

detail over the summer and fall and, in fact, there are many provisions in LB 428 that is on your deck right now that have come directly from Judge McGowan. It strikes me that if Judge McGowan was asked today about his feelings on LB 428, they would be substantially different from what he said on March 3, 1981. The second point is this will make...LB 428 will make every guardianship an adversary proceeding. What LB 428 does by requiring the appointment of a lawyer to represent the incapacitated person in every case, what will happen is the lawyer will want to make sure that whatever the rights of the incapacitated person are are adequately protected. I have no problem with Senator Beutler raising this question because I think it is a really good debate question. Now we appoint lawyers now for every mental commitment case. Everytime somebody is said to be mentally ill and we want to hold them, a lawyer has to be appointed to represent that individual. We appoint lawyers now in every neglect case in the juvenile court. Everytime we take a youngster and say this youngster could be a neglected child, we appoint a lawyer representing the neglected child. If we are going to terminate parental rights in either district court or juvenile court, everytime we are going to try to do that, we say those interests at stake are so vital we appoint a lawyer to represent the parents whose rights are about to be terminated. We have said that there are some rights of people in society that are so dear that we are prepared to pay a price and even resort to sometimes an adversary type hearing to protect those rights. I think the guardianship, you see, the guardianship issue vitally affects the rights of people. It really does and because of that I think an attorney needs to be appointed. I don't want to take too much of your time, Senator Koch. Arlyss Brown testified that she has handled a lot of guardianship proceedings as general counsel I guess for the Department of Public Institutions. The Department of Public Institutions has always had a real concern about persons down in Beatrice. I mean they really have and they get nervous whenever anybody does anything with a guardianship measure which is likely to have some effect on the Beatrice case. I think that testimony might be a little bit skewed. The more amendments to make the bill more palatable, well, I just spent a lot of time working with the court system and other folk, you know, to try to have a good limited guardianship measure. I don't know that it necessarily means it makes it more palatable, it just makes it a better bill, and finally, they don't like the fact that this particular piece of legislation was promoted by the Nebraska Association for Retarded Citizens because it was the same group that promoted the Horacek case. Well, I can't say much about that, Senator Koch.