



LINCOLN

BAR ASSOCIATION

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President's Message

by Andrea D. Snowden, LBA President

*"A bad attitude is worse than a bad golf swing."
Payne Stewart*



The Lincoln Bar Association (LBA) is a non-profit corporation organized for educational and charitable purposes

for lawyers located in Lincoln and Lancaster County, Nebraska. LBA's mission is 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."

- Lincoln Bar Association Website (adapted from the Revised Articles of Incorporation of Lincoln Bar Association, Article III).

This is the mission of your Lincoln Bar Association, an organization I am deeply honored to help lead for the 2017/2018 year. I have been a member of the Lincoln Bar Association since I was sworn in as a new lawyer many, many, many ... well, a long time ago. When I became a member, I joined because it was expected. If you were a lawyer in Lincoln, you were a member of the Lincoln Bar Association. Now, people join organizations like ours

not because it is expected, but for the value it adds to their practice. The relationships I have developed and the opportunities for growth that my involvement in the Lincoln Bar Association has provided have been invaluable to me professionally and personally. I look forward to the coming year of the Lincoln Bar Association when our members can find those opportunities to develop professionally and personally as we put LBA's mission into motion.

A new and exciting development for our organization is the new members on our Board of Trustees. We have four new members whose talent, initiative and enthusiasm for our organization is already being felt. I would like to welcome Linsey Camplin, Yohance Christie, Tasha Everman and Rick Tast, Jr. to the Board! Together with your seasoned Board members, these new Board members have hit the ground running planning upcoming events.

We got off to a fantastic start with our annual Field Day, held this year at Holmes Lake Golf Course. A big thank you to Rick Tast for taking on the planning of this event. Despite the brisk and damp weather, the new venue offered a wonderful opportunity for golfers and non-golfers to enjoy the lovely new banquet room at the clubhouse.

Thanks to your input on our recent membership survey, the Board is working hard planning our monthly meetings and CLE topics. We are planning CLE topics to encompass practice and procedure, including ethics in negotiations and media in the courtroom. In December we have our Meet the Judges/Holiday party and we will conclude the season in April with our Annual Meeting. New this year, we plan on providing an opportunity in the Spring for members to roll up their sleeves and maybe even get their hands a little dirty with a service project. Stay tuned for more on this in the coming months!

Fellow members, I encourage you to take advantage of the opportunities for engagement and growth you will find offered through the Lincoln Bar Association this year. Whether you like to golf, or prefer dinner and drinks with colleagues, want to get to know our local bench outside the confines of your everyday practice, are looking for interesting CLE at a great value, or want to put your efforts into serving the larger community, the Lincoln Bar Association hopes to provide different access point for you to find value in our organization. This is your career, you only get one chance to build it your own specifications! Join us! ■



LBA Memorial Service

By Linsey A. Camplin

On May 26, 2017, the Lincoln Bar Association honored members of the local legal profession who had passed away in the last year. The Honorable Lori A. Maret presided over the hearing, in which Jim Gordon, Chair of the LBA Memorial Committee, moved the Court to memorialize the following members:

Duane W. Acklie, remembered by Richard Peterson
Fredric H. Kauffman, remembered by Susan Sapp
Royce N. Harper, remembered by Mike Rumbaugh
William W. Howland, remembered by Frank Daley, Jr.
Joyce M. Pocras, remembered by Paul Galter
Roger S. Keetle, remembered by Carl Eskridge
L. Jay Gildersleeve, remembered by Richard Endacott
Dale C. Tintsman, remembered by Donald Burt
Lawrence "Larry" Berger, remembered by Andrew Berger
The Honorable Edward E. Hannon, remembered by Justice William B. Cassel

The life and service of each attorney was celebrated at the event. Many thanks to Jill Gradwohl Schroeder, Jim Gordon and the LBA Memorial Committee for organizing the service.

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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.*



Law Day 2017: Introducing the 14th Amendment to Local Students

The Lincoln Bar Association celebrated the 59th annual Law Day on May 2, 2017. The LBA adopted the American Bar Association theme “The 14th Amendment: Transforming American Democracy” and created local materials fitting the theme. We so appreciate everyone who volunteered time from their busy spring schedules to present at Law Day. Approximately 60 judges, lawyers, and law professors gave over 50 presentations to local high school students. Presentations were given at LPS Arts and Humanities Focus Program, Bryan Community Focus Program, Lincoln

High, North Star, Northeast, Southeast, and Southwest High Schools.

The theme proved an ambitious task for the presenters and committee to provide presentations that would engage and educate the students about a sliver of the important role the 14th Amendment plays in American Jurisprudence. An opening ceremony was held at Lincoln High School with remarks by Nebraska Supreme Court Chief Justice Michael Heavican, and State Attorney General Douglas J. Peterson.

Next year marks the 60th anniversary of the creation of Law Day by President Dwight D. Eisenhower. The Lincoln Bar Association has scheduled the local Law Day for May 1, 2018. Comments, suggestions, and volunteers are always welcome by the committee, and can be submitted to Rick Tast, the new Law Day committee chair at rtast@acwlaw.com or 402-477-8800. The LBA would like to extend a special thank you to Kelsey Helget for serving as chair, especially after taking a new position out of town. ■





A Night of Gratitude, Generosity, and Laughter Mixed with a Little Friendly Competition

By Sarah Newell

On May 13, 2017, the Lincoln Bar Association wrapped up the 2016-2017 session with its annual meeting and trivia night. During the meeting, the membership approved the new board members: Linsey Camplin, Yohance Christie, Tasha Everman, and Richard Tast, Jr., and bid farewell to those ending their terms. The Board owes a special debt of gratitude to Elizabeth Elliott, Past President, who generously agreed to remain on the Board an extra 2 years to fill vacancies; Kelsey Helget, who chaired the Law Day Committee the past two years; and Tara Tesmer Paulson for her patience and assistance in our debate of the social media policy.

We would also like to thank Judge Phillips and his wife for coordinating this year's service project, wherein we gathered 10 bags of clothing and other items for Educare. Educare of Lincoln is a research-based early childhood program that offers services to children and families from birth to five years of age. This research-based program partners with the University of Nebraska, Sincence, and the Lincoln Public

Schools to educate economically disadvantaged children. The Buffett Early Childhood Institute provides assessment resources and graduate teachers to Educare of Lincoln. Through these partnerships children are immersed in language and literacy skills, social and emotional experiences, problem-solving and numeracy, and the arts.

The Educare approach also extends beyond the classroom to help children, families and communities thrive. Primary teachers, trained in early childhood education, remain with a cohort of children from birth to age three and age three to age five. Family engagement specialists provide outreach, resources, and support for Educare families. The parents of these children are going to school or just beginning careers and are in need of clothing as many are struggling financially. Clothing donations assist the Educare community in providing outreach and support to Educare families. If you missed the opportunity to donate and would still like to do so, please contact: Director, Russ Reckewey at (402) 458-3171 to make arrangements.

Also, the Board is discussing other options for future service projects and ways to give back to the community. If you have ideas, please complete the membership survey sent out Jun 21, 2017, or talk to one of our Board Members to share your thoughts.

Following the business meeting, Geeks Who Drink led the group in a spirited trivia contest. Despite heated competition from Jim Gordon and Professor John Lenich's tables, the trivia team led by Board Member Adam Little took home the championship title for the second year in a row. Although last year's victory was a hard fought tie-breaker, this year's team won handily, under the moniker, "I know that guy from work"—a reference to Marvel's new movie, Thor: Ragnarok. If the reference is lost on you, you might not fair well at next year's trivia night. For one night a year, the Geeks at LBA inherit the earth. All jokes aside, a good time was had by all and we encourage members to take advantage of this opportunity to let loose and meet your fellow members with the backdrop of a little friendly competition. ■

OFFICE SUITE FOR LEASE: 130 N. 16TH Street, Lincoln, NE 68508. \$650 per month. Includes utilities, off street parking, phone lines, telephone receptionist, shared kitchenette, restrooms, conference rooms and client waiting area. Please contact Dana at (402) 438-8300.



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

Update to Cases Reported in Spring 2016 edition of the Lancaster County Alimony Reporter

Decree Entered by Honorable Steven D.

Burns

Court of Appeals Vacated, Set Aside and Modified the district court's Findings Regarding the Alimony Award

Term of alimony: 10 years

Total alimony: \$4,500/month for 120 months = \$540,000

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: \$240,000, imputed; Wife's income: \$25,000/year, imputed

Recipient's income as a percentage of payor's income: 10%

Three minor children, ages 15, 13 and 7

Court of Appeals' reasons for vacating, setting aside and modifying the alimony award:

- In considering alimony, pursuant to *Brozek v. Brozek*, 292 Neb. 681, 874 N.W.2d 17
- (2016), a court should weigh four factors:
 - (1) the circumstances of the parties;

(2) the duration of the marriage;

(3) the history of contributions to the marriage; and

(4) the ability of the party seeking support to engage in gainful employment without interfering with the interests of any minor children in the custody of each party.

- In addition to the specific criteria listed in Neb. Rev. Stat. § 42-365, a court should consider the income and earning capacity of each party and the general equities before deciding whether to award alimony, *Brozek v. Brozek*;
- The statutory criteria for dividing property and awarding alimony overlap, but the two serve different purposes and courts should consider them separately, *Brozek v. Brozek*;
- The purpose of a property division is to distribute the marital assets equitably between the parties, *Brozek v. Brozek*;
- The purpose of alimony is to provide for the continued maintenance or support of one party by the other when the relative economic circumstances and the other criteria enumerated in § 42-365 make it appropriate, *Brozek v. Brozek*;
- In weighing a request for alimony, the court may take into account all of the property owned by the parties when entering the decree,

whether accumulated by their joint efforts or acquired by inheritance, *Brozek v. Brozek*;

- The referee discussed the pertinent statutory factors set forth in § 42-365 in its consideration of alimony;
- The referee also considered the significant child support obligation that Husband was required to pay, the ages of the children, Wife's limited employability, and the significant money judgment that would need to be paid by Husband over the next 10 years;
- The referee also recognized that Husband had already paid significant alimony since the entry of the temporary support order on May 1, 2013;
- The referee found that commencing October 1, 2015, Husband should pay to Wife the sum of \$4,500 per month through April 30, 2019, for a total of 43 months, and thereafter, \$4,000 per month for an additional 48 months, commencing May 1, 2019, and concluding after payment of the April 2023 payment;
- Wife filed an exception to this decision;
- The district court, while noting consideration of the same factors as the referee, determined that commencing December 1, 2015, Husband should pay Wife \$4,500
(continued on next page)



Lancaster County Alimony Reporter Continued...

per month each month through November 30, 2025;

- The district court did not determine that the referee's findings were clearly against the weight of the evidence;
- Recognized that as a result of its findings regarding the property division, Husband was no longer required to pay a money

judgment to Wife, rather, Wife was now required to pay a money judgment to Husband, albeit of a far lesser amount;

- Concluded that, nevertheless, the remaining factors cited by the referee in support of its alimony award was not clearly against the weight of the evidence;
- Held that the district court

erred in substituting its own determination of alimony for that of the referee;

- Vacated, set aside and modified that portion of the decree accordingly to incorporate the findings of the referee as to alimony.

2017-2018 LBA Schedule for Upcoming Events

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

**November 9, 2017—
Legal Clinic**

**December 14, 2017—
(Meet the Judges)**

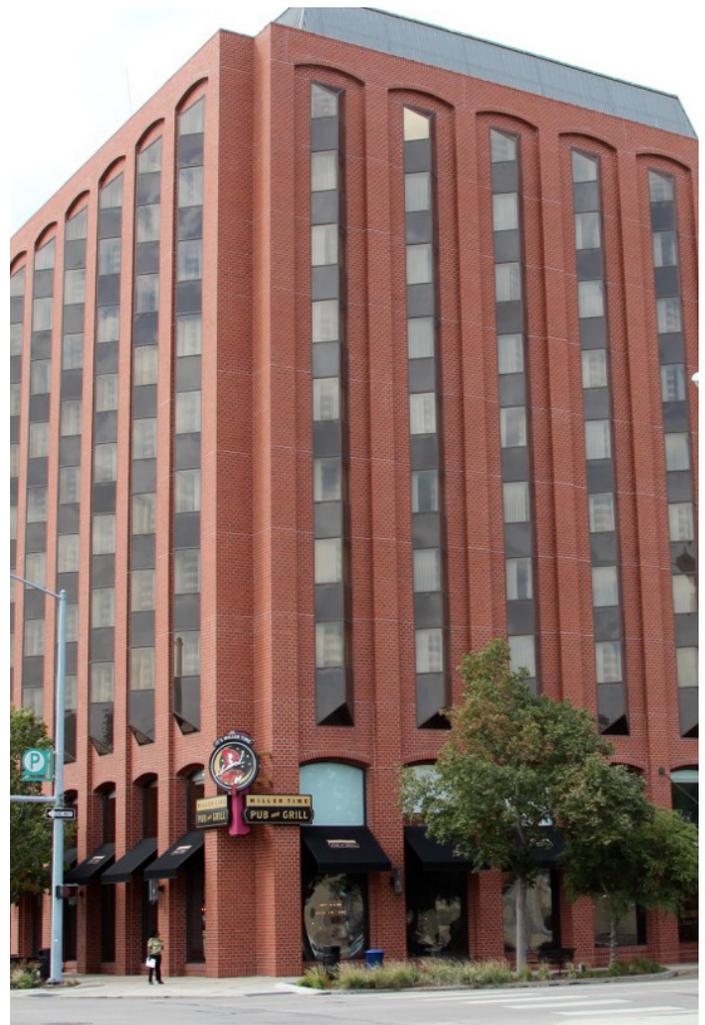
January 11, 2018—Legal Clinic

February 8, 2018—Legal Clinic

March 8, 2018—Legal Clinic

**April 12, 2018—
(Annual Meeting)**

**May 1, 2018—Law Day
Presentations**





Lincoln Bar Association Newsletter

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Lincoln Bar Association

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