Legal Research Tools for the Nebraska Practitioner: An Annotated Bibliography

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*** This bibliography lists materials which have been published or announced for publication through March, 1991.
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I. INTRODUCTION

The intent of this article is to provide an annotated list of materials which may be useful in doing Nebraska legal research or for the acquisition of materials for a practitioner's library. The list may be of help to the new attorney who does not know the range of subjects covered by publications. The bibliography should also be of interest to the experienced attorney who has not had the opportunity to learn about the materials available online or on compact disk.

Secondary as well as primary materials have been included. Books, computer software and online databases have been integrated within the bibliography rather than in separate sections so that the reader can see the total array of materials available in an area of research.

One little known online database is offered by the Nebraska Library Commission through public libraries. This database contains the NEBRASKA REVISED STATUTES, LEGISLATIVE BILLS, and ATTORNEY GENERAL OPINIONS. Contact your public library for availability.

As much as possible each entry in the bibliography includes bibliographic information, an annotation describing the material, and its price as of January, 1991. A Directory of Publishers is also included to make acquisition of the materials easier.

Most of the materials listed are in print and available to the researcher. However, there are a few out of print materials listed because they are still important for researching Nebraska matters. These materials can be used at many law libraries in the state.

II. REFERENCE WORKS

A. Reference Guides

1. Books


Sponsored by the American Association of Law Libraries Government Document Special Interest Section. Bibliography of Nebraska state documents. Covers both current and historical items. Provides a list of addresses and telephone numbers for many libraries, state offices and courts.

Distributed by the American Association of Law Libraries.

Covers the courts, the various Nebraska constitutions, the legislature, and administrative law. Published in 1983 and is now out of print. Strength is its historical information. Only legal research manual available for Nebraska. Also includes a legal bibliography section.


Lists governmental agency addresses, directors, objectives, synopsis of services and total budgets. Various indexes are provided: alphabetical index of state agencies, boards, and commissions; index of aid programs and a key word index.


Describes the history of the unicameral. Lists current members. Includes committee membership and legislative districts. Also contains the making of a bill in the legislature.

NEBRASKA BLUE BOOK. Lincoln, NE: Clerk of the Legislature. Approximately 1000 pages. Biennial in odd-numbered years. 1988-89 is the current issue. $10.00.

Includes constitutional, historical, and statistical information about Nebraska. Contains biographies of elected officials. Agencies submit information published.

NEBRASKA LAWYERS DESK BOOK. Lincoln, NE: Nebraska State Bar Association. 1 volume looseleaf. Updated periodically. $10.00. Note: Recently purchased or received copies may contain more current information than older copies.

Includes the rules creating, controlling and regulating the Nebraska State Bar Association and the rules of the Nebraska Supreme Court. Includes summaries of advisory opinions of the Advisory Committee of the Nebraska State Bar Association. Includes the Code of Professional Responsibility as adopted by the Nebraska Supreme Court. Also, includes the Nebraska Title Examination Standards. New admittees are presented with this volume by the Nebraska State Bar Association.

2. Computers


A retrieval system for identifying manuals by subject from Nebraska Continuing Legal Education seminars. The software package covers all seminars since 1974 through the current year. The program
requires an IBM or IBM compatible computer with a dual floppy drive or hard drive system.

B. Form Books


Alphabetical arrangement of topics from abstracts of title to workers' compensation. Presents an overview of the topic including sample forms. Also includes a table of Nebraska statutes cited within the set.

NEBRASKA LEGAL FORMS. Published by Butterworth Legal Publishers. Collections of common forms plus explanatory notes, relevant provisions of statutes and rules and other useful supporting materials. Subjects include bankruptcy, commercial real estate, creditors' remedies, criminal law, family law, law office systems, personal injury, residential real estate, and workers' compensation.


Forms commonly used in Nebraska family law proceedings, including attorneys' liens, domestic abuse and adoption forms.


Covers basic procedures for handling a workers' compensation case in Nebraska, from initial interview through the appellate process.


Revised by the publisher's editorial staff in 1990. Provides practitioners with basic forms to be used during criminal proceedings. Contains forms for first court appearance, pretrial forms, trial forms, post trial forms, appeal forms, post conviction forms, extradition forms and forms for pardons and reprieves.

Adopted from G. Stoneking, MINNESOTA LEGAL FORMS. Explanation and samples of forms most commonly used in Nebraska personal injury litigation.


Adopted from T. Miller, MINNESOTA LEGAL FORMS. Revised by the publisher’s editorial staff in 1990. Covers commencing the case, attachment, garnishment, execution, proceedings in aid of execution, receivership, replevin, registration of foreign judgments, wage withholding, and small claims. Written from the creditor’s point of view.


Revised in 1990 by the publisher’s editorial staff. Procedures, forms, federal rules and local rules concerning Chapter 7 bankruptcies.


Materials assembled by a management consultant include time-keeping systems, legal reminder/assignment systems, record and filing systems, work-product file and rubber stamps, accounting and reporting systems, fee-billing procedures, personnel forms, management and financial reports, and library maintenance systems.


Adopted from J. Miller, MINNESOTA LEGAL FORMS. Examines commonly used agreements in commercial real estate transactions. Includes a purchase agreement, exchange agreement, option agreement, office lease, building lease, shopping center lease, ground lease, mortgage, deed of trust, parking stall lease, and a guaranty. Does not discuss taxation, financing, and condominiums.


Forms for various transactions involving residential real estate -
purchasing, financing, conveyancing, developing and filing liens and foreclosures.

C. Directories

1. Books

Lists phone numbers and addresses for NSBA officers, staff, active and inactive members. Outlines the services to its members. Contains a listing of professional services. Provides a list of the phone numbers and addresses of federal judicial offices, the supreme court, state and county courts, and administrative offices. The annual report and financial statement for NSBA are also included.

CRIMINAL JUSTICE DIRECTORY. Lincoln, NE: Nebraska Commission on Law Enforcement and Criminal Justice, 1990. $5.00.
Contains the phone numbers and addresses of law enforcement officers in Nebraska. Also lists information about corrections, the judicial system, criminal justice training centers, and the Victim, Witness, and Domestic Violence Centers.

2. Computers

LEXIS. Dayton, OH: Mead Data Central.
Format: Online database.

Format: Online database.
Coverage: West's Legal Directory. Includes Nebraska attorney and firm lists.

D. Newspapers and Journals

1. Books

CREIGHTON LAW REVIEW. Omaha, NE: Creighton University School of Law. Quarterly. $25.00.
Publishes annual survey of Nebraska Law, of the Eighth Circuit, and the United States Supreme Court.

DAILY RECORD. Omaha, NE: The Daily Record. Daily except Saturday and Sunday. $60.00.
The official newspaper for: The City of Omaha; County of Douglas; Fourth Judicial District Court; County of Douglas County; Department of Roads, State of Nebraska; Omaha Bar Association; Omaha
Barristers Club; Omaha Legal Secretary’s Association and the Nebraska Association of Legal Assistants.

DAILY REPORTER. Lincoln, NE: Gant Publishing Co. Daily except Saturday and Sunday. $49.00.

Prints everything of record pertaining to judgments, decrees and filings for Lancaster County. Sections cover the Register of Deeds, civil filings, probate filings, new cases and filings with the federal court, the supreme court, the district court and small claims filings; legal notices, liens; trade names registration and new corporations filed with the Secretary of State; and includes district court judgments and orders.


Contains articles on equal opportunity in the areas of employment, housing, public accommodations. Contains information about meetings, seminars, and recent developments in Nebraska and federal law.

NEBRASKA LAW REVIEW. Lincoln, NE: University of Nebraska College of Law. Quarterly. $24.00.


Publishes state bar news, Nebraska Continuing Legal Education news, and the judicial performance evaluation.

PRAIRIE BARRISTER. Lincoln, NE: NATA. Quarterly. Sent to members of Nebraska Association of Trial Attorneys.

Contents include: articles on trial practice; verdicts and settlements in Nebraska County Courts; case commentary; membership information and features; and NATA brief bank listings.

UNICAMERAL UPDATE. Lincoln, NE: Nebraska State Legislature. Weekly during the legislative session and periodically during the interim. Free.

Gives highlights of the legislative week, information about the Nebraska legislative process, and notices about the legislative session.

2. Computers

Format: Online database.
III. PRIMARY AUTHORITY

A. Case Law Materials

1. Court Reports

a. Books

NEBRASKA ADVANCE SHEETS. Lincoln, NE: Nebraska Advance Sheets Publications Office. Weekly. $125.00 a year.

Official advance sheets for the opinions of the Nebraska Supreme Court. Includes opinions of the Nebraska Supreme Court, opinion digest, list of cases disposed without opinion, appellate division cases, proposed court rules, court rules, judgment interest table, amendments to the Code of Professional Responsibility, table of headnotes, and some forms. Also includes advertising, notices of public hearings and the court calendar.

NEBRASKA BANKRUPTCY SERVICE. Omaha, NE: Douglas County Law Library. Updated quarterly. $35.00 a year.


NEBRASKA REPORTS. Lincoln, NE: Nebraska Supreme Court. Available from the Nebraska Supreme Court Publications Office. Complete (volumes 1-233) microfiche set is $240.00, including postage. Price of hard bound volumes vary.

Official reporter for Nebraska. Includes Nebraska Supreme Court opinions with headnotes and a cumulative list of cases disposed without opinion. Contains a list of headnotes for the volume and a table of cases. Contains a list of judicial districts and district judges, judicial districts and county judges, and a list of attorneys admitted to practice since the publication of the preceding volume. Also, contains a list of the Supreme Court justices for the time period of the volume.

NEBRASKA SLIP OPINIONS. Lincoln, NE: Nebraska Supreme Court. Weekly.

Includes Nebraska Supreme Court decisions. Available at the University of Nebraska College of Law Library the day of decision. Available at Douglas County Law Library within a few days after decision.

Decisions issued by the court from July 1, 1981 to December 31, 1982.

REPORT OF CASES APPEARING BEFORE THE COMMISSION OF INDUSTRIAL RELATIONS OF THE STATE OF NEBRASKA. Lincoln, NE: Commission of Industrial Relations. 10 volumes. Volume 11 now being published. Published in pamphlet form approximately three times a year.

Decisions of the commission. Also, lists cases currently on appeal, appellate cases dismissed, and citations for appellate decisions.


First series includes 1879-1941. Second series, 1942-date. Unofficial reporter of the Nebraska Supreme Court decisions. Includes court rules. Includes decisions from Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

b. Computers

CD MEDIA. Lincoln, NE: CD MEDIA.
Format: Compact Disk-Read Only Memory
Coverage: Nebraska Reports

LAW-WARE. Lincoln, NE: LAW-WARE Publishing, Ltd
Format: Compact Disk-Read Only Memory
Coverage: Nebraska Reports

LEXIS. Dayton, OH: Mead Data Central.
Format: Online database
Coverage: Nebraska Reports: January 1965 (178 Neb.) - current

NebraskaLaw. Lincoln, NE: Micro Intelligent Systems (distributor)
Format: Compact Disk-Read Only Memory
Coverage: Nebraska Reports: 30 years

Format: Online database
Coverage: Nebraska Reports: 1944 (15 N.W.2d) - current
Nebraska Worker's Compensation Court
Nebraska Department of Water Resources
Nebraska Department of Environmental Control
2. Advisory Opinions

Available from the commission.

ADVISORY OPINIONS. The Advisory Committee appointed by the Nebraska Supreme Court for the Nebraska State Bar Association. Omaha, NE: The Committee. Issued irregularly.
Advisory opinions on attorney ethics. Available from the Nebraska State Bar Association.

3. Digests

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS CASE DIGEST. Lincoln, NE: Commission of Industrial Relations. Issued irregularly.
Brief digests of cases arranged by subject. Table of cases reported by petitioner and respondent. Also lists cases dismissed, cases concerning certification and representation and appellate decisions. There is a numerical listing of cases filed.

NEBRASKA ISSUES. Lincoln, NE: Legal Support Services, 1982. Monthly. $95.00 a year.
Includes a topical digest of summaries of cases decided by the Nebraska Supreme Court. Topical digest is maintained by month. Quick Find Index cumulates and offers access to topical digest. Table of cases by month.

NEBRASKA WORKERS' COMPENSATION COURT'S REHEARING DECISIONS INDEX. Lincoln, NE: Nebraska Workers' Compensation Court, 1983.
The first section of the index is a table of all workers' compensation rehearing decisions since January 1, 1983. Arranged in chronological order and divided into volumes of six months each. Each month the new cases will be added to the end of the list. Information includes date filed, docket number, case title, and subject matter.
The second section of the index is a subject index. New cases will be added to the last page of each appropriate subject matter. Cases may appear under several subject matter headings.

WEST'S NEBRASKA DIGEST. St. Paul, MN: West Publishing Company. 1855-current. Updated with pocket parts, pamphlets and revised volumes. 26 volumes. $1,082. Supplementation is approximately $160.00 a year.
Includes state cases and cases decided in the federal courts for Nebraska.

WEST'S NORTH WESTERN DIGEST. St. Paul, MN: West Pub-
lishing Company. First series: 1836-1931. Second series: 1932-current. Updated with pocket parts, pamphlets and revised volumes. Second series has 68 volumes. $3,763. Supplementation is approximately $400-450 which includes pocket parts, pamphlets, and bound volumes.

Includes state decisions from Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin. Includes court rules.

4. Briefs

BRIEFS OF THE NEBRASKA SUPREME COURT

Current briefs are distributed to the University of Nebraska College of Law Library, Creighton University School of Law Library and the State Law Library by the Nebraska Supreme Court Clerk's Office. University of Nebraska Law Library's holdings begin in 1931; Creighton Law Library's begin in 1877; State Law Library's begin in 1874.

B. Legislative Materials

1. Session Laws
   
a. Books

LAWS OF NEBRASKA. Lincoln, NE: Secretary of State. Published annually. Available from the Nebraska Supreme Court Publications Office.

Contains the complete texts of all legislative bills and resolutions passed during each session of the Unicameral. Arranged by bill number and indexed by subject and section of the Nebraska statutes. Also, contains unannotated version of the current constitution. Compiled by the Clerk of the Legislature.

LEGISLATIVE BILLS AND RESOLUTIONS. Available from the Clerk of the Legislature, Bill Room.

Current bill status from the Clerk of the Legislature: (402) 471-2609; (800) 742-7456.

b. Computers

LEXIS. Dayton, OH: Mead Data Central.
Format: Online database.
Coverage: Nebraska Session laws: The ALS file currently contains the slip laws from the 1989 and 1990 session.

NELCMS Lincoln, NE: Nebraska Library Commission.
Format: Online database.
Coverage: Current legislative bills.
Contact: Many public libraries in Nebraska have access to this service. Contact your local public library.

NLSIS Nebraska Legislative Shared Information System Lincoln, NE: Legislative Research Division
Format: Online database.
Coverage: Current legislative bills
Contract: Marcia Stewart or Laura Valenziano

WESTLAW. St. Paul, MN: West Publishing Company
Format: Online database
Coverage: Current Legislative bills.
Contact: Marcia Stewart or Laura Valenziano
Coverage: Nebraska Session laws: LEGIS database currently contains laws from the 1990 session.

2. Statutory Compilations

a. Books


Individual volumes are reissued irregularly as both the law and the annotations increase. Cumulative supplement is issued in even-numbered years. Annual supplement is issued in odd-numbered years. When the last supplement is from an odd numbered year, the preceding supplement must be retained. When the last supplement is from an even numbered year, the preceding supplement may be discarded. The supplements contain an index, cross-reference tables, and a list of acts and citations to the statutes.

Contains the current laws. The statutes follow the form and numbering system devised in 1943. Arrangement is alphabetical by subject and the numbering system consists of chapter, article and section. The Nebraska Constitution is found in Volume 2.

The Uniform Commercial Code is indexed separately in Volume 6.

The set is annotated. Recent annotations are found in the beginning of the supplement volumes.

b. Computers

CD MEDIA. Lincoln, NE: CD MEDIA.
Format: Compact Disk-Read Only Memory
Coverage: Revised Statutes of Nebraska

LAW-WARE. Lincoln, NE: LAW-WARE Publishing, Ltd
Format: Compact Disk-Read Only Memory
C. Administrative Law Materials

1. Rules and Regulations

NEBRASKA ADMINISTRATIVE RULES AND REGULATIONS. Lincoln, NE: Secretary of State, 1981. 34 looseleaf volumes. Updated periodically. $400.00 Annual updating costs $150.00. Copies of specific agency rules are available for either a per page cost or by volume depending upon the rules requested.

Contains the rules for the state agencies. There is no general index. There is an alphabetical index by agencies in volume one. To use this set, one needs to know the applicable agency. At this time, there is no expectation of expanding the code's indexing.

For many agencies, there is a table of contents at the beginning of the agency's title(s).
The Secretary of State's office keeps the superseded pages for historical research.

2. Attorney General Opinions
   a. Books

NEBRASKA ATTORNEY GENERAL OPINIONS. Lincoln, NE: Department Of Justice.
   Current opinions issued in letter form. Opinions are numbered by year.

   b. Computers

NELCMS    Lincoln, NE: Nebraska Library Commission
Format:   Online database
Coverage: Attorney General Opinions
Contact:  Many public libraries in Nebraska have access to this service. Contact your local public library.

NLSIS     Nebraska Legislative Shared Information System
Lincoln, NE: Legislative Research Division
Format:   Online database
Coverage: Attorney General Opinions
Contact:  Marcia Stewart or Laura Valenziano

Format:   Online database
Coverage: Attorney General opinions: 1976 - current

D. Court Rules
   1. Books

   Includes applicable Nebraska statutes (Chapter 25. Courts- Civil Procedure; Chapter 27. Courts - Rules of Evidence; Chapter 29. Criminal Procedure), Nebraska Rules, and Rules of certain Judicial District Courts (Second Judicial District, District Court of Lincoln, Lancaster County, and the Fourth judicial district). Includes the Nebraska Code of Judicial Conduct and the Nebraska Code of Professional Responsibility. Also, includes the federal rules applicable to Nebraska.

   2. Computers

Format:   Online database
Coverage: Court rules: state and federal rules as set forth in WEST'S NEBRASKA COURT RULES AND PROCEDURES, 1990 EDITION. Currently includes amendments received through October 1, 1989, to September, 1990, which update RULES database.

E. Citators

1. Books


Provides parallel citations from NEBRASKA REPORTS to WEST'S NORTH WESTERN REPORTER and vice versa.


A compilation of case names and citations of Nebraska cases decided from 1900 to the present. Arranged in alphabetical order. Provides the full and accurate case name, decision date and correct citation for all reported cases during the time period. Includes reversed defendant-plaintiff entries for all included case names.


Consists of a case edition and a statute edition. The case edition covers all Nebraska Supreme Court cases. The statute edition covers federal and state constitutional and statutory authority, municipal charters, city ordinances, Nebraska court rules, and Nebraska jury instructions. Includes a table of Nebraska acts by popular names. Both editions include citations from approximately twenty legal periodicals.

2. Computers

LEXIS. Dayton, OH: Mead Data Central.
Format: Online database
Coverage: SHEPARD'S NEBRASKA CITATIONS. Case law only.

Format: Online database
Coverage: SHEPARD'S NEBRASKA CITATIONS. Case law only.
IV. SECONDARY AUTHORITY—BY SUBJECT

Many of the items listed in this section are manuals which were published in conjunction with Nebraska Continuing Legal Education (NCLE) seminars held in recent years. Some subjects are covered frequently. Two years of the most recent manuals from those seminars are described in order to show the range of topics covered.

NCLE manuals are usually included with a seminar, but may be purchased separately from NCLE. Prices vary, depending upon whether the books are purchased near the time of the seminar or during the book sales in the spring and fall. The book sales are advertised in the NSBA NEWS.

Books published by National Business Institute, Inc. may be purchased by themselves or with accompanying audio cassettes recorded at the time the seminar was held. The price of the cassettes is $75 if purchased without the books. The price of the books and the cassettes as a package is $111.

A. Agriculture


Reviews state and federal legislation and judicial decisions of the previous year. Summarizes Chapter 12 cases. Reviews farm accidents and statistics and the identification and evaluation of product liability claims. Outlines the Agricultural Credit Act of 1987 and the Nebraska Farm Mediation Act. Discusses the tax aspects of bankruptcy. Addresses the topic of water quality in regard to the regulation of agricultural chemical use.

B. Alternative Dispute Resolution


Reviews arbitration under Nebraska and federal law. Discusses ethics and confidentiality in mediation. Describes the strategies of a mini-trial and a summary jury trial for dispute resolution. Outlines securities arbitration and farm creditor mediation. Addresses use of referees, special masters, and specialty panels for dispute resolution.


Discusses the place of negotiation in lawyer's daily work. Analyzes effective negotiation techniques. Addresses negotiation in the corporate setting, in a business transaction, in a personal injury case, and in divorce litigation. Also discusses the topic of women as legal negotiators.
C. Banking

BANKING LAW. Lincoln, NE: NCLE, 1989. 1 looseleaf volume.
Covers the topics of regulations and policies relating to state banks. Analyzes conflicts between lenders over crops and lender liability. Addresses the topics of guaranty and financing agri-business. Provides an update of state and federal legislative activity as well as recent Nebraska cases.

D. Bankruptcy

BANKRUPTCY. Lincoln, NE: NCLE and Creighton School of Law in cooperation with the NSBA Bankruptcy Section, 1990. 1 looseleaf volume.
Provides an overview of jurisdiction and jury trials. Discusses insider preferences. Reviews the current cases in fraudulent transfers including leveraged buyouts. Addresses the issue of ethics in bankruptcy practice and the tension which may exist between the Code of Professional Responsibility and the statutory requirements in the Bankruptcy Code. Also discusses post-confirmation modifications and the enforcement of plans. Reviews the current developments in Chapter 11.

FUNDAMENTAL OF BANKRUPTCY PRACTICE. Lincoln, NE: NCLE and Creighton School of Law, 1989. 1 looseleaf volume.
Provides an overview of the code, the bankruptcy rules, local rules, structure of the bankruptcy court, and the commencement of the case with sample forms. Discusses representation of the debtor regarding electing a course of action, outlining debtor's duties and responsibilities, and procedures. Addresses dischargeability. Reviews ethical considerations and conflicts in bankruptcy practice. Discusses representation of the creditor, focussing on priorities, procedures, and filing of claims with some sample forms provided. Also addresses the topics of avoiding powers, and confirmation and post-confirmation modification of Chapter 12 plan. Provides a look at Chapter 13 practice with some sample forms.

E. Business

1. Books

CORPORATE PRACTICE. Omaha, NE: NCLE, 1990. 1 looseleaf volume.
Sets out general procedures for trademark law for the general practitioner. Reviews the changes that must implemented so that employee retirement plans comply with the current tax law. Contains an update on employment law. Discusses health care costs. Outlines
drug and alcohol testing in the workplace and reprints a sample policy. Outlines the problems of doing business in Eastern Europe.


Addresses the changing definitions of charitable in relation to the property tax exemption. Reviews protecting against officer, director, trustee and employee liability. Provides an overview of retirement plans for tax exempt organizations. Summarizes concerns and requirements regarding techniques in fundraising activities. Discusses issues connected to taxable income from unrelated business interests of the organization. Covers organizational problems and solutions, private foundations and Sec. 501(c)(3) alternatives. Also discusses the avoidance of problems in lobbying and political campaign activities. Reviews employment at will issues. Highlights issues for those acting as counsel for the non-profit organization.

Henry, Wayne B., Jeffrey J. Pirruccello and Daniel J. Wintz. EXEMPT ORGANIZATIONS AND CHARITABLE ACTIVITIES IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1989. 223 pages. $34.00. Accompanying audio cassettes are $75.00.

Introduction to tax-exempt organizations, categories of organizations, current developments, balancing private inurement, unrelated business income and charitable giving.

STARTING AND OPERATING A BUSINESS IN NEBRASKA. Omaha, NE: Nebraska Business Development Center, University of Nebraska at Omaha, 1989. $29.95.

Contains worksheets to plan business needs and actions, checklists and addresses for organizations who can help, as well as information on buying an existing business and requirements for all new businesses.

2. Computers


Information about a corporation is filled in on a questionnaire and then the system automatically places the appropriate information in the places in the documents involved in the formation of a corporation, merger, dissolution and recapitalization.

F. Collection Practices


Reviews the Fair Debt Collection Practices Act. Addresses garnishments, executions and exemptions. Outlines the Uniform En-
forcement of Foreign Judgments Act, and extraordinary measures for collection. Sample forms are included.


Provides the practitioner with guidance on the Fair Debt Collection Practices Act, preliminary considerations and exempt collections.

G. Disability

DEVELOPMENTAL DISABILITY LAW, A MANUAL FOR NEBRASKA ADVOCATES. Lincoln, NE: Nebraska Advocacy Services, 1985. 1 looseleaf volume.

Presents information on legal rights and issues of concern to people with disabilities, such as basic civil rights, community living, guardianship, institutional issues, and special education. Also addresses vocational issues, employment discrimination, government entitlements and criminal justice. Provides a section on services available in Nebraska.

H. Employment

Barrett, Patrick J., Robert F. Rossiter, Jr. and Mark M. Schorr. NEBRASKA LABOR AND EMPLOYMENT LAW. Eau Claire, WI: National Business Institute, Inc., 1988. 236 pages. $34.00. Accompanying audio cassettes are $75.00.

Overview of equal opportunity law and recent developments. Study of the background of the Employment-at-Will Doctrine and its impact on personnel policies. Also discusses defamation in the workplace, substance abuse, medical problems and dishonesty in the workplace. Includes a section on AIDS.

Jessen, Paul C., T. Geoffrey Liben and Randal M. Limbeck. EMPLOYEE BENEFITS IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1989. 174 pages. $34.00. Accompanying audio cassettes are $75.00.

Latest interpretation of IRC Sec. 89, Sec. 125's, cafeteria plans, 401(k)'s cash or deferred arrangements, Sec. 411(d)(6)'s limitations on optional forms of benefits in current ERISA issues.

EMPLOYMENT LAW. Lincoln, NE: NCLE, 1990. 1 looseleaf volume.

Summarizes cases from the 1980s on employment contracts and includes sample jury instructions. Reviews employment-related torts. Also reviews Nebraska, Iowa, and Minnesota cases involving covenants not to compete. Outlines state and federal law on drug testing.
Provides EEOC, NLRB and OSHA updates. Discusses the 1990 Americans with Disabilities Act.

**INDIVIDUAL EMPLOYMENT RIGHTS.** Lincoln, NE: University of Nebraska College of Law, 1987. 1 looseleaf volume.

Discusses employment at will, sexual harassment policies, and smoking in the workplace. Sample company smoking policies are included. Addresses the problems involved with testing for drugs, aptitudes, or physical ability. Reviews immigration law requirements. Also discusses unemployment compensation, trade secrets and covenants not to compete. Outlines the issues of employment references.

**ENVIRONMENTAL LAW FOR THE NONSPECIALIST (HOW TO AVOID LEGAL MALPRACTICE).** Lincoln, NE: NCLE, 1990. 1 looseleaf volume.

Discusses statutory and common law liability for groundwater contamination caused by point sources. Addresses environmental issues relating to real estate transactions and provides a model CERCLA Section 122(g)(4) administrative order and consent decree. Reviews issues relating to liability attaching to lenders who advance credit for the purchase of real estate. Reviews and reprints the statutes and regulations about landfills and the liability that may be caused by existing landfills. Outlines statutory restrictions on asbestos removal. Presents a section on representing a client faced with superfund liability and other EPA enforcement actions with a Superfund primer in the appendix. Contains examples of NDEC administrative complaints and stipulations and sample documents for use when representing a client in a DEC enforcement action. Discusses enforcement actions brought by the attorney general to enforce state environmental law.

**ENVIRONMENTAL LAW.** Lincoln, NE: NCLE, 1989. 1 looseleaf volume.

Covers groundwater quality management in the Central Platte NRD, liability for cleanup under CERCLA, and issues concerning leaking underground storage tanks. Details environmental concerns with city, county and other landfills. Reviews environmental law in relation to the oil and gas industry. Provides an update on the Platte River litigation.


A compilation of hypothetical situations discussed at the Nebraska Groundwater Foundation 1987 Conference. The focal point of the conference is groundwater allocation and pollution issues in Nebraska.

Chapters include measurement and classification of water, riparianism, prior appropriation, drainage and diffused surface water, groundwater, public rights in Nebraska waters, accretions, embargoes, and interbasin transfers.

J. **Estate Planning and Probate**

1. **Books**

   Clare, Truman, et al., BASIC PROBATE IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1988. 207 pages. $34.00. Accompanying audio cassettes are $75.00.

   Introduction to probate practice in Nebraska covering death, commencing administration and taxes.

   ESTATE AND BUSINESS PLANNING. Lincoln, NE: The College of Law and School of Accountancy University of Nebraska-Lincoln in cooperation with NCLE, 1989. Annual. 1 looseleaf volume.

   Covers recent federal developments, recent Nebraska decisions and legislation. Provides a primer on Section 704(b) regulations. Reviews the protection of subchapter S elections and provides sample forms. Outlines the attorney-client privilege, divorce and alimony taxation, and the use of a family member-beneficiary as trustee. Reviews the issues of subsection 2036(c). Discusses basic life insurance trust planning, deferred compensation arrangements, issues in marital deduction planning and administration, and the valuation of closely held business interests.

   ESTATE AND BUSINESS PLANNING. Lincoln, NE: The College of Law and School of Accountancy University of Nebraska-Lincoln in cooperation with NCLE, 1990. Annual. 1 looseleaf volume.

   Covers recent federal developments, recent Nebraska decisions and legislation. Provides a primer on Section 704(b) regulations. Reviews the protection of subchapter S elections and provides sample forms. Outlines the attorney-client privilege, divorce and alimony taxation, and the use of a family member-beneficiary as trustee. Reviews the issues of subsection 2036(c). Discusses basic life insurance trust planning, deferred compensation arrangements, issues in marital deduction planning and administration, and the valuation of closely held business interests.

   ESTATE PLANNING AND PROBATE. Lincoln, NE: NCLE and
The University of Nebraska College of Law. 1990. Annual. 1 looseleaf volume.

Covers the topics of making legal arrangements for the elderly, the disabled and incapacitated persons. Addresses the issue of the durable power of attorney specifically designed to cover medical and health care decisions. Discusses living wills. Outlines post mortem tax planning and drafting death tax clauses. Reviews recent cases, rulings and legislation concerning developments in estate and gift tax. Also covers adequate and proper notice in the administration of trusts and estates and protecting the interests of claimants under Social Security. Reviews Nebraska Probate Code Sec. 30-2638. Analyzes ambiguous meanings of phrases used in wills. Contrasts the common law and statutory rule against perpetuities.

ESTATE PLANNING AND PROBATE. Lincoln, NE: NCLE and The University of Nebraska College of Law. 1988. Annual. 1 looseleaf volume.


Kreikemeier, Russell J., Kenneth W. Sharp and Galen E. Stehlik. NEBRASKA PROBATE: BEYOND THE BASICS. Eau Claire, WI: National Business Institute, Inc., 1990. 147 pages. $34.00. Accompanying audio cassettes are $75.00.

Covers estate's timetable, the handling of special assets, post-mortem elections by fiduciaries, special problems and probate litigation.

Obal-Jewell, Mary E. and Kenneth W. Sharp. PRACTICAL ESTATE PLANNING TECHNIQUES IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1988. 171 pages. $34.00. Accompanying audio cassettes are $75.00.

Provides the basics of the transfer tax scheme, gifting, the marital estate tax deduction, giving younger generations the benefit of property while keeping it excluded from their taxable estates, charitable
deduction, probate avoidance devices, and planning for specialized assets.


2. Computers

Software allows user to prepare probate filings by using Information entered once to select automatically the required forms and to transfer the variable information to all the forms where it is specified. Word processing capability provides flexibility in using standard forms.

K. Ethics

Addresses the ethical issues which arise with the breakup of law firms.

L. Family

FAMILY LAW. Lincoln, NE: NCLE, 1990. 1 looseleaf volume.
Contains sample language for drafting a property settlement agreement as well as a pension plan decree form letter. Discusses the Nebraska statutory and case law about antenuptial settlement agreements and sets out a sample agreement. Provides background on the use of mediation in family law disputes. Outlines statutes, rules, case law and practice hints for the establishment of paternity. Reprints the implementation schedule of selected child support provisions of the Family Support Act of 1988. Reviews intrastate and interstate procedures for the enforcement and collection of child/spousal support orders. Summarizes Nebraska Supreme Court decisions handed down in 1989-90 which impact the area of family law.

FAMILY LAW. Lincoln, NE: NCLE, 1989. 1 looseleaf volume.
Summarizes significant Nebraska Supreme Court decisions from 1988-89 and provides a summary of 1989 legislative bills which impact family law. Outlines the Uniform Child Custody Jurisdiction Act and reprints the Nebraska Child Custody Jurisdiction Act. Covers taxation and pension issues in divorce. Discusses the adoption of child support guidelines in Nebraska and the remaining legal issues. Reviews ethical problems for lawyers practicing in the family law area.
M. Federal Practice


Details procedures, and ethical considerations in handling prisoners' civil rights cases including pretrial, jury selection, discovery, evidentiary issues, sample jury instructions, handling related claims, defenses, insurance coverage and attorney fees.

GOVERNMENT PRACTICE. Lincoln, NE: NCLE, 1990. 1 looseleaf volume.

Discusses in detail the statutes dealing with open meetings and public records, citing Nebraska cases litigated on the statutes. Reviews the Nebraska Political Accountability and Disclosure Act with reprints of forms and advisory opinions from the NADC. Addresses questions of ethics and liability for government attorneys, as well as liability for enforcing or not enforcing criminal laws and building codes. Summarizes significant cases regarding due process hearings. Provides information on environmental cleanup liability.

N. General Practice

ADVANCED GUARDIAN AD LITEM TRAINING. Lincoln, NE: NCLE, 1990. 1 looseleaf volume.

Manual includes background information on Nebraska statutes. Discusses child development issues. Summarizes the 1990 legislative bills affecting children. Addresses custody disputes and provides a sample interrogatory and suggestions for the use of reports in the development of a GAL recommendation.

ANNUAL INSTITUTE ON THE SURVEY OF NEBRASKA LAW. Lincoln, NE: The University of Nebraska College of Law and the NSBA Young Lawyers' Section, 1990. 1 volume. Annual.

Reviews developments in the areas of administrative, environmental and water law. Covers the areas of Nebraska taxation, workers' compensation, and tort law. Outlines probate law, real and personal property law, criminal law and procedure, and school law. Addresses trial practice in contracts, evidence, procedure and statutes of limitation. Outlines federal practice and procedure. Reviews recent developments in bankruptcy, corporate, banking, commercial law, family and juvenile law. Reviews the U.S. Supreme Court decisions from the October, 1989 term.


Reviews the Fair Debt Collection Practices Act. Addresses the issues of contingent fee contracts for minors, persons under disability
and others. Discusses how to raise, preserve and appeal a constitutional issue. Also outlines the Nebraska Child Custody Jurisdiction Act. Addresses social security disability claims. Reviews the Consumer Rental Purchase Agreement Act. Discusses the meaning of material change of circumstances in custody decrees. Outlines Nebraska's lemon law. Provides information on how, when and where to file attorney's liens. Reviews the Nebraska Franchise Act. Discusses employee's rights and Nebraska's Equal Opportunity Commission. Reviews the Residential and Mobile Home Landlord Tenant Act. Addresses appealable final orders and judgments. Provides information on paternity testing. Reviews selected cases regarding the discovery process. Provides a supplement to the Nebraska Adoption Manual and Checklist. Sample forms are included.

NEBRASKA HOW TO PRACTICE MANUAL. Lincoln, NE: University of Nebraska College of Law and the NSBA Young Lawyers Section, 1990. 4 looseleaf volumes. Updated and expanded annually. $90.00 for Volumes 1 and 2. $90.00 for Volumes 3 and 4 and supplementation for volumes 1 and 2.

Outlines the practice and understanding of Nebraska Law in the areas of adoption, appeals, bankruptcy, business organizations, civil procedure, enforcement of judgment, family law, real estate, workers' compensation, appeals, bankruptcy, buy-sell agreements, conservatorships and guardianships, criminal law, juvenile law, magistrate practice-civil and criminal, non-profit corporations, probate, real estate and the selected topics of agricultural leasing, arbitration, and power of attorney.

O. Insurance

INSURANCE LAW. Lincoln, NE: NCLE, 1989. 1 looseleaf volume.

Covers the issue of insurance for corporate directors and officers. Addresses procedural considerations for settling disputes. Discusses uninsured motorist coverage. Outlines the duty to defend versus waiver and estoppel. Provides information on insurance coverage of civil rights actions. Discusses the ABA commission on tort liability insurance. Also addresses the issues of intervention, claims-made policies, professional negligence and exclusionary clauses.

NEBRASKA INSURANCE LAWS, RELATED LAWS AND REGULATIONS. Chatsworth, CA: National Insurance Law Services Publishing Company. 3 looseleaf volumes. Laws volume is $96. Related Laws volume is $88. Regulations volume which is recompiled annually is $95 per year.

Three volumes which reprint Nebraska insurance statutes related laws and regulations. Also reprints departmental bulletins and attor-
ney general opinions in the regulations volume. Detailed index is in the regulations volume.


"Simply put, this is a book about how to argue about the substantive rights of insurers against insureds and insureds against insurers in Nebraska." (author's preface) Purports to fill in the gaps for the local nuances of insurance law.

P. Jury Instructions

1. Books


Prepared by the Nebraska Supreme Court Committee on Pattern Jury Instructions.

NEBRASKA JURY INSTRUCTIONS, SECOND EDITION. [NJI2D]. St. Paul, MN, West Publishing Company, 1989. 1 looseleaf volume. Periodically updated. $120.00 Latest update was June 1990. $27.50. Prepared by the Nebraska Supreme Court Committee on Civil Practice and Procedure. G. Michael Fenner was the reporter. Replaces chapters 1 through 13 of the original NEBRASKA JURY INSTRUCTIONS. Includes table of cases, table of statutes, table of court rules, and index.


Prepared by the Nebraska Supreme Court Committee on Criminal Practice and Procedure. Josephine R. Potuto is the reporter.

2. Computers

NEBRASKA JURY INSTRUCTIONS CIVIL, SECOND EDITION: AUTOMATED SOFTWARE PACKAGE. Lincoln, NE: LaserLaw, c1990. $295.00.

According to the brochure, the software package will allow an attorney to select, organize and edit any of the instructions found in NEBRASKA JURY INSTRUCTIONS, SECOND EDITION published by West Publishing Company and to create original instructions. The program requires an IBM or IBM compatible computer with a hard disk.
Q. Litigation

Bruckner, J. J. et al. TRIAL ADVOCACY IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1989. 66 pages. $34.00. Accompanying audio cassettes are $75.00.

Reviews opening statements, trial tactics, direct examination of witnesses and cross examination, closing argument and fundamentals of testifying in court.

EVIDENCE. Lincoln, NE: NCLE, 1989. 1 volume looseleaf.


According to the brochure this manual will assist in determining, proving and minimizing damages.


Detailed index leads user to the time limitations stated in Nebraska statutes, supreme court rules, and local rules for the United States district court. The statutes and court rules are reprinted within the volume.

MEASURE OF DAMAGES. Omaha, NE: NCLE, 1990. 1 looseleaf volume.

Addresses the topics of voir dire and opening and closing statements on damages. Presents an approach for interviewing a chiropractor, for understanding chiropractic tests, and for direct examination of a chiropractor. Reviews the handling of damage cases for the elderly; for a widow and surviving children in wrongful death cases; and for loss of consortium.

Simmons, Ray C. NEBRASKA AUTOMOBILE NEGLIGENCE LAW. St. Louis, MO: Thomas Law Book Company, 1957. 584 pages.
$60.00. Supplemented by a 1976 paper-bound supplement, $27.50, and a 1990 pocket part, $33.50.

Digest of Nebraska cases, rules and doctrines dealing with accidents of motor vehicles, trains, pedestrians, street cars and wagons. Also digests cases which contain evidence rules helpful in automobile negligence cases.

R. Real Estate


Practical guide to the initial considerations in real estate transactions including landowner liability, lender liability, hazardous waste and other restrictions or regulations. An overview of title insurance, listing contracts, real estate financing, sales contracts, and closing the real estate transaction.

DEALING WITH THE RESOLUTION TRUST CORPORATION AND RELATED CURRENT REAL ESTATE ISSUES. Omaha, NE: Creighton University School of Law, 1990. 1 looseleaf volume.

Covers CERCLA and the issues it raises for lenders and property owners (including the RTC) such as the environmental site assessment, environmental liens, and title insurance. Addresses real estate financing issues and dealing with troubled real estate assets. Presents an outline of the RTC and its real estate functions.

Fisher, Dave, Paul LaPuzza and Don Swanson. MORTGAGE FORECLOSURE IN NEBRASKA. Eau Claire, WI: National Business Institute, Inc., 1989. 97 pages. $34.00. Accompanying audio cassettes are $75.00.

According to the brochure this manual can be used to learn alternatives to foreclosure/tactical considerations, judicial foreclosure, deed of trust, creditor rights in bankruptcy actions and special problems.

REAL ESTATE LAW. Lincoln, NE: NCLE, 1990. 1 looseleaf volume.

Discusses the theory and definition of escrow, the duties of the parties involved, the control of documents, and procedures. Covers the issues of alien ownership of real estate and wetlands title problems. Discusses problems with informal subdivision of land and provides reprints of zoning regulations from several Nebraska cities and counties. Addresses title insurance and closing-related claims. Outlines litigation involving land surveys. Contains a summary of recent legislative and judicial action affecting real estate.
REAL ESTATE LAW. Lincoln, NE: NCLE, 1989. 1 looseleaf volume.

Contains a summary of recent legislative and judicial developments. Discusses the constitutional issues in real estate taxation. Discusses CERCLA as it affects real estate development and financing. Sets out basic information and summarizes Nebraska litigation concerning crop insurance. Outlines the handling of multistate commercial acquisitions and closings. Contains a sample food court lease. Provides an outline of Nebraska land history. Lists the proof required for various issues in real estate litigation. Discusses the rules of evidence and rules used for obtaining admission of documents in real estate litigation. Outlines the correcting of title defects and appends sample affidavits. Presents a detailed outline which explains and summarizes cases for conveyancing by religious organizations, unincorporated associations, and dissolved corporations. Outlines 1099 real estate reporting requirements. Identifies the basics of homeowner's insurance.

S. School


Summarizes education-related bills passed in the 1990 state legislative session and discusses in particular the "choice" bills, school finance reform, distribution of HELP Act monies. Addresses criminal background checks for job applications. Summarizes recent decisions from the commission of industrial relations, the Nebraska Supreme Court, the EEOC, and the federal courts.

SCHOOL LAW. Lincoln, NE: NCLE, 1989. 1 looseleaf volume.

Discusses liability problems in transportation of students, summarizing cases from various jurisdictions. Reports on the Nebraska Supreme Court and federal judicial decisions which have an impact on school law. Discusses hazardous materials in schools and provides an appendix which contains pertinent regulations, statutes and reports. Summarizes Nebraska cases before the Commission of Industrial Relations. Addresses income taxation of employee benefits. Reviews the issue of disciplining students for off-campus conduct.

T. Taxation


Sponsored by Nebraska Society of CPA's, Nebraska State Bar Association, and University of Nebraska Colleges of Law and Business Administration. Reviews current developments in income, estate and


Provides checklists, diagrams and a case study for studying passive active income and losses. Covers the topics of reporting partnership income from Schedule K-1 with flowcharts and forms. Outlines IRS procedures and the Taxpayers Bill of Rights. Discusses reporting distribution from pension and retirement plans, capital gains treatment and farm and small business depreciation. Reviews the preparation of miscellaneous tax forms and information returns.

U. UCC


Comments and forms are arranged by Article and section number. Cross references to West key numbers and C.J.S. are included. Also includes the Creighton University School of Law Symposium materials held in the fall, 1963, (reprinted from Nebraska Law Review, v. 43, July, 1964) and the UCC Institute held at the annual meeting of the Nebraska State Bar Association in fall, 1964.

UPDATE ON COMMERCIAL LAW. Omaha, NE: Creighton School of Law, 1990. Annual. 1 looseleaf volume.

Summarizes selected UCC cases from Iowa and Nebraska from the years 1988 and 1989. Reviews recent and pending commercial legislation including the Uniform Fraudulent Transfer Act. Discusses opinions regarding collateral covered by Article 9 as in effect in Nebraska with sample opinion documents appended. Addresses the effects of bankruptcy on the general practice of law.

UPDATE ON COMMERCIAL LAW. Omaha, NE: Creighton University School of Law, 1989. 1 looseleaf volume.

Surveys recent Nebraska and Iowa court decisions involving the UCC. Reviews recent bankruptcy decisions from Nebraska and Iowa courts. Addresses agricultural credit issues and the UCC. Discusses setoffs in banking and other commercial transactions. Covers bank-
ruptcy issues concerning amendments to local rules; county tax liens; absolute priority rule; and the Agricultural Credit Act of 1987.

V. Workers’ Compensation


Reviews recent legislative and judicial developments. Discusses “in the course of employment”. Addresses the topics of vocational rehabilitation. Outlines coordinating a claim with other governmental benefits. Addresses third-party claims, structured settlements, the medical fee schedule, second injury fund cases, and lump sum settlements. Also covers the rules of evidence, attorney’s fees issues, and the exclusive remedy rule. Addresses issues facing plaintiffs caught between two insurance carriers. Discusses discrimination claims in workers’ compensation cases.

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