

FEATURES

- 4 Can the Jury Trial Survive Google?**
By Caren Myers Morrison
It's doubtful the Founding Fathers envisioned the Internet, or blogging, or "friending" when formulating the Sixth Amendment's right to an "impartial jury," but it's a reality in today's courtrooms. How should the criminal justice system respond to tech-savvy jurors? In this article the author first looks at the four areas in which jurors most often interact with the Internet during trial: to investigate the facts of a case, to research the law, to publicize their experiences to the outside world, and to connect with others. She then suggests several methods to control juror misuse of social media.
- 16 Directors & Officers Insurance**
FIRST STEPS TO OBTAINING CLIENT COVERAGE
By William A. Schreiner, Jr.
As a white-collar defense attorney, your focus is on getting your clients out of whatever hot water they've gotten themselves into—but it's also on getting paid, especially in the early days when an individual client may not have the resources to advance the funds needed to finance the case. Author William Schreiner discusses five steps to take to determine if a client's company has D&O insurance, whether or not it covers the client, and how to tap into that insurance so you can concentrate on the client's defense.
- 20 Ethical Issues for Lawyers in D&O Representations**
By Thomas B. Mason
- 24 Battered and Convicted**
ONE STATE'S EFFORTS TO PROVIDE EFFECTIVE RELIEF
By Carrie Hempel
California provides a leading example of a state that has revised its statutes to reflect the evolving comprehension in both the medical and legal arena of the impact of "battered women's syndrome." Where women who murdered their abusers in situations not considered "life threatening" were once sentenced as any other killer, today California recognizes the special circumstances that affect the psychology of the chronically abused individual. The statute was later amended to be gender neutral and allows the state to reach back and reduce sentences or release imprisoned offenders based on time served.
- 34 At a "Loss" for Justice**
FEDERAL SENTENCING FOR ECONOMIC OFFENSES
By Alan Ellis, John R. Steer, and Mark H. Allenbaugh
The authors argue that the "fraud guideline" used in sentencing white-collar offenders in cases of larceny, fraud, and nonfraud offenses relies too heavily on the simple concept of "loss," creating gross disparity in the range of sentencing among defendants in white-collar cases as well as between these defendants and those who have committed other offenses such as violent crimes, while ignoring mitigating factors. The authors call on the Sentencing Commission to revisit the guideline and restore proportionality and fairness.

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