**LB 1195**

Nebraska is approaching a crisis when it comes to the availability of [lawyers in rural areas.](https://cdn.ymaws.com/www.nebar.com/resource/resmgr/rural_practice_initiative/CountiesThreeOrFewer_22.pdf) The state is now experiencing an unprecedented number of county attorney and public defender vacancies with no applicants. The statutes dealing with county attorney and public defender positions developed over time, resulting in a patchwork of differences based on population size and whether these positions were elected or contracted. LB 1195 seeks to address these issues by:

1. Allowing counties flexibility to determine whether county attorneys and public defenders serve in full or part time roles as needed and to provide greater flexibility in setting compensation for those roles.
2. Provide parity between county attorneys and public defenders when it comes to covering their costs for license renewal and required continuing legal education hours, whether the position is elected or by contract.
3. Provide rural legal employers with a better recruitment tool by expanding loan forgiveness for lawyers who practice in underserved rural communities by increasing the population threshold for eligible counties and increasing the amount available in the fund.

**Greater Flexibility for Counties**

* Recently, many rural counties have had county attorney and public defender vacancies with no applicants (Scotts Bluff, Platte, Adams, Dawson, Buffalo, Hall, Lincoln, Harlan, Dodge, and Seward among others). Some positions have been vacant with no applicants for more than 6 months and a few have had no applicants for more than one year.
* LB 1195 would assist counties by giving them the flexibility to make positions full-time or part-time as needed and provide greater flexibility in setting compensation for these roles.

**CLE Expenses**

* In 2022, the Nebraska State Bar Association conducted an [Economic Survey](https://store.lmknowledgehub.com/storage/nebraska-state-bar-association/L7oKYykxgOIDKtgodqreGP3SbbA4vc0xJo7prG58.pdf) of its members. Of the benefits currently being provided to Nebraska lawyers, expenses for CLE and professional development is the most commonly provided (#1) benefit. When asked what benefits would be important to a lawyer searching for a new position, it ranked 6th highest.
* Currently Nebraska statutes (Neb. Rev. Stat. 23-1222) provide that the expenses incurred for county attorneys to obtain their required Continuing Legal Education hours are paid for by the County. Neb. Rev. Stat. 23-3406 provides that contract public defenders expenses to obtain Continuing Legal Education in the area of criminal law are paid for by the County. LB 1195 would provide elected public defenders parity with both county attorneys and contract public defenders.

**License Renewal**

* In 2022, the Nebraska State Bar Association conducted an Economic Survey of its members. Of the benefits currently being provided to Nebraska lawyers, employer payment for annual licensure ranked 3rd highest. If searching for a new position, it ranked 7th highest.
* To compete with benefits available in private law firms, LB 1195 clarifies that the annual fee to renew a law license ($98), a requirement of the position, will be covered by the County.

**Loan Repayment Program**

* In 2022, the Nebraska State Bar Association conducted an Economic Survey of its members. When asked what benefit they most wished their employer provided, student loan forgiveness ranked #1.
* The American Bar Association now predicts that the average law school graduate has between $125,000 and $150,000 in debt upon graduation. In effect, students graduate with a loan payment between $1,400 and $1,700 a month—a monthly payment that is now being referred to as “the house that they will never live in.”
* LB 1195 would raise the population threshold for lawyers to become eligible for loan repayment from 15,000 inhabitants to 75,000 inhabitants. Many of the counties struggling with hiring have populations of more than 15,000. The loan repayment program is administered by the Commission on Public Advocacy. If needed, the rules governing the program give the Commission flexibility to prioritize loan repayment in areas of the state with the greatest need.
* We appreciate the support of the Nebraska Attorney General’s Office in providing expanded funding.