

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB672

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: January 22, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The primary function of the Counsel for Discipline of the Nebraska Supreme Court is to investigate and prosecute violations of the Nebraska Rules of Professional Conduct.

In July 2013, based on extensive media coverage, I filed a complaint (“Grievance”) against a lawyer/legislator who pleaded guilty to aggravated drunken driving. He was sentenced to two days in jail (served under house arrest), one year of probation and a \$500 fine.

The Counsel for Discipline declared it to be a rule that a first offense dui does not constitute professional misconduct, hence, does not violate the Nebraska Rules of Professional Conduct and, therefore, “decline[d] to investigate [my] allegations.” (Newspaper documentation of the facts was included with my complaint.)

The Chief Justice of the Nebraska Supreme Court informed me that he was unaware of such a rule.

In effect, an attorney is granted a “free bite of the apple” when it comes to one of the most serious threats to public safety.

This bill amends §7-105 which sets forth the duties of attorneys, by making it a duty of an attorney not to drive “while under the influence of alcoholic liquor or of any drug” (see § 60-6,196, Reissue 2010).

This will not be the first time the Legislature has acted in the realm of setting a standard for the conduct of attorneys (see §43-3318 which mandates suspension of an attorney’s license for non-payment of child support).

Principal Introducer: Senator Ernie Chambers