

# Ruling eases restrictions on lawyers

By Rex Selene

A Nebraska Bar Association advisory committee ruling, first revealed Nov. 8, modified an earlier, stricter ruling concerning lawyers who serve as public officials and at least one law firm is in a quandary because of it.

The latest ruling effectively reverses the first that said public officials could not practice law in courts in which they had a legislative effect.

The former ruling said a county board member could not practice law in county courts, a city councilman could not practice in municipal courts and a state senator could not appear before the State Supreme Court. The ruling also applied to law firm partners of public officials.

The latest ruling, solicited by Lincoln City Councilman Max Denney and Omaha State Sen. John Cavanaugh III in response to the first, outlines three guidelines to avoid conflict of interest for lawyers in government, Denney said.

They include:

-Attorneys may not use their official positions for the special advantage or for their clients'.

-Attorneys cannot represent a client in any situation that could come before them in their governmental position.

-All other laws or Bar Association

Canons of Ethics pertaining to conflict of interest must be followed.

### Law partnership broken

The former ruling was solicited by Lancaster County Commissioner Bruce Hamilton and City Councilman John Robinson, consequently breaking up their law partnership with Doug German.

The Bar Association Advisory Committee is made up of lawyers appointed by the State Supreme Court.

"We're kind of in a quandary," Hamilton said. "We've already closed our firm down and I don't think we'll be putting it back together again."

Hamilton said he preferred the first ruling.

He said, as a county board member, he sets county judges' salaries and votes on matters which could later be brought up in court, resulting in a potential conflict of interest.

Hamilton's former partner Robinson had the same problem in voting on city ordinances which might go to municipal court—with Robinson a possible lawyer in the case.

### Uncomfortable position

"If it's not an ethical conflict, then it certainly puts us in an uncomfortable position (with county and municipal judges)," Hamilton said.

He intends to avoid practicing in county courts despite the latest decision, although he said he might practice in municipal courts since Robinson is no longer a partner.

Denney said he was pleased with the latest decision, but raised another question for the advisory committee when he asked for clarification of the first ruling.

"If I had decided to dissolve my partnership, if I had taken my name off the letterhead and the partnership, could I then stay in the same suite of offices and just rent an office?" Denney asked.

He said the committee told him the answer would come in the near future.

### Slow lawyers down

"It's going to make lawyers look at running more carefully to see how it would affect their practice," Denney said. "It will slow lawyers down."

Cavanaugh, one of three Legislative attorneys, said the first decision would have precluded lawyers from running for office because they would suffer too great a loss of income not practicing law while in office.

"The idea of eliminating conflicts of interest is desirable," he said. "It would certainly be improper of me to take legal clients who wanted legislation passed (in the Unicameral).

"What the first ruling was trying to say—that if you had jurisdiction over making laws you had a conflict of interest—is not demonstrated in actual fact."

### Joined Denney

Cavanaugh said he joined Denney in asking for the second ruling because if the first ruling was expanded to include state legislators, he would have to leave the Legislature.

The decision will have less effect on Cavanaugh because he said he will not run for the Legislature again. Cavanaugh plans on running for the second district congressional seat in 1976, now held by John Y. McCollister, who is running for the Senate.

Lincoln State Sen. Roland Luedtke, an attorney, said the second decision was "very good, very positive."

"It acknowledges the place for lawyers in government and the legislative arena," he said.

"You can't do something for a client in the Legislature without violating ethical responsibilities.

"You don't just have to think about the few (lawyers) who messed up in the Watergate thing. There are lawyers who have done a lot of good for this country," he added.

Sen. John DeCamp of Neligh, the third lawyer in the Unicameral, was unavailable for comment.

## Cat, mouse game ends

# Hibler to appear in court

By Lorraine Hughes

The cat and mouse game between David Hibler, a UNL English professor, and the Lincoln Police Dept. may finally come to an end—police say Hibler has agreed to appear in court.

On Nov. 3, an arrest warrant was issued by Municipal Court because Hibler refused to appear to face criminal charges for allowing three goats to graze in Wilderness Park.

Hibler said Park Ranger Don Jenkins, who issued the citation in response to a complaint filed by a park employee about the wandering goats, had no authority to arrest him on his own property for a noncrime committed by goats that were not his.

According to Hibler, a horse belonging to Jenkins had escaped from Meisinger stables six weeks ago and had done considerable damage to his fence and corral gate which he alleged has not yet been repaired by Jenkins.

Since the arrest warrant has been issued, Hibler said he has noticed numerous policemen in the vicinity of his home and office.

Nov. 13, two campus policemen and

one city policeman attempted to arrest Hibler in Andrews Hall, according to Campus Police Sgt. Al Broadstone.

Broadstone said he passed Hibler in the hall and followed him to third floor, where he disappeared. Thinking Hibler retreated to his office, Broadstone said they asked a custodian to unlock Hibler's door.

"Nothing was disturbed or touched," Broadstone said, "and we made no search of his office." He said Hibler was not in his office and they were in the room for about 15 seconds.

Hibler, however, said he was in his office and when he heard the officers coming, he stood behind the door where he was hidden when the door was opened. He claimed the officers looked at some papers on his desk and made an illegal search of his office.

In a letter to the warrant officer of the Lincoln Police Dept. concerning the goats, Hibler said this incident, as well as other recent events which have transpired between police and citizens, should give "reasoning men and women serious cause for concern over the seeming erosion of civil liberties."

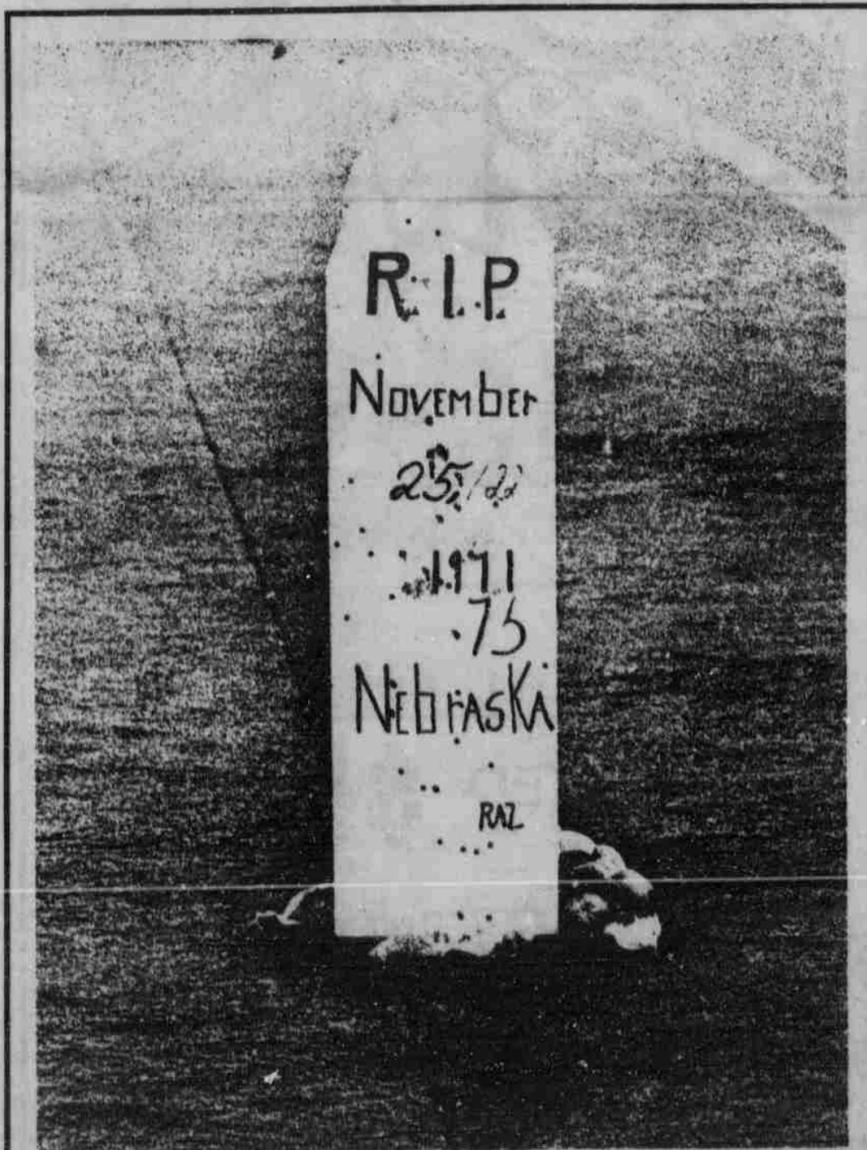


Photo by Ted Kirk

Orange peels and a tombstone were only shadows of what was in store for Nebraska Saturday as the Oklahoma Sooners buried the Huskers 35-10. The Huskers accepted a bid to the Fiesta Bowl Sunday. See pictures on pages 6 and 7, stories on page 10.

## Assistance center bids are opened

Bids were opened Friday on proposed construction of the Campus Assistance Center in the current television lounge of the Nebraska Union, according to Allen Bennett, Union director.

The center, planned for completion by early next year, was approved by the

Union Board at its meeting last week.

Low bid for the general contract was by Judds Bros. Construction Co. of Lincoln at \$14,418.

Bennett said bids now would be analyzed by UNL's Purchasing Dept. and Physical Plant before being awarded.

## Fiesta lottery begins Dec. 2

Student applications for tickets to the 1975 Fiesta Bowl Dec. 26 in Tempe, Ariz., will be taken Dec. 2 through 4 from 9 a.m. to noon and 1 p.m. to 4 p.m. at the ticket office in the South Stadium.

The lottery tickets, offered to full-time students only, are to be paid for by personal check, cash or money order when applied for. Each student must present his own student ID, and students wishing to sit together as a group (not to exceed six) must all be present and apply together. Students may apply for one ticket per ID, and married students may apply for two.

Winning lottery numbers will be published in the Dec. 8 Daily Nebraskan, and the tickets may be picked up Dec. 9 through 11 at the ticket office. Each student must call for and sign for his own ticket, presenting his application receipt and his ID. Married students will be required to show a certificate of marriage.

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### Weather

Monday: Cloudy and windy. Chance of snow accumulation. Temperatures ranging from the low to mid-20s.

Monday night: Mostly fair and cold. Temperatures in the low teens.

Tuesday: Partly cloudy and cool. Highs in the upper 20s to low 30s.