

March 24, 1981

LB 475

SENATOR CULLAN: Mr. President, members of the Legislature. I think we are a little bit off the issue. The issue has nothing to do, Senator Higgins, in my opinion, with what may or may not happen to attorneys when they run into problems with the Bar Association or with having their right to practice law suspended or revoked. That of course is whether or not those individuals are prosecuted for problems that may have developed and acts that may have resulted in losing their license is a judgment that is made independent of that and as you may know, Senator Higgins, the judge does not have anything to do with making a determination as to whether or not an individual is charged with a criminal offense. So I guess that the issues, in my mind at least, are totally separate and I think that your reasoning, I guess, at least I didn't follow it and maybe I am a little shallow this morning or something, but I certainly did not see the connection that you tried to make. I guess I support the bill and I think that it would be wrong to attach the amendment. I agree with the comments that Senator DeCamp made this morning and that Senator Hoagland made and I think that we ought to proceed with the bill and pass it. The Judiciary Committee has given it a great deal of study, or excuse me, the Constitutional Revision and Recreation Committee has worked on the bill and I think that it would be inappropriate to withhold that individual's salary when no determination has been made as to whether or not the individual has actually committed an offense. So I would hope that we would move this bill along and adopt it.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. Chairman, members of the Legislature, I really didn't think that we had to put the wording "exactly as the people voted on it" in the legislative bill. I think we do have a little bit of leeway there but the thing that really convinces me that Senator Chambers has a point is this. It has nothing to do with legality or the attorneys that are speaking, but this would be one way to bring it to a head in a hurry. We are not penalizing the judge if he is found not guilty but I can foresee some time when this would be delayed, delayed and delayed, especially if the judge were trying to delay it so that he may obtain his salary as long as possible before he is kicked out. This, by withholding his pay pending his guilt or innocence, would bring the thing to a head soon so that if he were innocent it would be proven so and he would be returned the money that was withheld during the time of his litigation. So I support this amendment of Senator Chambers as he has presented it with the change in it, knowing full well that the judge would be reimbursed if he were not guilty.