

January 13, 1992 LB 228

professional relationship, I have an obligation because I am their lawyer...

SENATOR CROSBY: Okay.

SENATOR KRISTENSEN: ...to defend what they want me to do.

SENATOR CROSBY: The client?

SENATOR KRISTENSEN: This person is not the 50th senator, this person is our general counsel.

SENATOR CROSBY: The attorney-client relationship.

SENATOR KRISTENSEN: Exactly.

SENATOR CROSBY: Would overcome so he or she would have to go and defend the Legislature and its passing of that bill. Would the Attorney General still represent the State of Nebraska?

SENATOR KRISTENSEN: Well, I believe that's true.

SENATOR CROSBY: I mean I...

SENATOR KRISTENSEN: That depends, you know, if the Attorney General on that case would happen to agree that the bill is constitutional, they also would do their constitutionally mandated duties and defend the legislation. That doesn't mean that the Legislature can't have an amicus brief or friend of the court brief to also assist that.

SENATOR CROSBY: Well that case came to my mind immediately because, as I say, we did think it was absolutely airtight and when the Supreme Court came along and struck us down, then we, you know, you feel like you have absolutely no recourse, no one to go to. So whether we may not have won or lost, right, who knows what would have happened, but because of questions I think this bill, on the face of it, is somewhat nebulous in many ways. And so I just have some doubts in that way and also about the money and setting up a whole new office at this time when we're trying to get money for other things and cannot. And when you spoke of someone being accused of a crime, I wish I could figure out some crime to accuse that woman who brought that suit against the depositors because they are still out there suffering and if we'd have had our legal counsel, and that would