Bring a research hypo to share and explain.

Stock up on hypos provided by your fellow attendees.
Mrs. Andrade lives in an Omaha neighborhood where several local and online retailers are experimenting with package delivery by drone. More than one of these retailers is directing their drones to the proper house for delivery by using a route that crosses over Mrs. Andrade’s backyard very close to her patio.

Mrs. Andrade is certain that the drones are taking pictures of her artwork and snooping on her comings and goings. She is furious. She has complained to the various retailers, but the drone routes have not changed. At least five or six fly through her yard every week.

Mrs. Andrade has consulted your law firm because she wants to know if she can successfully sue the retailers. Your supervisor has already determined that the retailers have sufficient ties to Nebraska to be subject to its state jurisdiction.
Explanation

■ We asked for a bullet-point memo with a summary of the student’s recommendation to the supervisor based on Nebraska law, and required citation to at least one secondary source, one statute and one case.

■ Nebraska has no drone specific legislation (state or local). It does have a ‘right to be left alone’ privacy statute, but the most relevant cases are unhelpful. However, they are arguably distinguishable.

■ There is also a fair amount of Nebraska common law authority for nuisance and trespass actions.
Student Responses

- Some students went no further than exploring the limitations that might exist for Nebraska to regulate airspace. (the drone-distraction)
- Many found the applicable Nebraska law on nuisance, trespass or privacy, noted the high bar that the courts have set for proof and quit.
- A few found some applicable Nebraska law, noted the high bar and explained how our facts differ from any in the reported cases.
- A couple found all of the Nebraska law (nuisance, trespass and privacy) – these folks also pointed out the distinguishing (and promising) parts of our fact pattern.