

Nebraska attorneys debate lawyer competency issue

By Carla Engstrom

Chief Justice Warren Burger has recently and repeatedly said many of America's practicing lawyers are not qualified to represent their clients. Nebraska attorneys and law professors have mixed views on this issue.

Lancaster County Public Defender Dennis Keefe said the quality of Nebraska trial attorneys is "very high."

"Most attorneys are very competent and can represent clients adequately," Keefe

said.

He qualified his statement by saying there are some counselors who are not competent, but that was true in any profession.

Assistant Dean Ray Hazen of the UNL College of Law said the college has classes in trial advocacy and clinical programs.

Clinical programs allow students to research and assist attorneys in their practice.

"There is a limit to what you can do with a person," Hazen said.

The law college is "a bit removed from the day to day practice," Hazen said in reference to Burger's statements.

The college tries to strike a balance between areas of expertise and general practice, Hazen said.

Roger Kirst, associate law professor who teaches trial advocacy, did not want to comment on Burger's statement.

But he said, "We are aware of the concerns he (Burger) has addressed and we are seeking to address the problem at the law school."

Kirst said he is more interested in teaching students than where Nebraska ranks with other states.

"Trial advocacy is an important tool for a lawyer, but I would be teaching that if Nebraska ranked first or fiftieth," he said.

Apprenticeships

Keefe said the clinical training programs

are good if properly administered and that apprenticeships "might not be a bad idea."

"I'd hate to see it be a lengthy apprenticeship," Keefe said.

However, Keefe expressed some doubt over apprenticeship because many attorneys prefer to set up their own practice after admission to the bar and apprenticeships would prevent them from doing so.

Tom Hagel, deputy county public defender said he didn't think the issue of incompetent trial lawyers was a "big problem" and that it has been exaggerated.

To put it in perspective, Hagel said, there are some doctors, plumbers, electricians that are incompetent.

Hagel said a good clinical program can take care of some complaints about incompetent trial lawyers.

As far as professions go, Hagel said, the legal profession does a good job of weeding out incompetent lawyers.

Police . . .

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Compounding the suspicions of some of the applicants, according to one officer, is the fact that four of the top six scores received on the aptitude tests were received by officers with C-Line classification.

"It looks like they've got a number of paradoxes in the system as they set it up," the officer said. "I think that they will promote sergeants."

Coffey said he could not confirm or deny whether the results of the test as stated by the officer were true.

"But," Coffey added, "I don't think there's anything undercurrent or anything. Having three people outside the department to act as the promotion board was intended to remove any question of favoritism."

Fairness emphasized

Gade also emphasized the fairness of the selection process. Throughout an hour-long interview on Wednesday, he continually repeated that there was no news value in the charges and that they undoubtedly came from the same small group of officers who would rather take their accusations to the press than confront him.

As far as the applicants' concerns over the letter, Gade addressed each of the three points in the letter separately. He insisted that only the personnel material from the past year would be submitted to the selection committee.

"My feelings on that is, what's the use in rehashing things that occurred three or four years ago? They were told only their last performance would be submitted to the selection committee," he said.

Also, the committee has the right to interview only certain applicants, he said.

"We're talking about 12 or 13 applicants. It's kind of foolish to talk to each and everyone of them," he said. "That's not up to me to decide. That'll be up to the committee to decide."

Some officers told the *Daily Nebraskan* they feared that allowing Captains Kenneth Markle and Robert Edmunds to evaluate the applicants would be allowing them to create favoritism by giving good marks only to those officers they wished to see promoted.

But Gade expressed faith in his two top officers.

Neither Edmunds nor Markle operate that way," he said. "They're not going to deliberately put somebody down to keep them from becoming lieutenant. I have a lot of faith in those two. I just can't see them doing that."

When asked why the officers who applied for the job weren't told in the beginning that the other stipulations would be included in the selection process, he responded, "What difference would it make? You have to take it a little bit at a time. It was their choice to apply. The whole idea is to get all the information to them and this was being done very carefully. We knew damned well there would be bitches."

"We could have said that only those people in supervisory positions could apply, but this opens up the opportunity for six other people to apply for it."

Discontent disagreement

Gade also disagreed with the charge that there was much discontent among his officers.

"The feeling I have is the majority of the people here are satisfied and have feeling we are trying to get things done," he said. "I haven't heard a complaint, not one complaint. Nobody has told me a thing about it."

The selection process has been postponed two weeks. Originally, interviews with applicants were to begin Feb. 19, with the appointments tentatively scheduled to be made by March 1. Both Gade and Coffey said in order to insure adequate notice in the employee publication "The Bulletin Board," the process was delayed.

The decision to appoint three lieutenants to the force was made last summer, following a study of the police department by Dr. Richard Bourne.

Bourne recommended the appointments be made to improve the flow of communication between the sergeants and the captains and to make the newly appointed officers shift commanders. Currently, that duty is shared by the sergeants. Gade said that all C- and B-line officers with at least four years experience and two years of college could apply.

from various departments, Cheng said. He said some of the departments include political science, history, geography, art, theatre, music, physical education, and anthropology.

"It's possible if we pick up momentum in languages and if the university has money to support the language program," he said.

He said the major job requirement in the field of Asian Studies depends on knowledge of an Asian language.

The Asian Studies Program places people in jobs. He said he knows of two students that have jobs but, most students choose to do graduate work.

Cheng said the Asian Studies program has a Japanese language student to go to Japan each year to study. Kawasaki pays for a student's plane fare to Japan, and the student is responsible for his own spending expenses, including room and board and tuition, he said.

The program is in its fourth year of operation and has been very successful," he said.

China pact produces more jobs

More jobs will be available to Asian Studies students because of the new relations with China, according to Peter Cheng, UNL Chairman of Asian Studies and professor of political science.

Cheng said as a result of the United States' new relations with China, a Chinese language course will be offered next semester as a night extension class.

Cheng said students must know the language of a country they work in, in order to communicate with those people.

Asian Studies students usually get jobs in other countries by going through a job file he keeps in his office, he said. These jobs are available through private companies.

Companies, such as the Lindsay Company who specializes in farm equipment, need representatives to send to China and other countries to teach people how to use the equipment, Cheng said.

He said Asian Studies, which began in 1972, is offered as a minor.

About 200 to 300 students are enrolled in Asia Studies which in made up of classes

Union Board elects officers

The Nebraska Union Board elected new officers Wednesday night.

John Dreuscher, former secretary of the

board, was elected president. Vice president is now Dan Ripa and the new secretary is Robert Moline.

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