

2012

Volume 91, Issue 2 (2012) Masthead & Table of Contents

Follow this and additional works at: <https://digitalcommons.unl.edu/nlr>

Recommended Citation

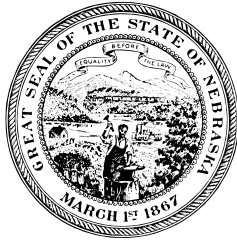
, *Volume 91, Issue 2 (2012) Masthead & Table of Contents*, 91 Neb. L. Rev. (2013)
Available at: <https://digitalcommons.unl.edu/nlr/vol91/iss2/1>

This Article is brought to you for free and open access by the Law, College of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Nebraska Law Review by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

NEBRASKA LAW REVIEW

2012
Vol. 91, No. 2

NEBRASKA LAW REVIEW



Copyright 2012
by the
University of Nebraska
All Rights Reserved

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made for classroom use in a nationally accredited law school, provided that (1) copies are distributed at or below cost, (2) author and journal are identified, and (3) proper notice of copyright is affixed to each copy.

PUBLISHED BY THE COLLEGE OF LAW
UNIVERSITY OF NEBRASKA

The Nebraska Law Review
P.O. Box 830903
Lincoln, NE 68583-0903
lawrev@unl.edu

Annual Subscriptions \$55.00
Single Copies \$13.75
Bound Volumes \$70.00

NEBRASKA LAW REVIEW (ISSN 0047-9209) published quarterly since 1922 by the NEBRASKA LAW REVIEW, University of Nebraska College of Law, East Campus, Lincoln, NE 68583-0903. Address all subscription correspondence, business inquiries, and change of address to the NEBRASKA LAW REVIEW, University of Nebraska College of Law, P.O. Box 830903, Lincoln, Nebraska 68583-0903 (402) 472-1267, or e-mail at lawrev@unl.edu. Unless notice of the contrary is received, it is assumed that a renewal of the subscription of the NEBRASKA LAW REVIEW is desired. Periodicals Postage Paid at Lincoln, Nebraska.

POSTMASTER: Send address changes to the NEBRASKA LAW REVIEW, University of Nebraska College of Law, P.O. Box 830903, Lincoln, Nebraska 68583-0903.

NEBRASKA LAW REVIEW

EXECUTIVE BOARD

Editor-in-Chief

KELLI L. CERAOLO

Articles Editor

ALEXIS KRAMER

Reviewing Editor

ASHER BALL

Research Editor

NIC NORTON

Executive Editors

NICHOLAS BUSSEY

Online Editor

RACHEL GERLACH

CASSIDY ELLIS

CHAD KAMLER

Managing Editor

CHRISTOPHER CASSIDAY

CHRISTINA NEELY

ERICK REITZ

TYLER SPAHN

MEMBERS

MARK GRIMES

LUKAS HOLOUBEK

KRYSTIA REED

CHRISTINA USHER

CANDIDATE MEMBERS

PAIGE AMUNDSON

ANDREA AVILA

JASON BRING

MARTIN DEMORET

MEAGHAN GANDY

BRYSON GREGORY

NOAH HEFLIN

ELIZABETH HENTHORN

BENJAMIN HERBERS

KATHERINE KELLEY

DANIEL LEDDY

BRENNON MALCOM

BARBARA MASILKO

SARA McCUE

JEFFREY McGUIRE

HALLEY OSTERGARD

ANNE PEETZ

CHRIS PRESTON

MICHAEL RICKERT

JOEL RISCHE

EMILY TUNINK

ASSISTANT

MARCY L. TINTERA

FACULTY ADVISOR

ROBERT F. SCHOPP

UNIVERSITY OF NEBRASKA COLLEGE OF LAW

JAMES B. MILLIKEN, B.A., J.D., *President of the University of Nebraska and Professor of Law*

HARVEY S. PERLMAN, B.A., J.D., *Chancellor of the University of Nebraska–Lincoln and Harvey and Susan Perlman Alumni Professor of Law*

SUSAN POSER, B.A., J.D., PH.D., *Dean and Professor of Law*

RICHARD E. MOBERLY, B.A., J.D., *Associate Dean and Professor of Law*

GLENDA J. PIERCE, B.A., J.D., *Associate Dean*

TASHA A. EVERMAN, B.A., J.D., *Assistant Dean and Director of Career Services*

TRACY WARREN, B.A., J.D., *Assistant Dean and Director of Admissions*

MOLLY M. BRUMMOND, B.A., J.D., *Director of Communications and Alumni Relations*

JACK M. BEARD, B.S.F.S., J.D., LL.M., *Assistant Professor of Law*

ERIC BERGER, B.A., J.D., *Associate Professor of Law*

LAWRENCE BERGER, B.S., J.D., *Robert J. Kutak Professor of Law Emeritus*

KRISTEN M. BLANKLEY, B.A., J.D., *Assistant Professor of Law*

BRIAN H. BORNSTEIN, B.A., M.A., PH.D., M.L.S., *Professor of Psychology and Courtesy Professor of Law*

C. STEVEN BRADFORD, B.S., M.P.P., J.D., *Earl Dunlap Distinguished Professor of Law*
EVE M. BRANK, B.S., J.D., *Assistant Professor of Psychology and Courtesy Professor of Law*

BETH BURKSTRAND-REID, B.A., J.D., *Assistant Professor of Law*

ROBERT C. DENICOLA, B.S.E., J.D., LL.M., *Margaret R. Larson Professor of Intellectual Property Law*

RICHARD P. DOOLING, B.A., J.D., *Visiting Professor*

MARCIA DORITY BAKER, B.A., M.A., M.L.S., *Assistant Professor of Law, Library and Access Services Librarian*

RICHARD F. DUNCAN, B.A., J.D., *Sherman S. Welpton, Jr. Professor of Law*

ALAN H. FRANK, A.B., J.D., *Professor of Law*

MARTIN R. GARDNER, B.S., J.D., *Steinhart Foundation Professor of Law*

JOHN M. GRADWOHL, B.S., LL.B., LL.M., *Judge Harry A. Spencer Professor of Law Emeritus*

RICHARD S. HARNSBERGER, B.S., J.D., M.A., S.J.D., *Cline Williams–Flavel A. Wright Professor of Law Emeritus*

STEPHEN E. KALISH, B.A., J.D., LL.M., *Margaret R. Larson Professor of Legal Ethics Emeritus*

ROGER W. KIRST, B.S., J.D., *Henry M. Grether Professor of Law*

CRAIG M. LAWSON, A.B., J.D., *Professor of Law*

RICHARD A. LEITER, B.A., J.D., M.L.I.S., *Director of the Schmid Law Library and Professor of Law*

JOHN P. LENICH, B.A., J.D., *Ross McCollum Professor of Law*

BRIAN D. LEPARD, A.B., J.D., *Law Alumni Professor of Law*

WILLIAM H. LYONS, B.A., J.D., *Richard H. Larson Professor of Tax Law*

COLLEEN E. MEDILL, B.A., J.D., *Robert and Joanne Berkshire Family Professor of Law*

MATTHEW S. NOVAK, B.A., J.D., M.A., *Assistant Professor of Law Library and Reference Librarian*

STEFANIE S. PEARLMAN, B.A., J.D., M.A.I.R.L.S., *Associate Professor of Law Library and Reference Librarian*

SANDRA B. PLACZEK, B.A., J.D., M.L.I.S., *Professor of Law Library, Head of Public Services, and Reference Librarian*

JOSEPHINE R. POTUTO, B.A., M.A., J.D., *Richard H. Larson Professor of Constitutional Law*

KEVIN L. RUSER, B.A., J.D., *M.S. Hevelone Professor of Law and Director of Clinical Programs*

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., *Associate 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*
JESSICA A. SHOEMAKER, B.A., J.D., *Assistant Professor of Law*
JOHN R. SNOWDEN, B.A., J.D., *Professor of Law Emeritus*
BRETT STOHS, B.A., M.P.P., J.D., *Assistant Professor of Law*
BRIAN D. STRIMAN, B.A., M.A.L.S., *Professor of Law Library, Head of Technical Services, and Catalog Librarian*
ADAM THIMMESCH, B.S., J.D., *Assistant Professor of Law*
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*
DR. FRANS VON DER DUNK, *Harvey and Susan Perlman Alumni/Othmer Professor of Space Law*
RICHARD L. WIENER, B.A., M.S., PH.D., M.L.S., *Professor of Psychology and Law and Director of the Law/Psychology Program*
STEVEN L. WILLBORN, B.A., M.S., J.D., *Judge Harry A. Spencer, Professor of Law*
CATHERINE 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., LL.M., *Law Alumni Professor of Natural Resources 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*
THE HONORABLE JOHN M. GERRARD, B.S., J.D., *Lecturer*
LAURA R. HEGGE, B.S., J.D., *Lecturer*
DAVID A. HUBBARD, B.S., J.D., *Lecturer*
DON R. JANSSEN, B.S., J.D., *Lecturer*
KILE W. JOHNSON, B.S., J.D., *Lecturer*
JEFF R. KIRKPATRICK, B.A., B.S., J.D., *Lecturer*
DANIEL E. KLAUS, 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 MOSEMAN, 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. SIDDEERS, B.A., J.D., *Lecturer*
ALAN G. STOLER, B.G.S., J.D., *Lecturer*
KATHERINE S. VOGEL, B.S., J.D., *Lecturer*
GARY L. YOUNG, B.A., A.M., J.D., *Lecturer*

MARCY L. TINTERA, *Assistant to the Law Review*

TABLE OF CONTENTS

Articles

- Legislative Enactment of
Standard Forms *John M. Gradwohl* 273
- The Decline of the Patent
Registration Exam *Christi J. Guerrini* 325
- Clarity and Clarification:
Grable Federal Questions in
the Eyes of Their Beholders *Elizabeth Y. McCuskey* 387
- Civilians on the Battlefield:
By Using U.S. Civilians in
the War on Terror, Is the
Pot Calling the Kettle Black? *Joshua P. Nauman* 459

Notes

- Punishing Temporary Drug-Induced Insanity:
An Analysis of *State v. Hotz*,
281 Neb. 260, 795 N.W.2d 645
(2011) *Mark A. Grimes* 502
- State Power to Regulate Immigration:
Searching for a Workable Standard
in Light of *United States v.*
Arizona and *Keller v.*
City of Fremont *Christopher C. Cassidy* 530

NEBRASKA LAW REVIEW