



Star Trek

Where Lawyers Boldly Go

Justice Mariano-Florentino Cuéllar
California Supreme Court

Favorite Series:
Tied: TNG and Voyager

Favorite Ship:
USS Voyager

Favorite Episode:
The Enemy Within (TOS)
Tapestry (TNG)
Endgame (Voyager)



Jessica Mederson

**Favorite Series:
Next Generation**

**Favorite Ship:
USS Enterprise NCC-1701**

**Favorite Episode:
Parallels**



@ediscmatters

Paul Grewal

**Favorite Series:
Original Series**

**Favorite Ship:
USS Reliant**

**Favorite Episode:
This Side of Paradise**



@iampaulgrewal

Megan Hitchcock

Favorite Series:
Galaxy Quest

Favorite Ship:
N.S.E.A. Protector (N.T.E. 3120)

Favorite Episode:
81



@mhocshark

Neel Chatterjee

**Favorite Series:
Next Generation**

**Favorite Ship:
USS Enterprise NCC-1701-D**

**Favorite Episode:
Space Seed**



@neelchatterjee



Christine Peek

**Favorite Series:
Next Generation**

**Favorite Ship:
Klingon Bird-of-Prey
(24th Century)**

**Favorite Episode:
Trouble with Tribbles**



@mcmanslaw



Joshua Gilliland

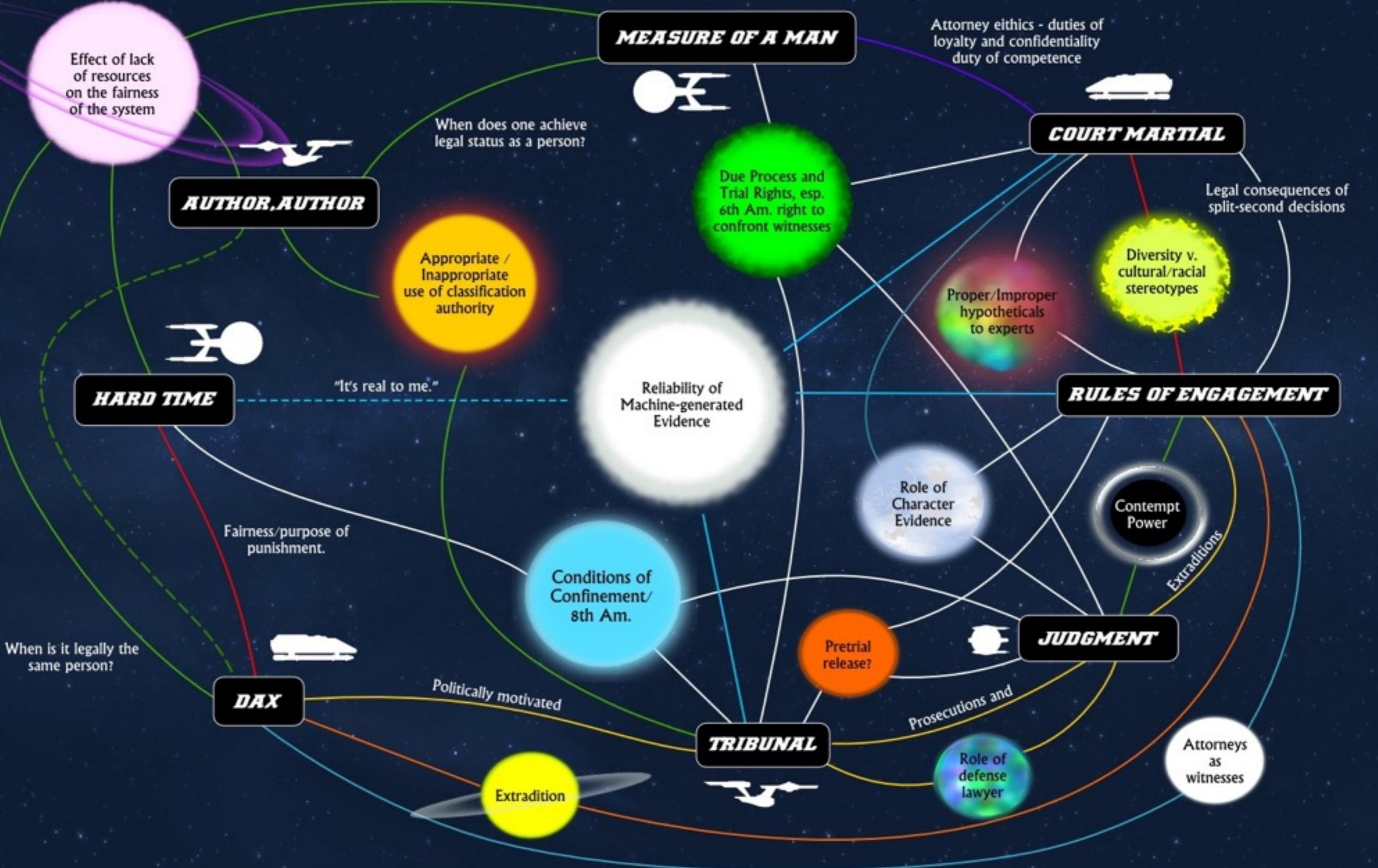
**Favorite Series:
Deep Space Nine**

**Favorite Ship:
USS Enterprise NCC-1701
[Refit]**

**Favorite Episode:
Darmok**



@bowtielaw



No identification of self or mission. No interference with the social development of said planet. No references to space or the fact that there are other worlds or civilizations.

TOS, Bread and Circuses



The Apple



Into Darkness



Justice



The Omega Directive

Implication of the Prime Directive

The implementation of complex laws by organizations rather than courts.

Right to Counsel

Judgment, Enterprise



QWERTY ASDFGHIJKL
MNOPQRSTUVWXYZ

What is a Person's Right to Counsel?

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, . . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, **and to have the Assistance of Counsel for his defense.**”

U.S. Const., Amend. VI.



**It's Honorable For Everyone
to have the Right to Counsel!
Even Tribbles.**

**Was Kolos
effective counsel?**



Was Kolos Competent Counsel?



ABA Model Rule 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Cal. Rules of Professional Conduct, Rule 3-110 Failing to Act Competently

(A) A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

(B) For purposes of this rule, “competence” in any legal service shall mean to apply the 1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service.

CROSS-EXAMINATION OF DURAS

Q: You would agree with me that the IKS Bortas is a far better ship than the Enterprise NX-01?

A: [Yes]

Q: The Bortas features a 360° rotating turret containing twin belly-mounted disruptor cannons?

A: [Yes]

Q: Whereas the NX-class is merely equipped with some “low-yield” particle cannons?

A: [Yes]

Q: You would agree with me that humans are inferior to Klingons in combat?

A: [Yes]

Q: But you failed to prevent Archer from escaping into a nearby planet’s ring system, where he could evade your superior weapons?

A: [Yes]

Q: And Archer was able to disable your sensors and take out your warp drive?

A: [Yes]



How Similar is Klingon Jurisprudence to the United States?

Orak the Prosecutor

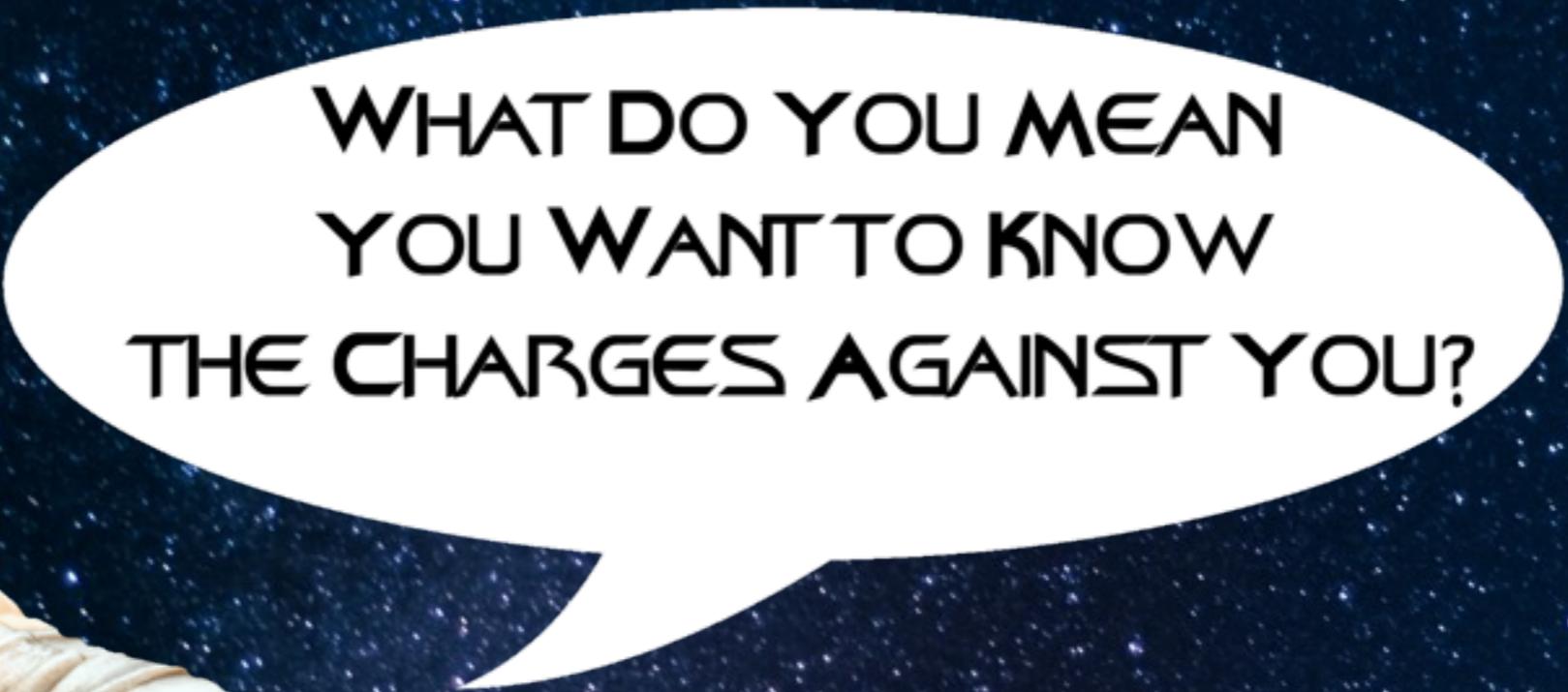
ABA Model Rule 3.8 Special Responsibilities Of A Prosecutor

“The prosecutor in a criminal case shall: (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause[.]”



Right to a Fair Trial

Tribunal, Deep Space Nine



WHAT DO YOU MEAN
YOU WANT TO KNOW
THE CHARGES AGAINST YOU?



CHIEF MILES O'BRIEN WAS:
UNLAWFULLY STOPPED IN BAJORAN
SPACE
ARRESTED WITHOUT CHARGES STATED
STRIPPED
RETINA SCAN
TOOTH REMOVED
CHARGES ANNOUNCED AT TRIAL
VERDICT ALREADY GIVEN

FAIR TRIAL

5TH AND 14TH AMENDMENTS

“[A] FAIR TRIAL IS ONE IN WHICH EVIDENCE SUBJECT TO ADVERSARIAL TESTING IS PRESENTED TO AN IMPARTIAL TRIBUNAL FOR RESOLUTION OF ISSUES DEFINED IN ADVANCE OF THE PROCEEDING.”
STRICKLAND V. WASHINGTON, 466 U.S. 668, 685 (1984).

ALTHOUGH THE DEFENDANT HAS THE RIGHT TO REMAIN SILENT, THE DEFENDANT ALSO HAS A CONSTITUTIONAL RIGHT TO TESTIFY. ROCK V. ARKANSAS, 483 U.S. 44, 51-53 (1987) (RIGHT TO TESTIFY IS PROTECTED UNDER THE DUE PROCESS CLAUSES, THE SIXTH AMENDMENT COMPULSORY PROCESS CLAUSE, AND THE FIFTH AMENDMENT RIGHT AGAINST SELF-INCRIMINATION).

6TH AMENDMENT

RIGHT TO A SPEEDY TRIAL
RIGHT TO A PUBLIC TRIAL
RIGHT TO TRIAL BY JURY IN
FELONY AND
MISDEMEANOR CASES
RIGHT TO BE INFORMED OF
THE CHARGES AGAINST
YOU
RIGHT TO BE CONFRONTED
WITH THE WITNESSES
AGAINST YOU
RIGHT TO USE THE POWER
OF THE COURT TO COMPEL
THE ATTENDANCE OF
WITNESSES IN YOUR
FAVOR
RIGHT TO COUNSEL

CARDASSIAN JUSTICE

Antithesis of 5th, 6th, and 14th Amendments

No Presumption of Innocence

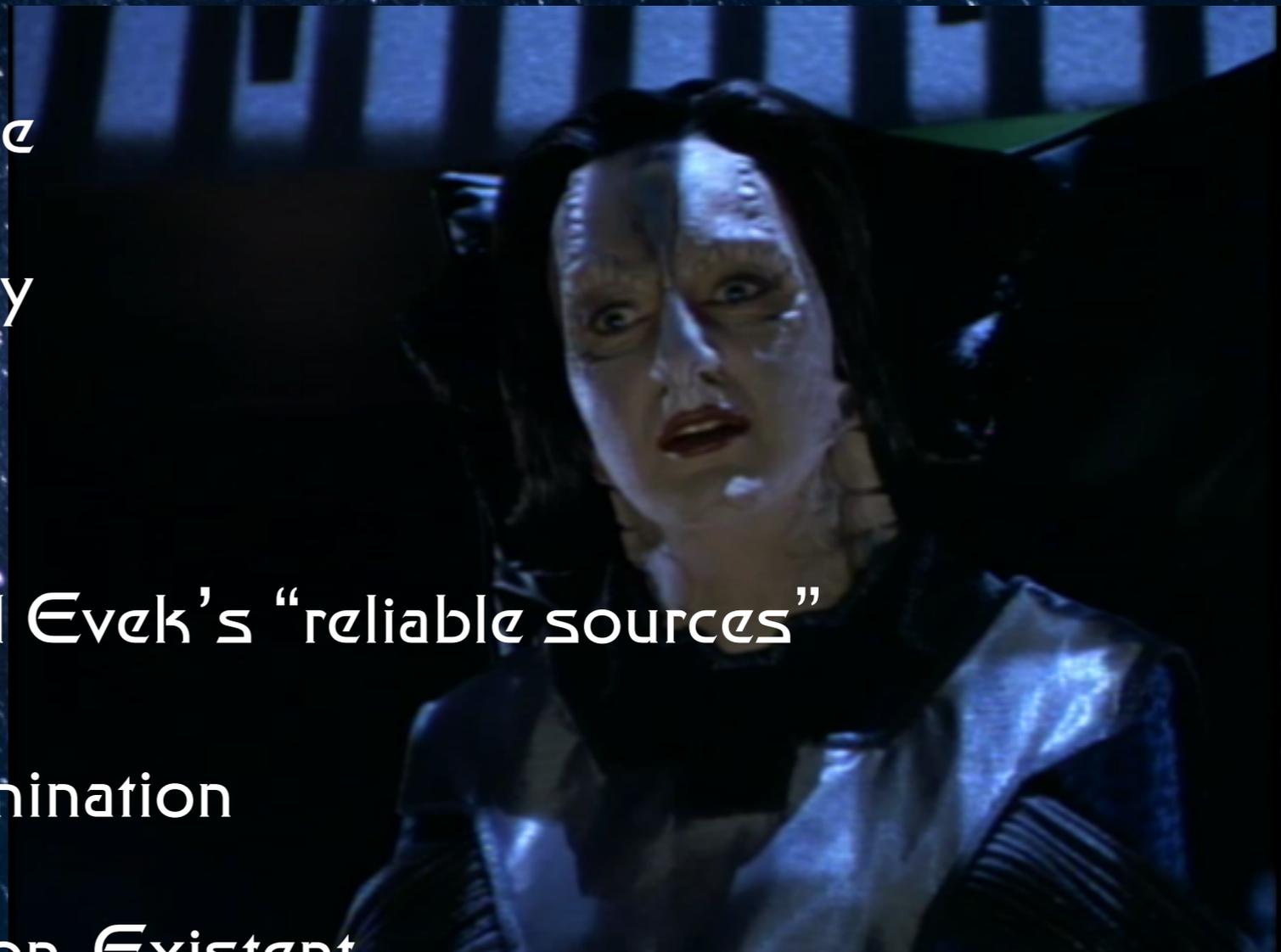
Sets New Record for Speedy

Public Trial for Propaganda

No cross-examination of Gul Evok's "reliable sources"

No Right Against Self-incrimination

Right to Counsel Virtually Non-Existent



Phew!

**Thank Goodness For Lawyers!
Hope My Constitutional Rights
Are Never Violated Again.**



EQUAL PROTECTION

Measure of a Man, TNG



What Do You Mean I'm Property?

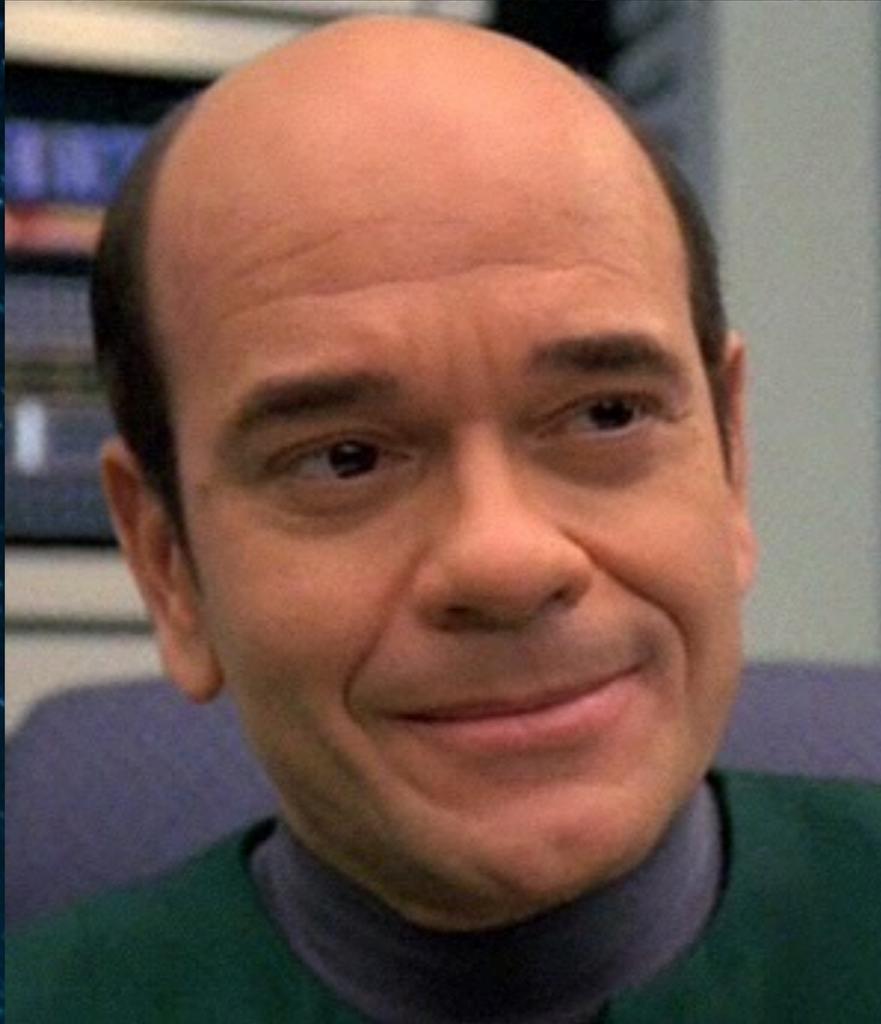
Duty of Loyalty

Did Commander Riker's professional and **personal relationship with** Commander Data **substantially affect** Commander Riker's representation of Commander Maddox in violation of Cal. Rules of Professional Conduct, Rule 3-310(B)(2) Avoiding the Representation of Adverse Interests Rule?



Intellectual Property

Author, Author, Voyager



The Supreme Court and Ninth Circuit have repeatedly referred to “persons” or “human beings” when analyzing authorship under the Act.

See, e.g., *Aalmuhammed v. Lee*, 202 F.3d 1227, 1234 (9th Cir. 2000)

Naruto v. Slater, 15-cv-04324 WHO



 **LiveSlides** web content

To view

Download the add-in.

liveslides.com/download

Start the presentation.



SYMBIONT CULPABILITY

Can a host be legally liable for the actions of a past host? Deep Space Nine, Dax

CRUEL AND UNUSUAL PUNISHMENT

Hard Time, Deep Space Nine

Were Chief O'Brien's rights violated with a simulated prison sentence of 20 years?

**Why Has Another Legally
Horrific Prosecution Happened to Me?**



“I Don’t Believe in the No Win Scenario”



The role of individuals and groups in deciding how or when to bend rules.

TRIAL ADVOCACY

Rules of Engagement, Deep Space Nine

**IF You Had Any Honor
You Would Know the Prejudicial Effective
Outweighs its Probative Value
Pursuant to Federal Rules of Evidence 403!**



Trial Issues

How were the elements of the trial?

Opening Statements?

Witness Lists?

Burden of Proof?

Direct examinations?

Cross-examinations?

What evidentiary issues existed in the trial?

Does the statement, “the truth must be won” adequately describe a trial?

Was there an illegal search?

Qualifying O’Brien as an expert witness



Prior Bad Acts are Normal in Klingon Trials.



Could Kirk sentence Khan to
Ceti Alpha V?
Space Seed, TOS

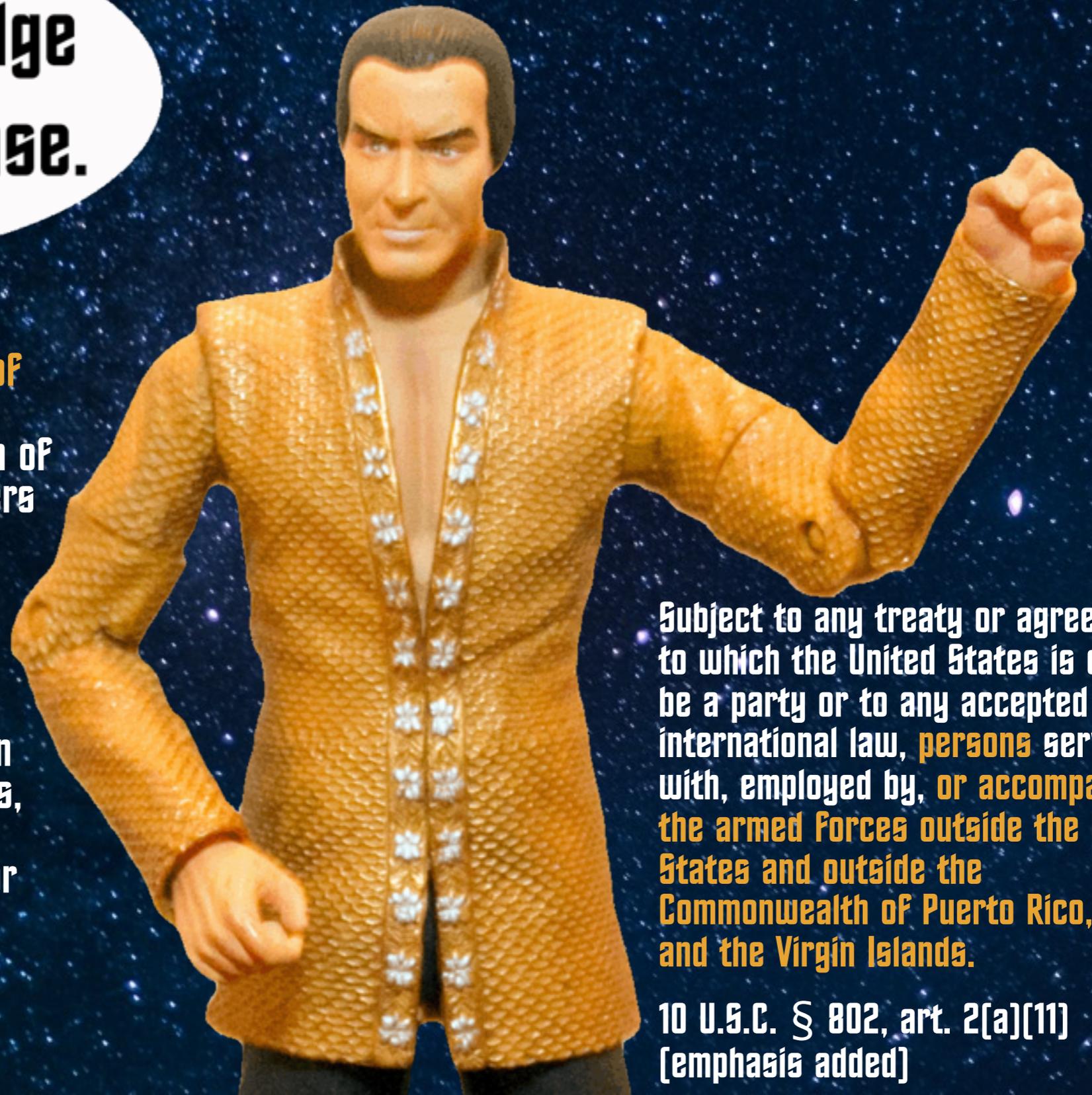
“He was the best of the tyrants and the most dangerous.”

Captain James T. Kirk

No One Can Judge
My Fashion Sense.

Members of a regular component of the armed Forces, including those awaiting discharge after expiration of their terms of enlistment; volunteers from the time of their muster or acceptance into the armed Forces; inductees from the time of their actual induction into the armed Forces; and other persons lawfully called or ordered into, or to duty in or for training in, the armed Forces, from the dates when they are required by the terms of the call or order to obey it.

10 U.S.C. § 802, art. 2(a)(1)
[emphasis added]



Subject to any treaty or agreement to which the United States is or may be a party or to any accepted rule of international law, persons serving with, employed by, or accompanying the armed Forces outside the United States and outside the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

10 U.S.C. § 802, art. 2(a)(11)
[emphasis added]



Computer Records

Court Martial, TOS

Kirk on Trial

What is the 6th Amendment Right to Confront Witness?

What parts of the trial were similar to our courts?

How was the trial different?

What are the legal issues with confronting a computer report?

Is a computer statement hearsay?



Business Records Exception

Records of a Regularly Conducted Activity. A record of an act, event, condition, opinion, or diagnosis if:

[A] the record was made at or near the time by — or from information transmitted by — someone with knowledge;

[B] the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;

[C] making the record was a regular practice of that activity;

[D] all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and

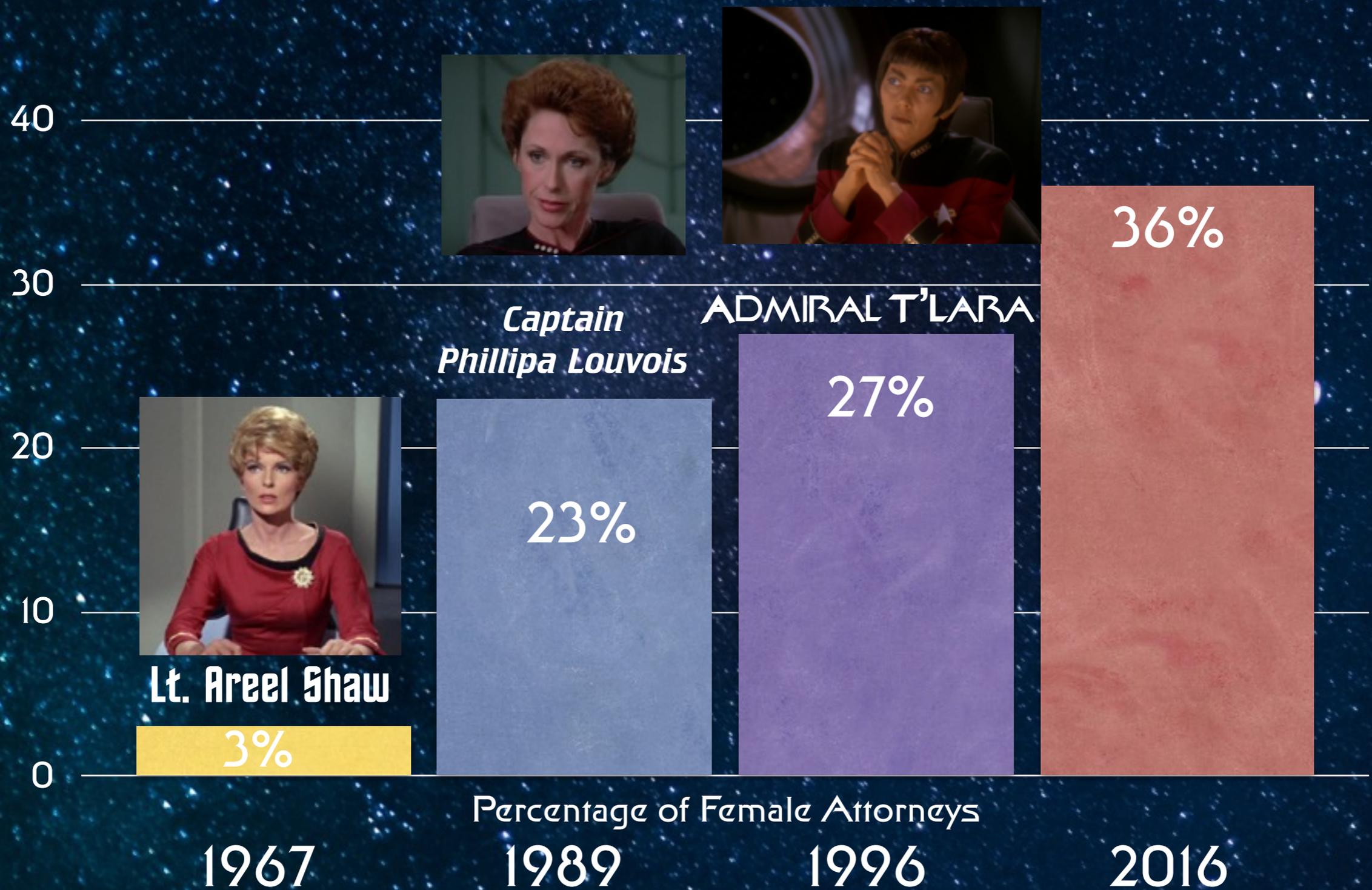
[E] neither the opponent does not show that the source of information nor or the method or circumstances of preparation indicate a lack of trustworthiness.



Diversity in the Practice of Law

Court Martial, TOS

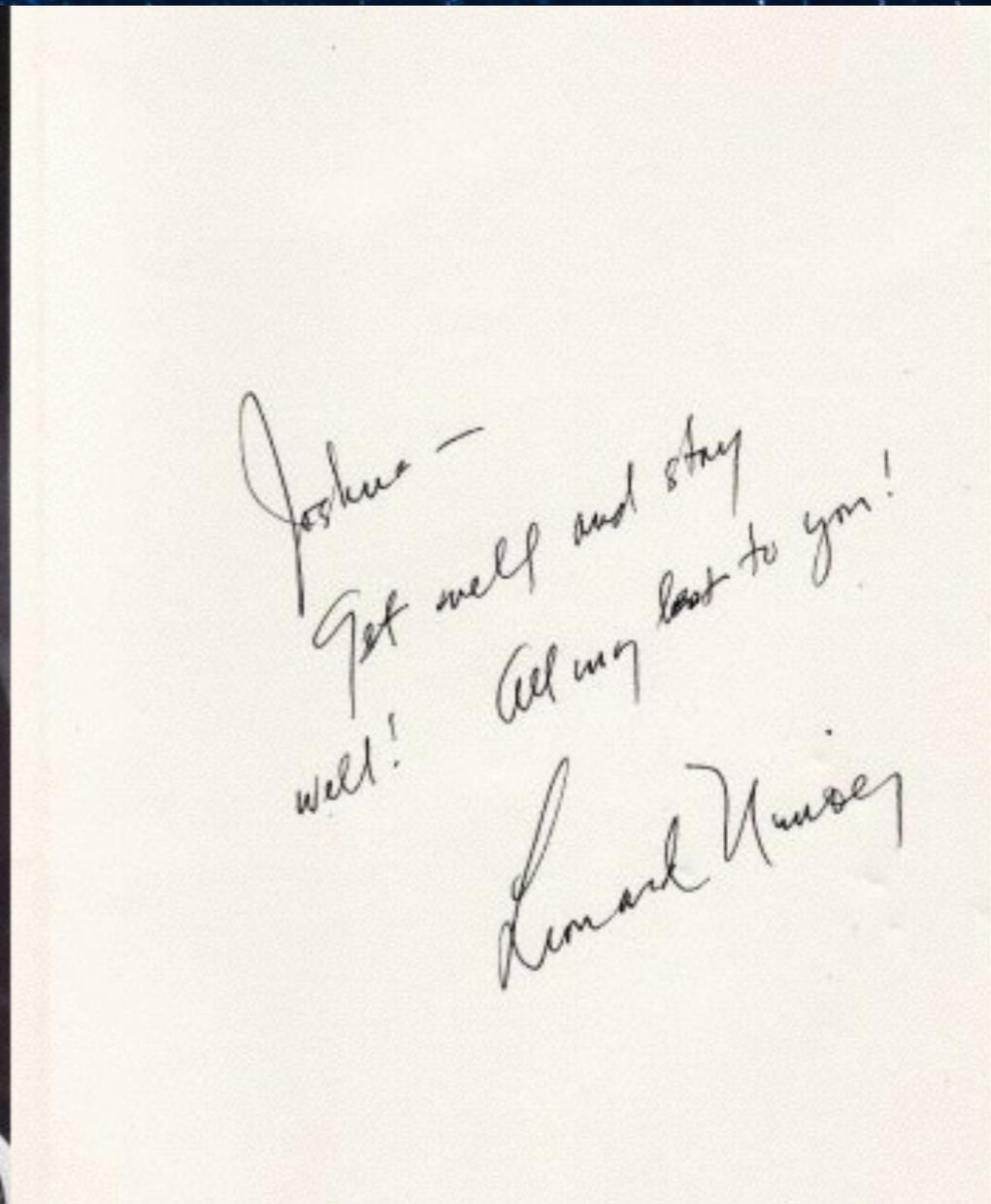
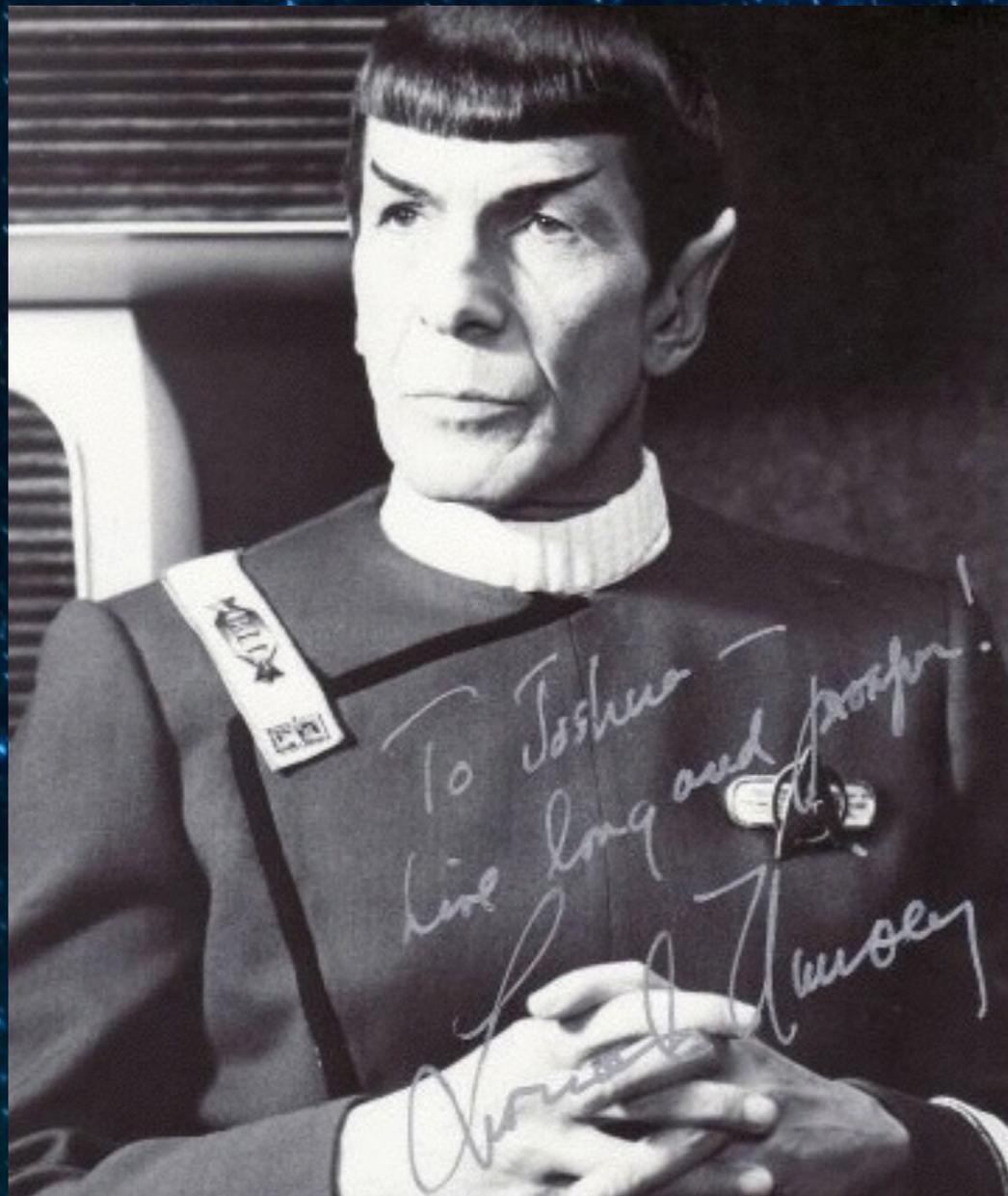
Women in the Practice of Law





Trial of Humanity

WAS Q'S TRIAL FAIR?



Leonard Nimoy

February 1990



Thanking Nimoy

May 2009

The *Legal Adventure* is Just Beginning

Questions?



Thank You

Justice Mariano-Florentino Cuéllar
California Supreme Court

Jessica Mederson

@ediscmatters

Paul Grewal

@iampaulgrewal

Megan Hitchcock

@mhocshark

Neel Chatterjee

@neelchatterjee

Christine Peek

@mcmanislaw

Joshua Gilliland

@bowtielaw

@TheLegalGeeks