

April 3, 1979

LB 52

of the...what is there...one amendment?

SENATOR FOWLER: Right. Could the Clerk read that amendment?

CLERK: (Read Fowler amendment to LB 52 as found on Page 1283 of the Legislative Journal.)

SPEAKER MARVEL: Senator Fowler.

SENATOR FOWLER: The temptation, the way amendments have been adopted lately, is just to move for its adoption, but I do feel some explanation is probably in order. First of all, let me indicate that I have no objection to the concept of prepaid legal insurance. In fact, I'm very supportive of that. Anything that would help provide more jobs for young attorneys is something I certainly can relate to, and go along with, but the concern I have here with prepaid legal insurance is the relationship of that to what is called the integrated bar. That integrated bar does not mean it is mixed races, drinking beer together or anything of that sort, or mixed singles or anything like that. The term integrated bar is one that is used by the legal profession to indicate that the membership in the Bar Association is required of all attorneys before they can practice law in the state, and the membership dues must be paid. Now, this is required by our State Supreme Court, and it's unfortunate that when Senator Brennan tries to bring in the union shop that he doesn't call it the integrated machinist, or something of that sort, to make it a little more palatable, because essentially what we have with the Bar Association is a type of closed shop. Now my concern with prepaid legal insurance is that you take this closed shop and you move them into a totally new area...a commercial area, if you will, selling insurance, and I have two fears about that. One is that this association, the Bar Association is in charge of professional ethics and ethics enforcement. Basically, it is trying to maintain the ethical standards of the legal profession, and two, all attorneys are forced to pay money into that association if they are to practice. Now with professional ethics, my concern has been that this association would be in a position where through use of its enforcement of the ethical rules and use of the rules, and the Bar committees, and so on, it will be policing participation of prepaid legal insurance. It will be doing that. They have admitted that, in fact, they must establish standards for participation. Well, I think there will be a temptation for them first to selectively enforce these rules, perhaps look a little harsher on the other prepaid legal insurance

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