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The Editor's Page

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THE EDITOR'S PAGE

Because all phases of the law are in a constant state of flux and in need of interpretation, the *Nebraska Law Review* has seldom confined an entire issue to analyzing only one area of the law. Occasionally, however, the *Review* deems it desirable to cast aside this policy.

The Nebraska Workmen's Compensation Law was enacted in 1913 and has undergone little change since its inception. The amount of litigation interpreting the act has been extensive, and numerous problems are still left unanswered.

As Nebraska has become more industrialized, attorneys have found that a substantial amount of their time is devoted to compensation problems. For this reason, and because of recent trends elsewhere, the *Review* is devoting the first issue of Volume 41 to a symposium on workmen's compensation.

The first article, "Workmen's Compensation: Half-Century of Judicial Developments" is a comprehensive survey of the trends in judicial interpretation of workmen's compensation acts and the validity of these trends in light of the purposes of the statute. Its author, Samuel B. Horovitz, is uniquely qualified to analyze these trends in that his texts and many articles have long been cited by state judges and workmen's

compensation administrators as authoritative.

The remaining three articles dealing with workmen's compensation consider aspects of the Nebraska act. John M. Gradwohl, Associate Professor at the Nebraska College of Law, casts a critical eye at the Nebraska Supreme Court's treatment of aggravation of pre-existing infirmities by exertion or strain cases. His conclusion that "the current Nebraska decisions denying workmen's compensation for work-caused injuries merely because the injuries are the product of ordinary exertion or strain are directly contrary to the intended meaning of the compensation statute and to fundamental concepts of workmen's compensation" should stimulate discussion and reconsideration of this phase of the law.

Joe P. Cashen has written a helpful guide on "Practice and Procedure Before the Nebraska Workmen's Compensation Court." His comments include the various pleadings needed, rules of evidence and methods of appeal to the compensation court, the district court and the supreme court. Mr. Cashen's insights are significant in that prior to his successful career in litigating compensation cases, he served as a judge on the compensation court.

One of the most vexing problems in construing the Nebraska act is determining who is or is not an "employee" entitled to compensation. Ben Novicoff, presently a compensation court judge, has attempted to synthesize all the "employee" cases into one article that will save the Nebraska lawyer considerable research time.

The final article is far afield from workmen's compensation but of such vital interest at this time that it requires space in our first issue. As most members of the bar must now know, the case of *Mapp v. Ohio*, decided by the United States Supreme Court during the last term, overruled *Wolf v. Colorado* and held that illegally obtained evidence could not be admitted in a state criminal action. The possible repercussions

are considered in a provocative article by Dale W. Broeder, Associate Professor at the Nebraska College of Law, in "The Decline and Fall of *Wolf v. Colorado*."

Now some brief notes on future issues. The February issue of the *Review* will be devoted entirely to reporting the proceedings of the Nebraska Bar Association Convention held in Omaha in November. In our April issue, look for an article on oil and gas leases by Maurice H. Merrill, Research Professor of Law at the University of Oklahoma and a well-recognized authority in oil and gas law. This will be must reading for attorneys who suddenly find themselves involved in one of Nebraska's newest and fastest growing industries.