

March 13, 1975

PRESIDENT: Senator Warner.

SENATOR WARNER: Mr. President, is the motion pending to advance? Mr. President, I move that LB 429 be indefinitely postponed. This is not an area which I obviously have a lot of background, by the same token I'm not aware of any great need for this constitutional amendment or for this change from my contact with attorneys or with constituents who have dealt with attorneys. It seems to me that essentially, as Senator Cavanaugh has explained, the integrated bar acts very similar to licensing of other professional people. Obviously, the funding that is derived from their dues does provide a great deal of assistance to attorneys, if they wish to take advantage. I assume there are those who do not wish to take advantage of it. Certainly, the opportunity is there. Some method of financing of these kinds of operations, for the policing, needs to be available. I'm aware, as well as others, that there have been those attorneys who, in recent years at least, have perhaps strayed from what they should do, just as there people in other areas of occupations that stray from what they should do. I don't think you would correct that situation by abolishing the present system that Nebraska now has in an integrated bar. It would seem to me that certainly because of this attention attorneys themselves are striving to much greater extent to bring about the corrections which some of the things that Senator Chambers has passed out . . . points out. It seems to me that the discussion has been good and probably has brought about some adjustments which were needed for a long time. I don't believe that there would be additional benefits acquired by the enactment or the placing of this amendment on the ballot as a constitutional amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I'm glad Senator Warner pointed out that he doesn't have much background in this area because he's expressing an uninformed opinion. I believe he's very sincere. Senator Warner, you mentioned licensing and so did Senator Cavanaugh. I'm not asking you this question to answer it, but are you aware of the fact that the Supreme Court licenses lawyers and they would still be licensed . . . they would still have to have a license, they would still have to pass a bar exam, they would still have to complete a legal education in an accredited school of law? It simply means that they would not be required to belong to an organization against their will. Doctors are not required, in this state, to belong to an organization against their will. The American Bar Association, a collection of lawyers throughout the country, is totally voluntary. They have no way to compell people to belong. There are 19 states that don't have compulsory bar associations. I haven't heard Senator Cavanaugh or anybody who spoke against this bill say that you must assume that law practiced in that state is of an inferior quality. The thing I would like to get across to the body is that every rule, with reference to the operation of the legal profession, is made by the Supreme Court of this state. They have said that they do not have to regard any law that the Legislature passes which they don't want to abide by because they think it interferes with their control of the legal profession. Through the