



Star Trek Law - The Final Frontier

JOURNEY TO PANEL

Bethany Bengfort - DLA Piper

Neel Chatterjee - Goodwin

Mark Lemley - Stanford University

Christine Peek - McManis Faulkner

Angela Storey - Storey & Storey

AGENDA

Right to Counsel

Red Shirts and Assumption of Risk

Intellectual Property Rights

Legal Loopholes

Insanity Defense

I Am Not Following Orders

I Speak of Rights

Fair Trial

Right to Counsel

Judgment, Enterprise



PAUL J. KELLY, JUDGE DREDD
JUDGE DREDD, JUDGE DREDD

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?**



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?

Red Shirts

Assumption of Risk

43 Red Shirts Died out of
59 Crew Members on Away Missions

70% of Mission Fatalities Were Red Shirts



DEATH BE NOT RED SHIRT



Killed by Plant

Vaporized

Vampire Cloud

Beamed into Space by Sadistic Children

Killed By Alien

Turned into Cube and Crushed



ASSUMPTION OF RISK

A woman with brown hair and freckles, wearing a red t-shirt, is shown from the chest up. She has a wide-eyed, open-mouthed expression of shock or surprise. She is pointing her right index finger towards the viewer. In her left hand, she holds a black video game controller with a brown, waffle-like object attached to it. A large white speech bubble with a black outline is positioned to her right, containing bold, italicized black text. The background is a dark blue space scene with stars and a bright, hazy nebula or galaxy on the left side.

***IT'S A BLOOD-SUCKING CLOUD,
NOT A SALT MONSTER!***

Express Agreement

***Knowledge of the risk,
and***

***Voluntary assumption of
the activity***



I, Mudd

Death For Patent Infringement?

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

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?





Insanity Defense

Did Scotty, Chekov, or Picard:

- 1. Have a severe mental disease or defect; and*
- 2. As a result, were unable to appreciate the nature and quality or the wrongfulness of his acts?*



Drumhead

Constitutional Lessons from Drumhead

*Can Betazoid Intuition
be used as Evidence?*

*Right Against Self
Incrimination*

Public Trial

Attorney Ethics





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]**



**“But wait – how
does Kirk have
jurisdiction over
Khan and his
followers?”**

Ensigns of Command

"This is not a law, it is a treaty! It is designed to smooth relations between races, not to act as a strait--" [The Sheliak cut him off] "...jacket."

"Captain, when the treaty was first negotiated, the Federation sent 372 legal experts. What do we have?"

"Thee and me?"



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?



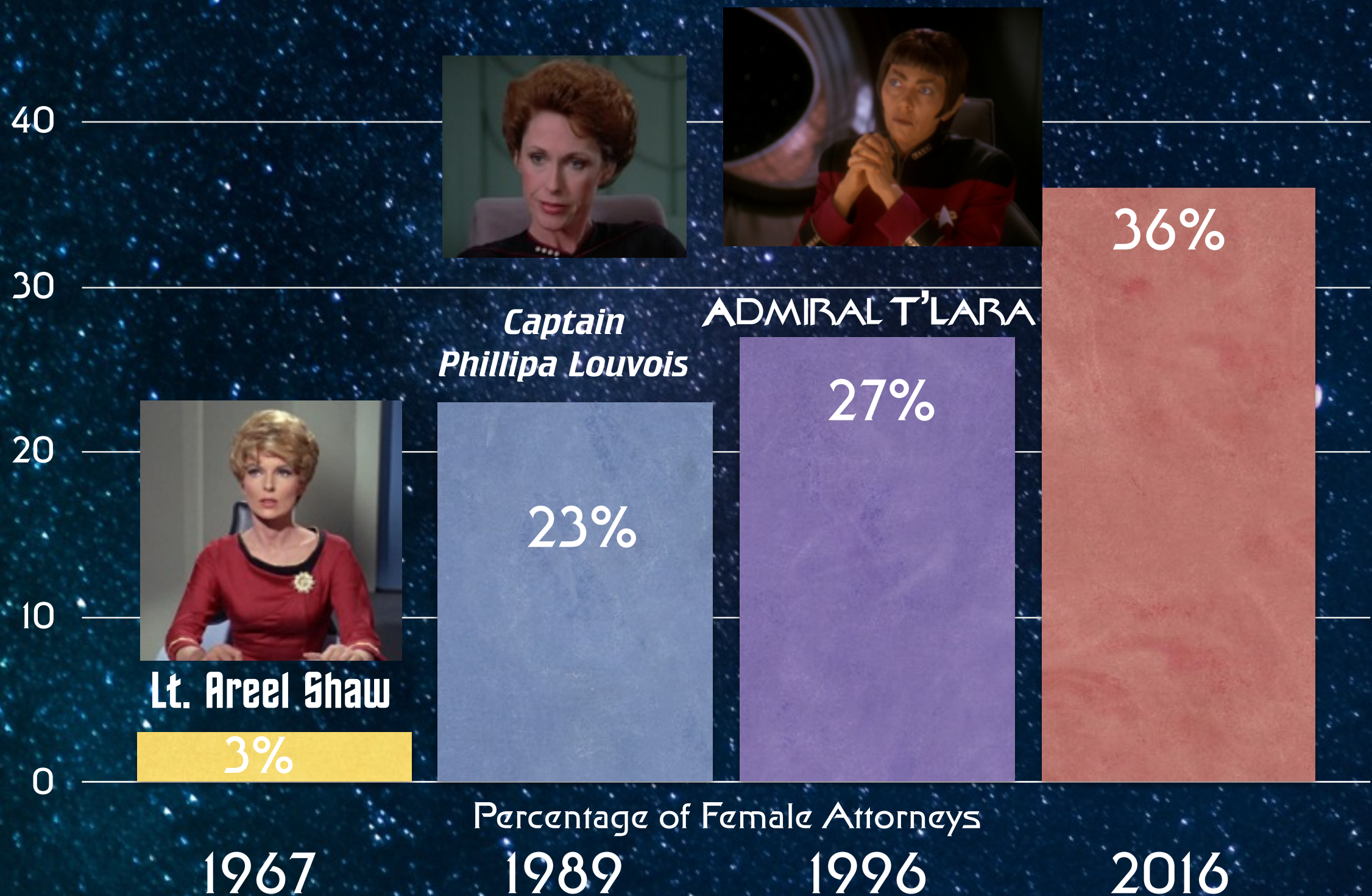
Court Martial, TOS



Diversity in the Practice of Law

Court Martial, TOS

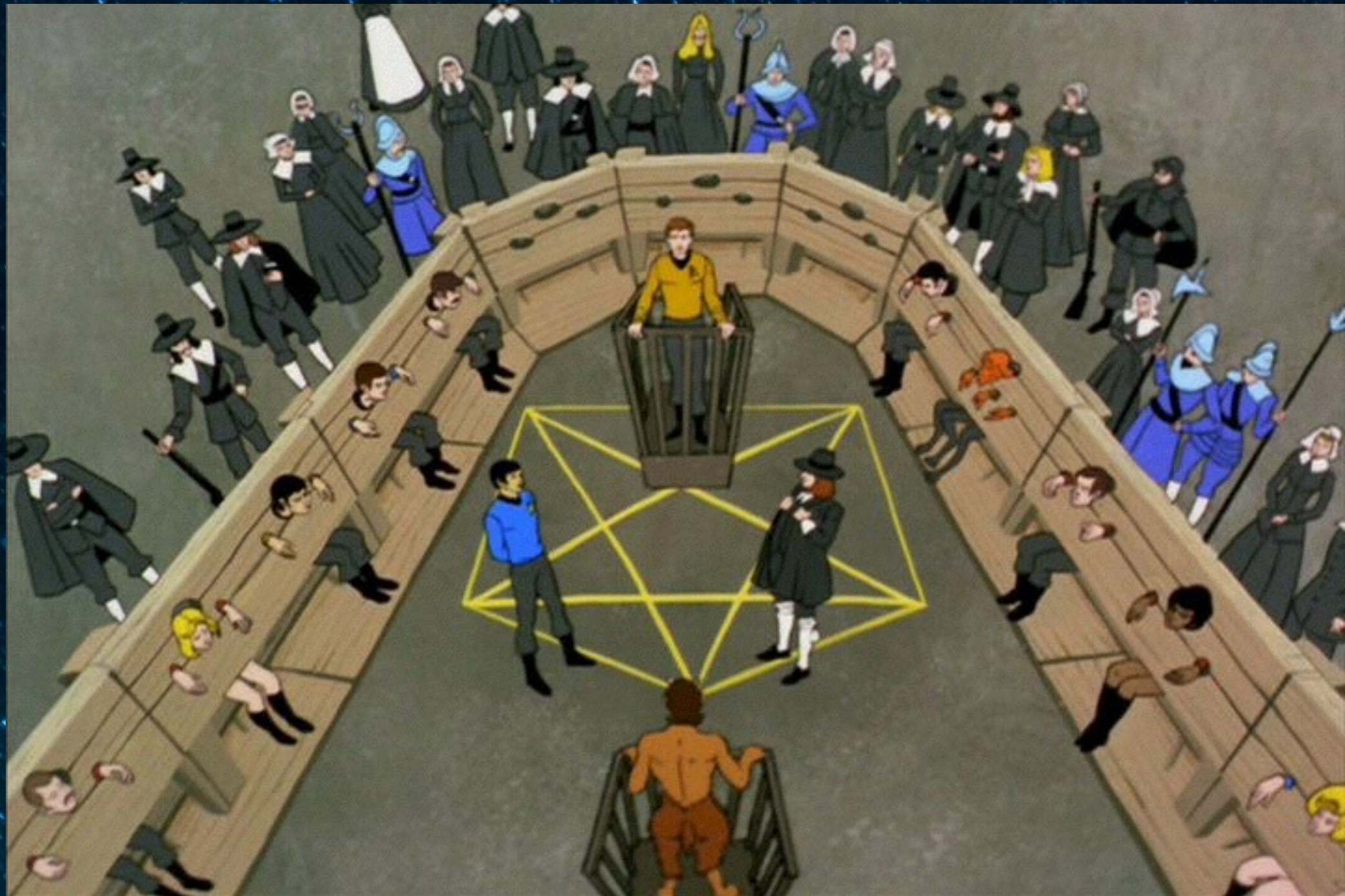
Women in the Practice of Law





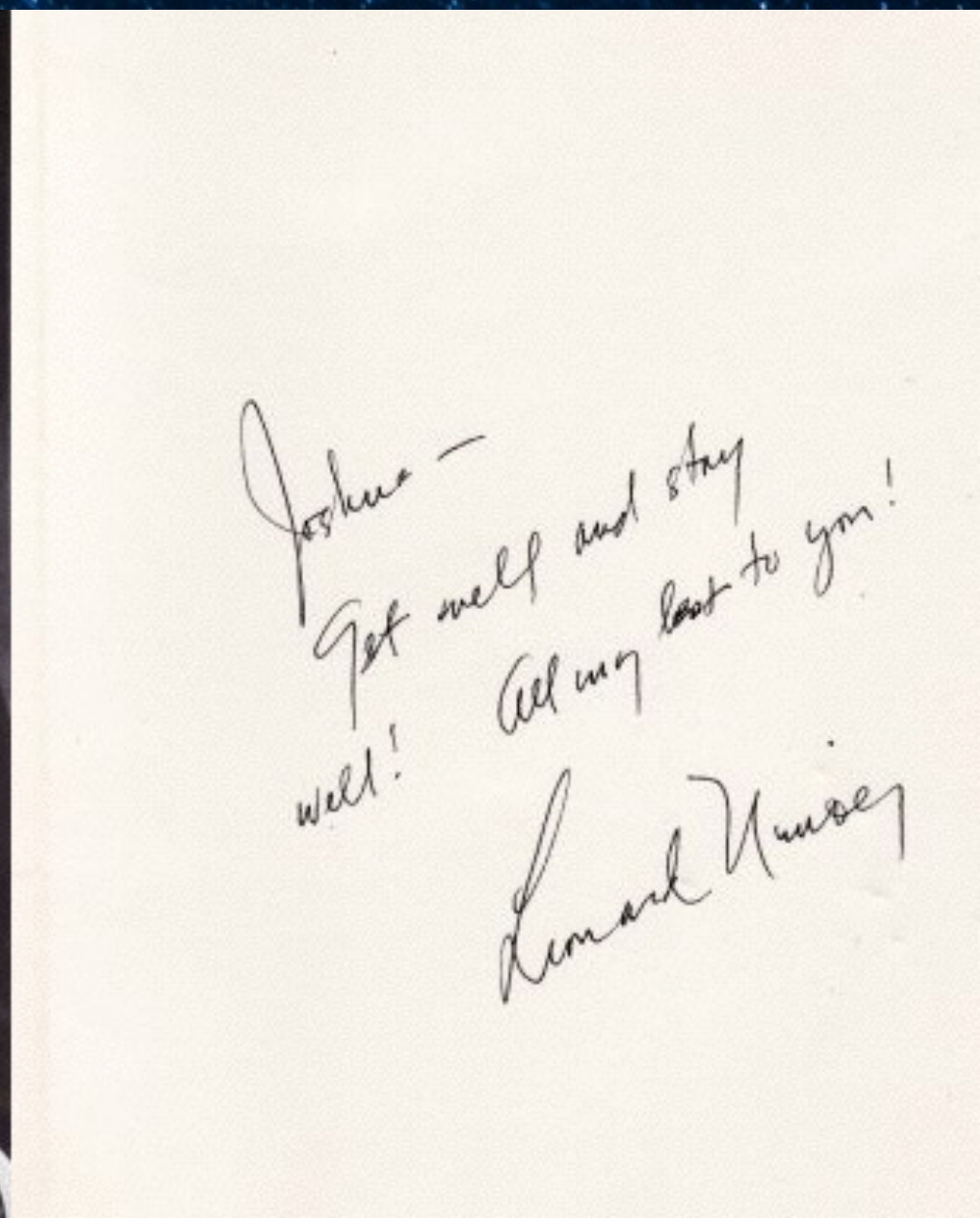
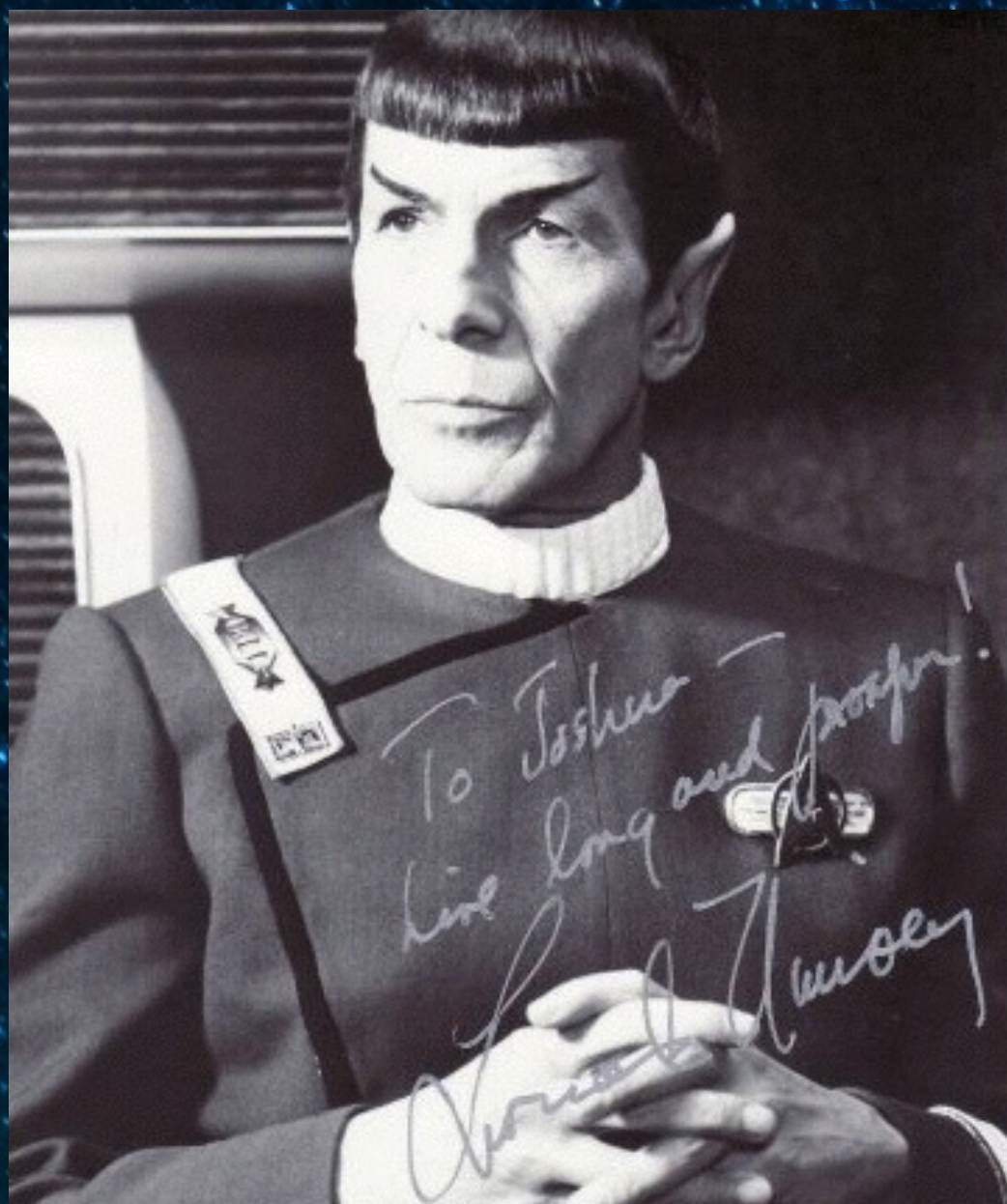
Trial of Humanity

WAS Q'S TRIAL FAIR?



Trial by Ordeal

ARE TESTS FAIR?



Leonard Nimoy

February 1990



Thanking Nimoy

May 2009

The Legal Adventure is Just Beginning

Questions?