

April 8, 1974

Attorney was removed from private practice. That was done primarily on the basis that the population of the county and the duties of the office had become so significant that an individual could no longer perform his duties as county attorney and reasonably be expected to maintain a private practice that did not lead him into certain conflicts. I think that this situation does directly relate itself to the population of a county and the level of activity therefore required of a county attorney. And I think that Sarpy County and Lancaster County and generally counties of more than 60,000 population reach that point where a county attorney practicing law in that county on a private basis finds it very difficult not to involve himself in legal matters that have the potentiality of conflict between his public responsibility of enforcing the laws in that county and his private responsibility to various clients. There ...it's very difficult thing for an individual to take a prosecutorial action or attitude towards an individual who is a client of his or a potential client of his. And it severely restricts and hampers his ability to perform his duties to the best of the public interest and becomes increasingly more complicated as the county size grows. And his responsibilities increase. In Sarpy County, I believe there are only about twenty practicing attorneys. There's a good deal of law business to spread around there. And an individual who is maintaining the power of the office of the county attorney has an extremely unfair advantage both to the public and to his fellow practitioners of garnering law business simply by the fact that he is the county attorney. And he can influence actions such as zoning, and districtings, which in a growing metropolitan area become extremely beneficial law business. And that's the kind of law business that would lend itself to a county attorney in that size of county and I think it imposes a highly questionable ethical conflict on those individuals. So I think this bill should pass. I have an amendment up there that would increase the minimum salary for county attorneys in counties of 60,000 or more. I think you have a man an adequate wage in those counties but I think you also have to have him full time.

PRESIDENT: Senator Keyes. Then Snyder. Motion is to indefinitely postpone.

SENATOR KEYES: Mr. President, I certainly would oppose indefinitely postponing this. I think it's probably been brought about by one man coming down from Sarpy County saying he represents the county and he may think he represents the county. But I've talked to over 100 people in Sarpy County and every one of them that I've talked to has said that the county attorney in Sarpy County must be a full time man. He must be a full time man. I hope that the man from Sarpy County understands that. When he goes home, that he tells the county commissioners that that is what the people want. I've talked to everyone that is going to be running for the county attorney's office. I have never had a one of them tell me that they wanted to be part time. Some of them may have alluded to it when they talk to somebody else but when they talk to me, they say that they have never told me that they wanted to be part time. Now the salary of the man I understood \$27,500. But I certainly would agree that \$32,500 is not out of reason. We spent well over \$70,000 last year on county attorneys. And we had four or five half time or part time county attorneys. We also appropriated \$7,500 for the county attorney to appear in District Court, all above