



# LINCOLN

## BAR ASSOCIATION

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## President's Message

by Matt Kosmicki, LBA President



Welcome to another year of the Lincoln Bar Association. Let me introduce myself. My name is Matt Kosmicki. I have assumed the helm of the Lincoln Bar Association. Most of you know me from my smiling face at the name-tag table where I have greeted you or grabbed your name tag for the last eight years. In my professional life I have been in private practice since 2000 at Brennan and Nielsen Law Office.

By now you should have received an email and you will receive by regular mail the membership packet that contains the registration for this year's Field Day, which is being held on Columbus Day, October 10, 2016 at Woodland Hills Golf course. The shotgun start is a little later this year at 1:00 p.m. Those who have participated in the past know that the weather has not always cooperated—but it is still a lot of fun. Jon Braaten has graciously agreed to coordinate the event and if you were there last year you know he will be entertaining. A special thanks to Jon Braaten, John Ball and Milissa Johnson-Wiles for coordinating this

*“A bad attitude is worse than a bad golf swing.”*

*Payne Stewart*

great membership drive event. For those of you who do not golf, like me, you are encouraged to join us for social hour at 5:00 followed by awards and dinner. Last year we had 38 golfers. Let's see if we can beat last year's total.

If you were at the Annual Meeting, you learned that we had quite a bit of turnover, more so than normal, on our board. Fortunately, members of our Lincoln Bar graciously volunteered to step in and fill those vacancies. Thank you all!

I would also like to thank our Past Presidents Milissa Johnson-Wiles and Elizabeth Elliott, who still serve on our Board and continue to provide leadership to our organization. Thanks to Jeff Lapin for being our webmaster. If you haven't already, check out our website at [www.lincolnbarassociation.com](http://www.lincolnbarassociation.com).

As in years past, this year's board has been 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 and try to provide at least one hour of ethics. This year's topics include Work Product

and Privilege, the Change in Overtime Rules, Changes in the Federal Rules of Procedure and Court Interpreting. In December we will have our annual Meet the Judges/Holiday gathering and in April we will have our Annual Meeting.

Finally, I will close with this: Modern media portrays lawyers as cutthroats or bullies. You don't need to look far and find movies or books where lawyers treat each other badly. The public perception is that a good lawyer is a hard-nosed bulldog. What we need to remember is that our profession is rooted deep in history and tradition. When I listen to “more-experienced” lawyers talk about the old cafeteria on the fourth floor of the courthouse and how the profession was more collegial back then, I am reminded that I need to treat other attorneys that same way. We should all try and treat each other the same way.

The Lincoln Bar Association is one way to get back to that collegiate atmosphere. If it was not for the Lincoln Bar I would not have been able to get to know Frank Daley, Mark Buckholtz, Don Grant, Gene and Linda Crump, Sam Van Pelt, and a host of  
*(continued on page 2)*



# New Member Night at Haymarket Park

by Kelsey Helget, Membership Committee Event Coordinator

The Lincoln Saltdogs may have lost on Thursday, August 25th, but you would not have known that based on the atmosphere in the Lincoln Bar Association’s suite at Haymarket Park. From the first (or fourth) pitch of the game by our President, Matt Kosmicki, to a visit by Homer in our suite, to the fight that occurred on the field, fun was had by all that night.

Five new members to the Lincoln Bar Association were welcomed by renewing members with hot dogs, beer, and laughs. We welcomed Todd Lancaster (Nebraska Commission on Public Advocacy) and four newly sworn-in attorneys, Carly Bahramzad (Knudsen Law Firm), Thomas J. Helget, Michael Wehling (Lepant & Kratz), and Lyle Wheeler (Keating O’Gara). Thank you to

our renewing members who attended the event for welcoming our new members with open arms.

This event was put together by the Membership Committee: Kelsey Helget, Adam Little, Sarah Newell, and Corey Wasserburger. The Membership Committee hopes to put together more events throughout the year geared towards increasing new membership. ■



**Pictured from Left to Right: (Top Row) Milissa Johnson-Wiles (Past President), Matt Kosmicki (President), Todd Lancaster; (Middle Row) Hon. Timothy Phillips, Sarah Newell, Kelsey Helget, Hon. Riko Bishop, Homer; (Bottom Row) Carly and Neema Bahramzad**

## President’s Message

*(continued from page 1)*

others. Simply because our paths would not have crossed in our professional lives. From where I stand at meetings in the back by the name-tag table, it is interesting to see the different groups of lawyers that gather at a table socializing. I think if it wasn’t for this

monthly meeting we would all be too busy to spend an hour just being friendly to one another. I often leave monthly meetings feeling a little better about being a lawyer.

The quote above gives a good message that a bad attitude is worse for your game than a bad golf swing. But a good attitude goes a long way. So

please come to a meeting—it will improve your attitude about your chosen profession. And like golf, a good attitude will improve your practice. I look forward to seeing you at the Lincoln Bar activities this year! ■



# 2016 LBA Field Day

## Monday, October 10, 2016

### 1:00 p.m.

## Registration Form

Woodland Hills Golf Course  
6000 Woodland Hills Drive  
Eagle, NE

Name: \_\_\_\_\_

\_\_\_ I am not golfing, but I want to attend the dinner

\_\_\_ I do not have a foursome and would like to be put with a group

\_\_\_ I have a foursome. Their names are:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

**E-mail registration** to: John Braaten, [jbraaten@acwlaw.com](mailto:jbraaten@acwlaw.com)

- Checks for Field Day should be payable to **Woodland Hills Golf Course** in the amount of \$60.00 per player. Please pay on the date of the event.
- If you want to pay your LBA Dues, please provide a **separate check** for \$70.00 made payable to the Lincoln Bar Association.
- There is no charge if you are just attending the dinner. It's included in your dues, so please join us!

Questions? Contact:

Jon Braaten, (402)477-8800, e-mail [jbraaten@acwlaw.com](mailto:jbraaten@acwlaw.com)



# Nebraska Bar Admits New Attorneys



**Congratulations to everyone who was admitted to the Nebraska Bar on September 29, 2016. All were sworn in by Chief Justice Heavican of the Nebraska Supreme Court and Chief Justice Smith-Camp of the United States District Court for the District of Nebraska.**

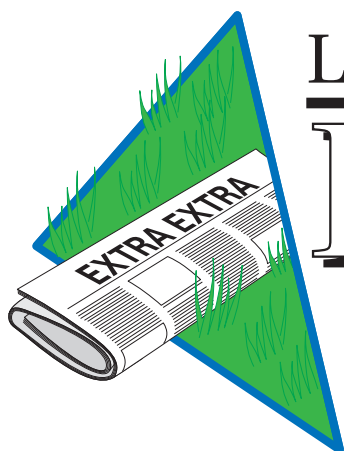
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Per issue rates:  
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For more information, contact Greg Walklin at [gregory.walklin@nebraska.gov](mailto:gregory.walklin@nebraska.gov)  
The LBA Newsletter is published four times a year.

*The LBA Board of Trustees reserves the right to refuse any advertisement it deems inappropriate for publication.*



# 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 Andrew R. Jacobsen

Term of alimony: 15 years

Total alimony: \$3,000/month for 180 months = \$540,000

Term of alimony as a percentage of length of marriage: 45%

Husband's age: 55; Wife's age: 51; Length of marriage: 33 years

Husband's income: \$200,898/year; Wife's income: \$28,907/year

Recipient's income as a percentage of payor's income: 14%

No minor children

#### Judge's reason for alimony award:

- Wife testified that at the time of the marriage she was pregnant with the parties' first child and did not complete high school with her class but, rather, at a later point in time obtained her GED;
- Found that Wife was primarily responsible for raising the parties' three children;
- Noted that Wife stated that at one point in time she had three children who were all five years of age or younger in her home and that she continued to provide all of the care of the home and the vast majority of the care for the minor children;
- Found that there was no contradictory evidence about Wife's testimony that she was the primary parent

responsible for raising the three minor children;

- Found that Wife's marriage at her young age interfered with her educational opportunities and thus, currently, limited her ability to enhance her earning capacity and her employment career;
- Found that Husband was able to complete not only high school, but to obtain a degree in a secondary school;
- Found that Wife had likely reached the peak of her earning potential where she was currently employed, working 30 hours per week earning slightly over \$17 per hour;
- Wife testified that she suffered from a number of issues including anxiety and depression, fibromyalgia and other conditions;
- Noted that Wife had a history of medical issues;
- Found that the earning capacity and potential of Wife's earnings was \$2,304 per month;
- Husband submitted an Exhibit that averaged his income over the last 3 years, 2013, 2014 and 2015, which came to an average monthly income of \$16,716 from all sources;
- Found that Husband's earning capacity was \$200,000 annually;
- Found that Husband's Exhibit indicated his living expenses were \$2,439 per month and that Husband

had the wherewithal to pay alimony to Wife.

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

- There was a great difference in earnings and earning capacity between the parties and a significant income by Husband;
- Judge allowed Wife to own half of a term life insurance on Husband with death benefits in excess of \$300,000 to secure alimony.

### Honorable Robert R. Otte

Term of alimony: 10 years

Total alimony: \$1,000/month for 120 months = \$120,000

Term of alimony as a percentage of length of marriage: 42%

Husband's age: unknown; Wife's age: unknown; Length of marriage: 24 years

Husband's income: unknown; Wife's income: unknown

No minor children

#### Judge's reason for alimony award:

- Husband owned and was awarded numerous business interests;
- Wife suffered from a mental illness as defined by Neb. Rev. Stat. § 42-362, which warranted an award of alimony.

*(continued on next page)*



**Unusual circumstances:**

- Wife was appointed a Guardian Ad Litem;
- In addition to alimony, Wife was awarded a judgment against Husband in the amount of \$1.1 million to be paid at the rate of \$100,000 per year, until the total balance, with interest, was paid in full;
- Wife has filed an appeal with the Court of Appeals.

**Honorable Susan I. Strong**

Term of alimony: None

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

Husband's income: \$76,632/year; Wife's income: 0

Two minor children; ages 13 (twins)

**Judge's reasons for non-award:**

- Sometime beginning in approximately September of 2011 and continuing through May, 2013, Wife transferred, gifted or loaned approximately \$282,000 to a man with whom she was having an affair, and Husband alleged these transfers were a dissipation of assets by Wife;

- Husband also alleged that these were fraudulent transfers;
- Wife testified that she had an extra-marital relationship beginning in approximately 2011;
- There was also evidence that Husband knew about this relationship and encouraged it;
- Found that the amount of \$282,000 transferred by Wife was dissipated for purposes totally unrelated to the marital relationship;
- Found that due to an equalization payment awarded to Wife and the facts and circumstances of the case, that alimony was not reasonable nor appropriate.

# 2016-2017 LBA Schedule for Upcoming Events

**The Cornhusker Marriott  
333 South 13th Street**

- November 10, 2016—Ethics CLE**
- December 15, 2016—  
(Meet the Judges)**
- January 12, 2017**
- February 9, 2017**
- March 9, 2017**
- April 13, 2017—  
(Annual Meeting)**





**Lincoln Bar Association Newsletter**

Gregory J. Walklin, Editor

Lincoln Bar Association

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