TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

April 12, 2006 LR 449

constitution. There is nothing evil about the process of impeachment. And Senator Bourne can say all he wants to that we have to decide how a court is going to decide. Now, he doesn't practice law lately, as far as I know, but he might remember this. The code of professional responsibility says that if a lawyer guarantees to a client the outcome, that is a violation of a lawyer's ethics. Yeah, I read the code. If a lawyer guarantees to a client an outcome,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that violates the code, because the lawyer doesn't know the outcome and he cannot make that representation to a client. We don't have to do the court's work. That's why it's taken into the court. All we have to do is determine by a standard of probable cause that this man committed violations, and he has already confessed them. So our standard has been met by the agreement that Senator Brashear obtained. So what are we doing here? There's those of us who believe that integrity follows an elected official, and if one of our colleagues lied to us this many times you know what our response would be and how we wouldn't trust that person. We know that. Brashear knows it. Senator Bourne knows it. And I've heard them make comments at various times that lets me know they know it. Now, they may have forgotten...

SENATOR CUDABACK: Time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Smith, followed by Senator Johnson.

SENATOR SMITH: Thank you, Mr. President and members. This is pretty serious business. I'm not an attorney, but I vividly recall approximately one year ago when the motion was modified that would ask Mr. Hergert, Regent Hergert, to resign or a furtherance of the process would be reviewed and legal opinions obtained and otherwise. So I supported that resolution because I was hoping that it would bring resolution, if you will, to the issue so that those of us in western Nebraska, who reside in