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## Editors' Page

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## EDITORS' PAGE

The two leading articles in this issue of the *Nebraska Law Review* explore from two points of view and in markedly contrasting styles the junctions at which meet Law, Medicine and Psychiatry. At times these sciences coalesce for a common purpose; sometimes the medical sciences and the "mind-sciences" are grasped but roughly—in two senses—by the law, and wielded more like bludgeons than tools; and in no small number of cases the meetings between them have been on the order of a head-on collision.

Leonard V. Kaplan first presents to the reader a quick but incisive orientation in one of the most deservedly acclaimed, yet deservedly suspect of twentieth century disciplines, "psychodynamics." He points out that the intense conflict among the various schools in psychoanalysis, psychiatry, psychology and the like, has a dual implication. First, due to the lack of certainty, the law, lawyers, and courts especially should move with extreme caution when making piece-meal applications of particular theories in particular cases. At the same time, accretion by or within the law of new concepts, including those produced, or thrown off by this turbulent new mass of knowledge and theory, is essential to the law's continued currency and efficacy. The flow of ideas from psychodynamics, no matter how wildly experimental at times, should never be sealed off, but carefully channeled into the body of knowledge that people have about law, and that somewhat larger body that the law claims to have with regard to people.

Howard Newcomb Morse surveys the use in the courts of a number of modern, but now relatively conventional medical diagnostic devices. The reactions of the law of evidence to this new set of medical techniques have been generally but not always favorable. One of the interesting issues that seems to rise from his discussion is whether or not the burden of proof of injury should be extended to the point where it imposes a duty to permit dangerous testing upon one's body. Is the certainty thereby available with regard to extent of injury worth the risk of further harm? And if injury results, where should liability lie?

With this issue, the retiring senior editors wish to thank our readers for their interest and suggestions through the past year, and we commend to your attention and support the incoming Board of Editors:

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