Lincoln Bar Association

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