

March 14, 1984

LR 278

voted? The question is, shall the debate cease. Ten seconds left to...(inaudible) Have you all voted? The Clerk will record the vote.

CLERK: 24 ayes, 15 nays to cease debate, Mr. President.

PRESIDENT: The motion fails and Senator Warner is recognized on the resolution as amended by your amendment, Senator.

SENATOR WARNER: Mr. President, members of the Legislature, there was perhaps some reference intended that the amendment somehow lessened the impact of the resolution. I merely wanted to cite to you the...and I will read it I guess, it will be clearer. "The Code of Professional Responsibility adopted by the Nebraska Supreme Court is not simply something which an attorney either in private practice or public practice can ignore. By its very adoption by the Supreme Court of the State of Nebraska the Code of Professional Responsibility imposes a duty whenever a lawyer, including the Attorney General, to act in accordance with its provisions," but this is the important part, "indeed the Code of Professional Responsibility has in effect been incorporated into the statutes of the State of Nebraska." The section cited is Section 7-105, Section 7-106 and in addition there is another Attorney General's Opinion some time back, 1981, which also points out the Code of Professional Responsibility as it applies to a lawyer public official and I just wanted to have the opportunity to indicate that that amendment, if anything, is a far more restrictive resolution now in terms that some action that could be taken, it does relate to the statutes. And finally it should also be said, that while the Constitution does not require the Attorney General to be a member of the Bar, it is my understanding that the statutes, in fact, require that the duties that the Attorney General shall perform requires that he be admitted to the Bar to carry out those duties and then be able to practice in the courts of this state. So what we are adopting is not light. The amendment did not minimize in any sense and, if anything, as I indicated earlier, it is a higher standard than impeachment meaning that it is easier to violate. Thank you.

9788