

April 9, 1980

LB 694

SENATOR NICHOL: Yes, Mr. Chairman, I certainly agree with the amendment. This is taken out of the canons of ethics, I understand, and the honest attorneys agreed to it, and we have run this by the representatives of the Bar Association and they also agreed to it. I also support the amendment by Senator Koch.

SPEAKER MARVEL: Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, just a brief note in support of the Koch amendment. This language is not new nor is it applicable only to Nebraska. In Colorado, for example, where just such a set of language exists, I have a case if any of you would like to see how this kind of statute is applied. It is in the matter of the estate of Mr. Austin Painter, Deceased, versus The Colorado State Board of Agriculture, and if you will read the opinion, you will see how these kinds of factors are weighed. In that case an excessive attorney fee was struck down because the matter was simply routine, and the attorney was simply trying to apply the size of the estate to determine the amount of the attorney's fees and the court in this case reversed that saying, no, they were excessive, that there was nothing special about the estate and applying the factors as outlined by Senator Koch the fees were accordingly reduced. And I would say that this kind of administration of justice is evenhanded and fair, quite reasonable and as a member of the Bar, I certainly can support the kind of language that Senator Koch uses to create a guideline, a doctrine of equitability, a fairness, if you will, with respect to attorneys' fees on estates, and I applaud his efforts in the language that is being sought to be added to LB 694.

SPEAKER MARVEL: Senator Lewis.

SENATOR LEWIS: Mr. Chairman, I wanted to ask Senator Beutler a question. I can't quite figure out my rule book. Senator Beutler, is this amendment germane?

SENATOR BEUTLER: I suppose that is a matter of opinion, Senator Lewis. I suppose there is a question there.

SENATOR LEWIS: Well, Mr. Chairman, I have never raised the issue of germaneness and I don't intend to start at this late hour.

SENATOR CLARK PRESIDING

SENATOR CLARK: Senator Koch, do you wish to close?