

March 12, 1980

LB 694

CLERK: 29 ayes, 0 nays on adoption of committee amendments.

SPEAKER MARVEL: The motion is carried. The committee amendment is adopted.

CLERK: Mr. President, Senator Wesely moves to amend the bill by inserting a new Section 11. (Read Wesely amendment as found on page 1167 of the Legislative Journal.)

SPEAKER MARVEL: Senator Wesely.

SENATOR WESELY: Mr. Speaker, members of the Legislature, this amendment is a very important amendment. It has been distributed and is on your desk or should be on your desk. If it hasn't been, we will get you a copy of it. It is an amendment that I will tell you right off is opposed at this point by the Bar Association but that is before we've sat down and tried to work out any problems we had with it. Essentially the origins of this amendment come from a TV program that I happened to have caught. I don't watch much TV but when I do I, on occasion, have a chance to catch 60 Minutes. On 60 Minutes they had a program based in Illinois about the lawyer who happened to do a pretty good job for himself with a family that had a large amount of land in Illinois valued at well over \$1,000,000. There was an older woman who was the surviving widow who had the land and called in this fellow to be her lawyer in dealing with her estate. This fellow had a friend of his draw up a will. It just so happened that the will gave all of that land and all of that estate to this lawyer that had been called in to help this widow. The value of that land again was well over \$1,000,000. He didn't know her more than a year or so before she died and all of the land, all of that value, was turned over to this lawyer. Well he became very happy about that. He had a number of other instances where he was equally able to be lucrative in dealings with estates and the basic problem was this. This older woman, she was 92 years old, she was not able to truly understand the changes that were being made to her will which most people in her family and who were close associates believed had given her estate back to her family, back to her close friends and not to this lawyer before he came in, took over and saw to it that he received the benefits of her and her husband and their family's long hard years of work and as they developed their farm and the value of that farm increased. That money then on her death converted to this lawyer. Well my feeling at that time was this is outrageous. This could never happen hopefully in Nebraska but we looked into the matter and I became

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