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Editors' Page

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THE EDITOR'S PAGE

On April 9, 1965, the University of Chicago Law School sponsored a "Conference on the Good Samaritan and the Bad" to study "The Law and Morality of Volunteering in Situations of Emergency and Peril, or of Failing To Do So." That such a conference should have been called at all and that an insurance company should have provided the encouragement and support which brought it about suggest the timeliness and importance of the problem. Although we do not as yet have the results of that conference at hand, we do hope to contribute something of significance to the effort. In this issue, Professor Wallace Rudolph of the University of Nebraska law faculty offers a more sweeping solution to the good samaritan problem than has yet come to our attention. It is not often that the *Review* has the opportunity to present a proposition of (prospective) blackletter law so likely to encourage lively discussion. We are pleased to be able to do so. We would be even more pleased if perhaps some writer with knowledge in the area who wishes to present the other side of the question would choose the *Review* as his forum.

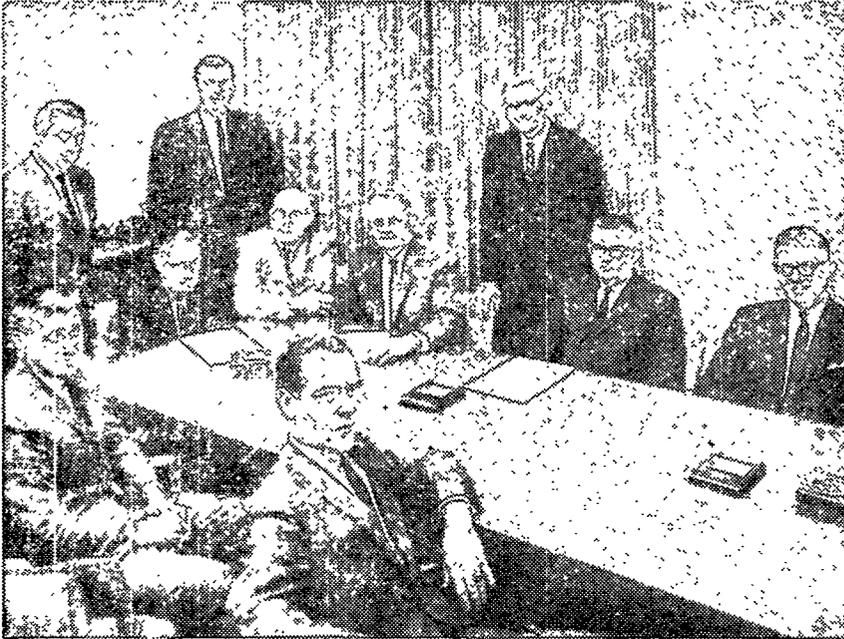
Many of the *Review's* readers will have the opportunity in this issue to critique their own contributions to the evaluation of a practical legal problem. In his article on the role of the expert medical witness in Nebraska, Mr. Larry Myers has made liberal use of the many well considered responses to the field study which comprised a part of his comprehensive investigation. Quotations from the studied opinions of judges, lawyers, and doctors who are intimately acquainted with the problem put the author's extensive library research on a foundation of practical experience, a steadying influence in the absence of which an otherwise scholarly edifice may occasionally teeter a bit. Everyone can expect to find his point of view represented here, often with a keenness of insight and an excellence of expression which is rewarding as well as persuasive. An abridged edition of Mr. Myers' article is scheduled to appear in the June issue of the *Nebraska State Medical Journal*, which further attests to the current interest in the problem which it examines. A word of advice to those who usually skip the footnotes: Don't. You might be in one.

Professor Nagel's article presents for your consideration a departure from traditional legal analysis. Professor Nagel, who is both a lawyer and a political scientist, is presently doing research at the Center for Advanced Study in the Behavioral Sciences, Stanford, California. He applies the behavioral approach and statistical method to results which we customarily explain in

terms of operative facts and rules of law. The assumption underlying the behavioral approach is that judicial decisions are not solely the product of legal logic and binding precedent, a possibility which is easy to forget or discount in the solitude of the stacks. Although attorneys often act upon the assumption in practice, the suggestion that it might serve as the basis for significant contributions to legal learning seldom fails to evoke lively disagreement. Thus, in approaching such an article, one must evaluate not only content, but concept and method as well. Professor Nagel is no novice in his field. His recent contributions to legal periodicals include: "Applying Correlation Analysis to Case Prediction," 42 *Texas Law Review* 1006 (1964); "Testing Empirical Generalizations in Legal Research," 15 *Journal of Legal Education* 365 (1963); "Culture Patterns and Judicial Systems," 16 *Vanderbilt Law Review* 147 (1962); "Political Parties and Judicial Review in American History," 11 *Journal of Public Law* 328 (1962); "Judicial Backgrounds and Criminal Cases," 53 *Journal of Criminal Law, Criminology & Police Science* 333 (1962); and "Using Simple Calculations to Predict Judicial Decisions," *Practical Lawyer*, March, 1961, p. 68. Two other articles will appear soon in the *ABA Journal* and the *Michigan Law Review*.

Our student articles department, which does not depart from traditional analytical method, includes a section on recent Nebraska legislation for the first time in several years. Here, as with all student contributions, our purpose is not to criticize the efforts of the busy professional people who must make the decisions, but to offer information and suggestions which their already crowded schedules leave them little time to discover or develop. We are not unmindful that our chief qualifications for this task are that we often have more time and more extensive research facilities available to us than do those whose ultimate responsibility it is to act.

THE EDITOR



Clockwise from the bottom: Dennis J. Cortney, Dennis Russell, Robert Brown, Henry B. Pierpont, David Neely, George E. Winslade, Arthur W. Knapp, Charles Powell, Lauren Faist and Carl Bufka.

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