RESOLUTION PROHIBITING THE PRIVATE PRACTICE OF LAW BY ASSISTANT PUBLIC DEFENDERS PURSUANT TO NEB. REV. STAT. § 23-3401 AND EFFECTIVE JANUARY 1, 2019

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the County Board;

WHEREAS, Assistant Sarpy County Public Defenders are currently allowed to engage in the private practice of law;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-3401 (emphasis added),

“In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public defender and shall not engage in the private practice of law so long as each assistant public defender receives the same annual salary as each deputy county attorney of comparable ability and experience receives in such counties.”

WHEREAS, the Census Bureau estimated Sarpy County’s population to be 181,439 as of July 1, 2017;

WHEREAS, beginning January 1, 2019, all Assistant Sarpy County Public Defenders will receive the same annual salary as each Deputy Sarpy County Attorney of comparable ability and experience, as determined by the Sarpy County Public Defender and in consultation with Administration and Human Resources; and

WHEREAS, therefore, in accordance with Neb. Rev. Stat. § 23-3401, Assistant Sarpy County Public Defenders may not engage in the private practice of law.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board hereby prohibits Assistant Sarpy County Public Defenders from engaging in the private practice of law. Said prohibition shall be in effect on January 1, 2019.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 11th day of September, 2018.

Attest:

Sarpy County Clerk