

FEATURES

- 4 (Giga)Bit by (Giga)Bit**
TECHNOLOGY'S POTENTIAL EROSION OF THE FOURTH AMENDMENT
By Earl J. Silbert and Brian S. Chilton
In the wake of the federal government's investigation of the illegal use of steroids by professional baseball players, the Ninth Circuit's decision in *United States v. Comprehensive Drug Testing, Inc.*, left many with this question: When the government seizes the electronically stored records of innocent Americans that are intermingled with those of targeted individuals, how can the Fourth Amendment rights of the untargeted Americans be preserved and honored? In this article the authors discuss the Ninth's "one size fits all" prescription for procedures to be followed in the future in all comparable computer database warrants and searches, the criticisms the decision has engendered, and how this will affect every circuit in America.
- 12 Captain "Sully" Sullenberger, Charles Dickens, and the Migratory Bird Treaty Act**
By Marc R. Greenberg
The heart-stopping footage of US Airways Flight 1549 landing in the Hudson River made a national hero of Captain "Sully" Sullenberger. He was congratulated by both outgoing President Bush and President-elect Obama; received the rarely awarded Master's Medal from the Guild of Air Pilots and Air Navigators; and was given a standing ovation at Super Bowl XLIII. In light of these honors, the DOJ found it prudent not to charge the captain with violating the MBTA, even though his plane's engines had ingested a flock of Canada geese, a species protected under the law. The government is not always so lenient. Under the strict liability provisions of the Act, oil and shipping industries in particular have been held responsible for the unintended destruction of migratory birds during normal business operations. In this article the author examines both the logic of strict liability, which requires no intent of wrongdoing on the part of the one criminally charged, and the government's selective focus in deciding which violators to prosecute under the Act and which to ignore.
- 16 The Role of Defense Counsel in Delinquency Court**
By Patricia Puritz and Robin Walker Sterling
Two experts from the National Juvenile Defender Center in Washington, D.C., list five "duties" specific to defending juvenile clients, and offer in-depth explanations of each point. "Since the [*In re*] *Gault* decision," the authors write, "the role of the juvenile defender has evolved to require a complex and challenging skill set. Juvenile defense attorneys must have all the legal knowledge and courtroom skills of a criminal defense attorney representing adult defendants. In addition, juvenile defenders must be aware of the strengths and needs of of their juvenile clients and of their clients' families, communities, and other social structures."

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