NEBRASKA LAW REVIEW

EXECUTIVE BOARD

Editor-in-Chief
KELLI L. CERAOLI

Articles Editor
ALEXIS KRAMER

Reviewing Editor
ASHER BALL

Research Editor
NIC NORTON

Executive Editors
NICHOLAS BUSSEY
CASSIDY ELLIS
CHAD KAMLER
CHRISTINA NEELY
ERICK REITZ
TYLER SPAHN

Online Editor
RACHEL GERLACH

Managing Editor
CHRISTOPHER CASSIDAY

Executive Editors
NICHOLAS BUSSEY
CASSIDY ELLIS
CHAD KAMLER
CHRISTINA NEELY
ERICK REITZ
TYLER SPAHN

Members
MARK GRIMES
LUKAS HOLOUBEK

Candidate Members
PAIGE AMUNDSON
ANDREA AVILA
MARTIN DEMORET
MEAGHAN GANDY
ELIZABETH HENTHORN
KATHERINE KELLEY
DANIEL LEDDY
BRENNON MALCOM
BARBARA MASILKO
SARA MCCUE
JEFFREY MCGUIRE

Halley Ostergard
Anne Peetz
Chris Preston
Michael Rickert
Joel Rische
Emily Tunink
Megan Bischoff
Jason Bring
Bryson Gregory
Noah Heflin
Benjamin Herbers

Assistant
MARCY L. TINTERA

Faculty Advisor
ROBERT F. SCHOPP
MATTHEW P. SCHAEFER, B.A., J.D., LL.M., S.J.D., Law Alumni Professor of Law and Director of Space, Cyber and Telecommunications Law Program

STEVEN J. SCHMIDT, B.S., M.S., J.D., Assistant Clinical Professor of Law

ROBERT F. SCHOPP, B.S., Ph.D., J.D., Ph.D., Robert J. Kutak Professor of Law and Psychology

ANTHONY B. SCHUTZ, B.S., J.D., Assistant Professor of Law

ANNA WILLIAMS SHAVERS, B.S., M.S., J.D., Cline Williams Professor of Citizenship Law

A. CHRISTAL SHEPPARD, B.S., M.S., Ph.D., J.D., Assistant Professor of Law

JOHN R. SNOWDEN, B.A., J.D., Professor of Law Emeritus

BRIAN D. STRIMAN, B.A., M.A.L.S., Professor of Law Library, Head of Technical Services, and Catalog Librarian

ALAN J. TOMKINS, B.A., M.A., J.D., Ph.D., Professor of Psychology and Law and Director of the University of Nebraska Public Policy Center

CHRISTYNE J. VACHON, B.A., J.D., Visiting Professor

DR. FRANS VON DER DUNK, Harvey and Susan Perlman Alumni/Othmer Professor of Space Law

RICHARD L. WIEBER, B.A., M.S., Ph.D., M.L.S., Professor of Psychology and Law and Director of the Law/psychology Program

STEVEN L. WILBORN, B.A., M.S., Richard C. and Catherine Stuart Schmoker Professor of Law

CATHARINE LEE WILSON, B.A., J.D., Associate Professor of Law

ROBERT G. WORKS, A.B., J.D., Margaret R. Larson Professor of Insurance Law

SANDRA B. ZELLMER, B.S., J.D., Richard C. and Catherine Stuart Schmoker Professor of Law

CATHERINE LEE WILSON, B.A., J.D., Associate Professor of Law

JOEL A. BACON, B.A., J.D., Lecturer

ANDRE R. BARRY, A.B., J.D., Lecturer

STANTON N. BEEDER, B.J., J.D., Lecturer

FRED P. CAMPBELL, Jr., B.S., J.D., Lecturer

DAVID C. DIRGO, B.A., J.D., Lecturer

SHANNON L. DOERING, B.A., J.D., Lecturer

STEPHEN S. GEALY, B.A., M.A., J.D., Lecturer

LAURA R. HEGGE, B.S., J.D., Lecturer

DAVID A. HUBBARD, B.S., J.D., Lecturer

DON R. JANSSON, B.S., J.D., Lecturer

KILE W. JOHNSON, B.S., J.D., Lecturer

DANIEL E. KLASS, B.A., J.D., Lecturer

PATRICIA A. KNAPP, B.S., J.D., Lecturer

CYNTHIA R. LAMM, B.A., J.D., Lecturer

DAVID M. LANDIS, B.A., J.D., M.P.A., Lecturer

JANE F. LANGAN, B.A., J.D., Lecturer

BRENDA M. LUERS, B.A., J.D., Lecturer

TIMOTHY L. MOLL, B.S., J.D., Lecturer

MAUREEN KELLY MONSEMAN, B.A., J.D., Lecturer

KATHRYN A. OLSON, B.A., J.D., Lecturer

ALLEN L. OVERCASH, B.S., B.A., LL.B., Lecturer

THE HONORABLE WILLIAM JAY RILEY, B.A., J.D., Lecturer

JESSICA C. SIDDELL, B.A., J.D., Lecturer

THE HONORABLE STEPHANIE F. STACY, B.S., J.D., Lecturer

ALAN G. STOLER, B.S., J.D., Lecturer

KATHERINE S. VOGEL, B.S., J.D., Lecturer

GARY L. YOUNG, B.A., A.M., J.D., Lecturer

THE HONORABLE CHERYL R. ZWART, B.S., J.D., Lecturer

__________________________________________

MARCY L. TINTERA, Assistant to the Law Review
TABLE OF CONTENTS

In Memoriam:

Professor Richard S. Harnsberger

Susan Poser ix

Harvey S. Perlman x

Kenneth C. Stephan xii

Robert F. Bartle xv

John P. Lenich xvii

Articles

Punitive Juvenile Justice and Public Trials by Jury: Sixth Amendment Applications in a Post-McKeiver World

Martin R. Gardner 1

Watching the Hen House: Judicial Rulemaking and Judicial Review

Carrie Leonetti 72

Preserving Preservation Easements?: Preservation Easements in an Uncertain Regulatory Future

Jess R. Phelps 121

Disposable Personal Goodwill, Frosty the Snowman, and Martin Ice Cream All Melt Away in the Bright Sunlight of Analysis

Bret Wells 170

Craig Bergez

Notes

Federal Tax Liens and the Unrecorded Divorce Decree

J. David Beasley 214

Grounding the Short Circuit: The Need for Supreme Court Intervention in Sciente Pleading Requirements for Private Securities Fraud Cases After the Second Circuit’s Decision in ATSI Communications, Inc. v. Shaar Fund, Ltd., 493 F.3d 87 (2d Cir. 2007)

Joe Ehrich 238