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Opening Remarks

John V. Hendry

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Chief Justice John V. Hendry

Opening Remarks

On behalf of the Nebraska Supreme Court, I want to welcome all of you to this ethics conference. I also want to thank the University of Nebraska College of Law for hosting this conference, and Professor Susan Poser for her interest in this subject and work in bringing this seminar to fruition.

Several years ago I was contacted by then-Deans Nancy Rapaport of the University of Nebraska College of Law, and Larry Raful of Creighton University School of Law, inquiring whether the Supreme Court would consider a change from its current Code of Professional Responsibility based upon the *Model Code of Professional Conduct*, to a system based upon the *Model Rules of Professional Conduct*.

The principal concern of both deans at the time was the “disconnect” between Nebraska ethics rules based on the *Model Code*, and the 1991 Supreme Court admissions requirement that each candidate for admission to the Nebraska Bar Association successfully pass the Multi-State Professional Responsibility Examination, which is now based on the newer *Model Rules*. The effect of this requirement, as noted by both Deans, is that Nebraskans are being tested on ethics rules that do not apply to Nebraska lawyers.

The Court’s response was: If a proposal were presented, the Court would carefully review the proposal, seek comment from Nebraska lawyers, and make a determination.

There is currently a committee chaired by Professor Raful, whose membership includes Professor Poser, working on such a proposal. This is not a committee established by the Nebraska Supreme Court. I do, however, anticipate that in the future a proposal will emerge from that committee recommending that the Court transition from the *Model Code* to the *Model Rules*.

I am therefore attending this ethics conference for the same reason you are—to learn more about the *Model Rules* and how it differs from the *Model Code*. Judging from the outstanding list of speakers scheduled to participate this morning, I am confident my knowledge of the subject will be heightened, and any decision which may need to be made in the future concerning this issue will be a more informed one.

Thank you for coming, and enjoy the morning.