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Symposium on the Proposed Nebraska Rules of Evidence: Editors' Introduction

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Editors' Introduction

The 1975 session of the Nebraska Unicameral probably will be asked to consider the Proposed Nebraska Rules of Evidence just as the United States Congress now is considering the Proposed Federal Rules of Evidence. Because the state proposal has great importance to almost every aspect of Nebraska law, this issue of the *Nebraska Law Review* is a symposium on the proposed Nebraska Rules.

Seven Nebraska attorneys and one judge have contributed articles on some of the different areas covered by the proposed Rules. Five of these authors—Judge John Burke, David Dow, John North, John Mitchell and Lyle Strom—are members of the Nebraska Supreme Court Committee on Practice and Procedure which prepared the proposal. The other three symposium contributors are M. J. Bruckner, David Hefflinger and David Pedersen.

The Committee on Practice and Procedure was established by the Nebraska Supreme Court in October 1969. The committee members included, in addition to the five men listed above, Judges Elmer Scheele, who was chairman until his death in late 1972, Warren Urbom, William Colwell and Robert Flory. Judge Burke became chairman after Judge Scheele's death.

After requesting detailed studies and recommendations with respect to all of the evidence rules by subcommittees of judges and lawyers from all parts of the state, the committee completed its proposal in November 1972 and submitted it to the Nebraska Supreme Court. Chief Justice White requested that copies of the proposal be given to judges, legislators and lawyers in the state and this was done under date of August 1, 1973. The court has not, however, committed itself to the adoption of all or any part of the Rules.

In preparing the proposal, the committee carefully considered the 1972 form of the Proposed Federal Rules of Evidence, which was drafted by the Advisory Committee on Rules of Evidence, approved by the United States Supreme Court and sent to Congress for approval. The Advisory Committee was composed of eminent lawyers, law professors and judges, including Judge Robert Van Pelt, senior United States district judge for the District of Nebraska. In the interest of uniformity, where the substance of the Nebraska proposal and the 1972 federal proposal were the same, the Nebraska Committee attempted to make the language of the Nebraska Rules conform to the proposed Federal Rules.

The phrase "Proposed Federal Rules of Evidence" and its various shortened forms used in this article usually refer to the federal proposal sent to Congress in 1972. When an earlier draft or a later form of a Rule is pertinent, the articles try to make it clear another draft of the Rule is being considered. The United States House of Representatives, for example, recently amended parts of the 1972 draft. These amended sections are compared and contrasted with the 1972 federal draft and the Nebraska proposal in several of the articles.

The symposium authors generally have taken an objective approach to discussing the proposed Rules. There is no question that the authors as a whole support a formal compilation of evidence rules for purposes of uniformity and certainty. Most of the authors, however, seem more interested in promoting informed discussion of the proposals than in blindly selling their colleagues on individual Rules.