

Star Trek

NOT EVERY CASE IS THE
KOBAYASHI MARU

AGENDA

Why Lawyers Love Star Trek

Red Shirts and Assumption of Risk

Insanity Defense

The Horta and Endangered Species Act

Parental Liability

I Am Not Following Orders

Tribbles Invasive Species

I Speak of Rights

STAR TREK

A Lawyer's Prime Directive

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

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

Express Agreement

*Knowledge of the risk,
and*

*Voluntary assumption of
the activity*

FIREMAN'S RULE

“– A person who, fully aware of the hazard created by the defendant’s negligence, voluntarily confronts the risk for compensation.”

*Ries v. Lee, 115 Cal. App. 3d 332, at *334-335 (Cal. App. 2d Dist. 1981).*

INTENTIONAL CONDUCT

Willful Acts?





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?*

INSANITY DEFENSE

Strange New Worlds

Federal (Insanity Defense Reform Act of 1984): codified at 18 U.S.C. § 17, provides: "It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality of the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense."

The Irresistible Impulse Test: As a result of a mental disease, defendant was unable to control his impulses, which led to a criminal act.

California (Modified M'Naghten Rule): An accused person must prove by a preponderance of the evidence that he or she was incapable of knowing or understanding the nature and quality of his or her act AND of distinguishing right from wrong at the time of the commission of the offense.

THE HORTA

Endangered Species Act



**The Pain!
The Liability!**

ENDANGERED SPECIES ACT

The Endangered Species Act was passed to protect species that are “endangered” or “threatened.”

A species is “endangered” if it is “in danger of extinction throughout all or a significant portion of its range.” 16 U.S. CODE § 1532(6).

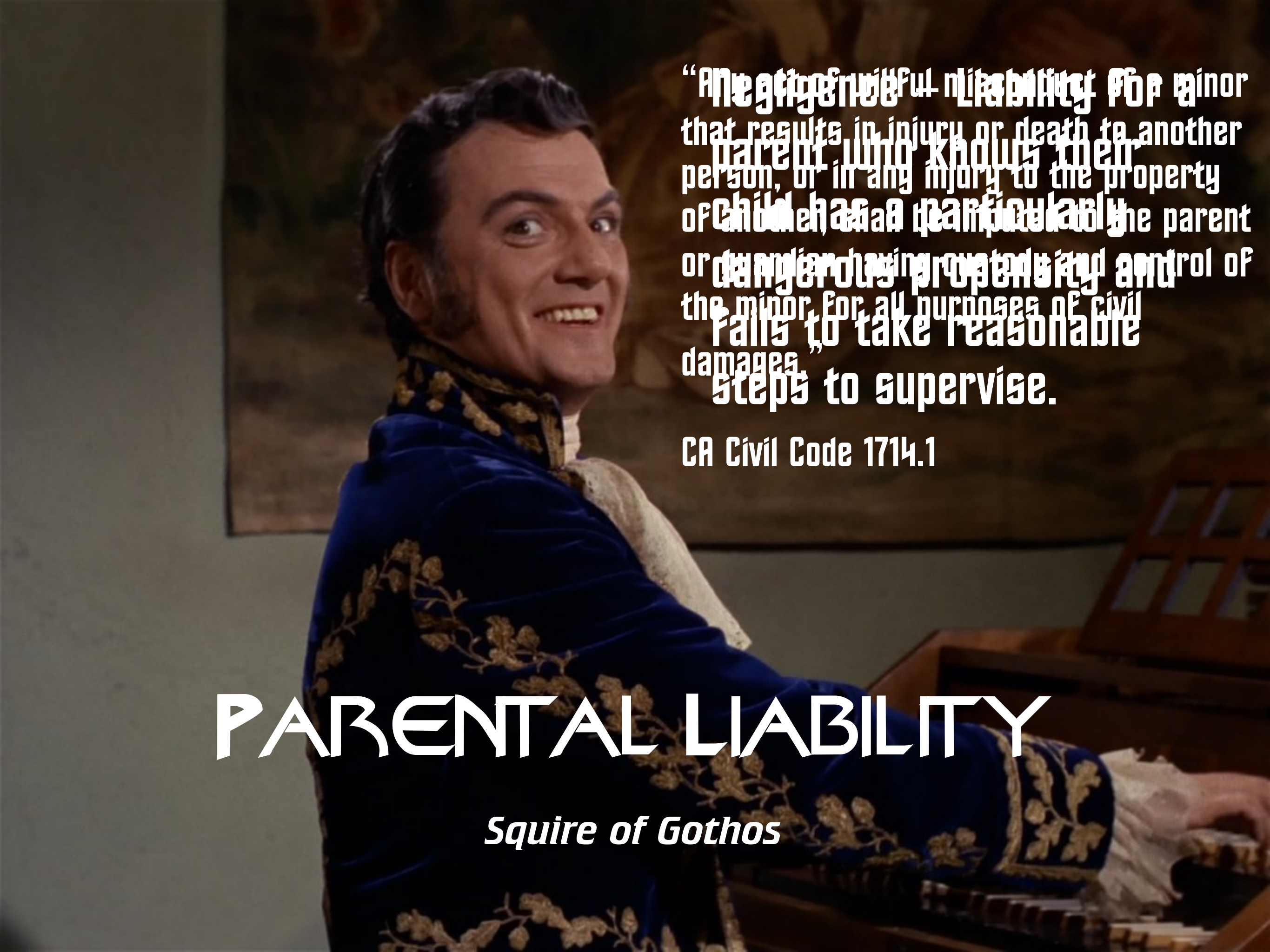
A species is “threatened” if it is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Id. § 1532(20); Conservation Force, Inc. v. Jewell, 733 F.3d 1200, 1202 (D.C. Cir. 2013).

A species is considered “endangered” because of “natural or manmade factors affecting its continued existence.” 16 USCS § 1533(a)(1)(E).

HORTA EGGS

Protecting eggs of threatened or endangered species has been done many times under Federal and State law, from fish to sea turtles.

See, State v. Davis (Fla. 1990) 556 So.2d 1104) and Beatty v. Fish & Wildlife Comm'n (2015) 185 Wn.App. 426.



"Negligent Liability for a minor that results in injury or death to another person, or in any injury to the property of a child, is particularly the parent or guardian having custody and control of the minor, for all purposes of civil damages,"
Falls to take reasonable steps to supervise.

CA Civil Code 1714.1

PARENTAL LIABILITY

Squire of Gothos

NOT FOLLOWING ORDERS



Necessity Defense?

TRIBBLES THE INVASIVE SPECIES



When environmental conditions are favorable, nonindigenous species become established, may compete with or prey upon native species of plants, fish, and wildlife, may carry diseases or parasites that affect native species, and may disrupt the aquatic environment and economy of affected nearshore areas;

16 USCS section 4701(a)(2).

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?





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?

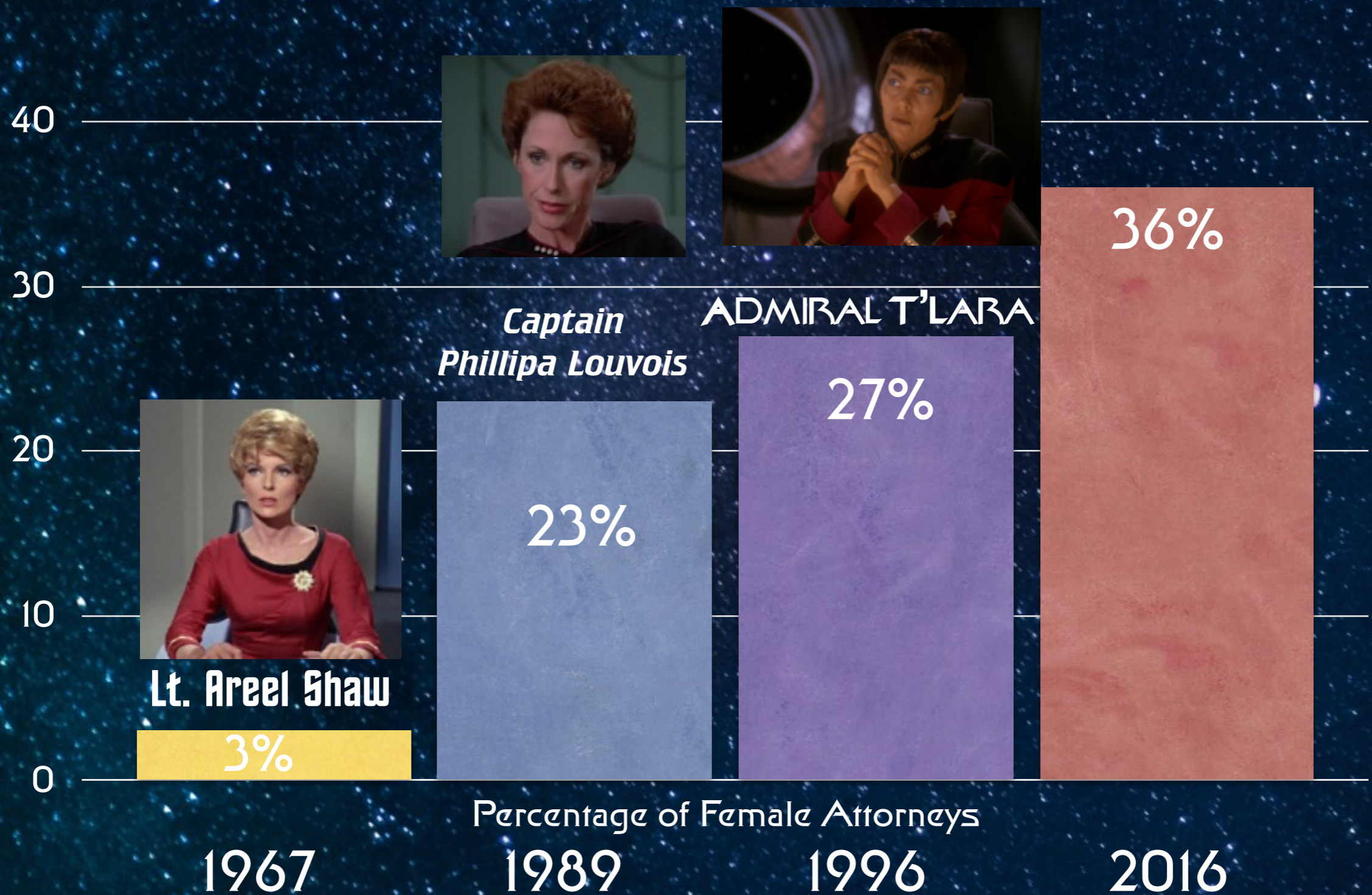


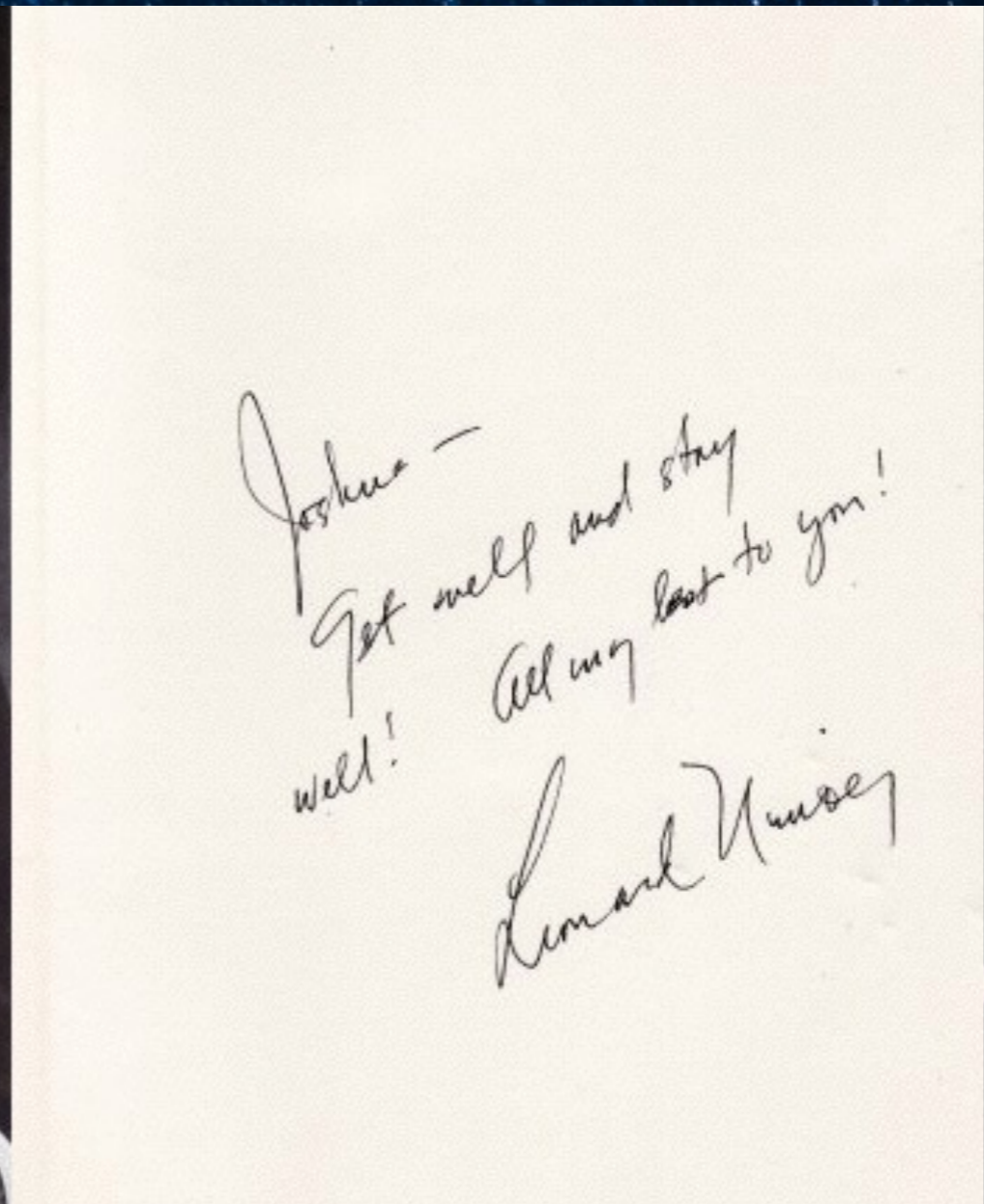
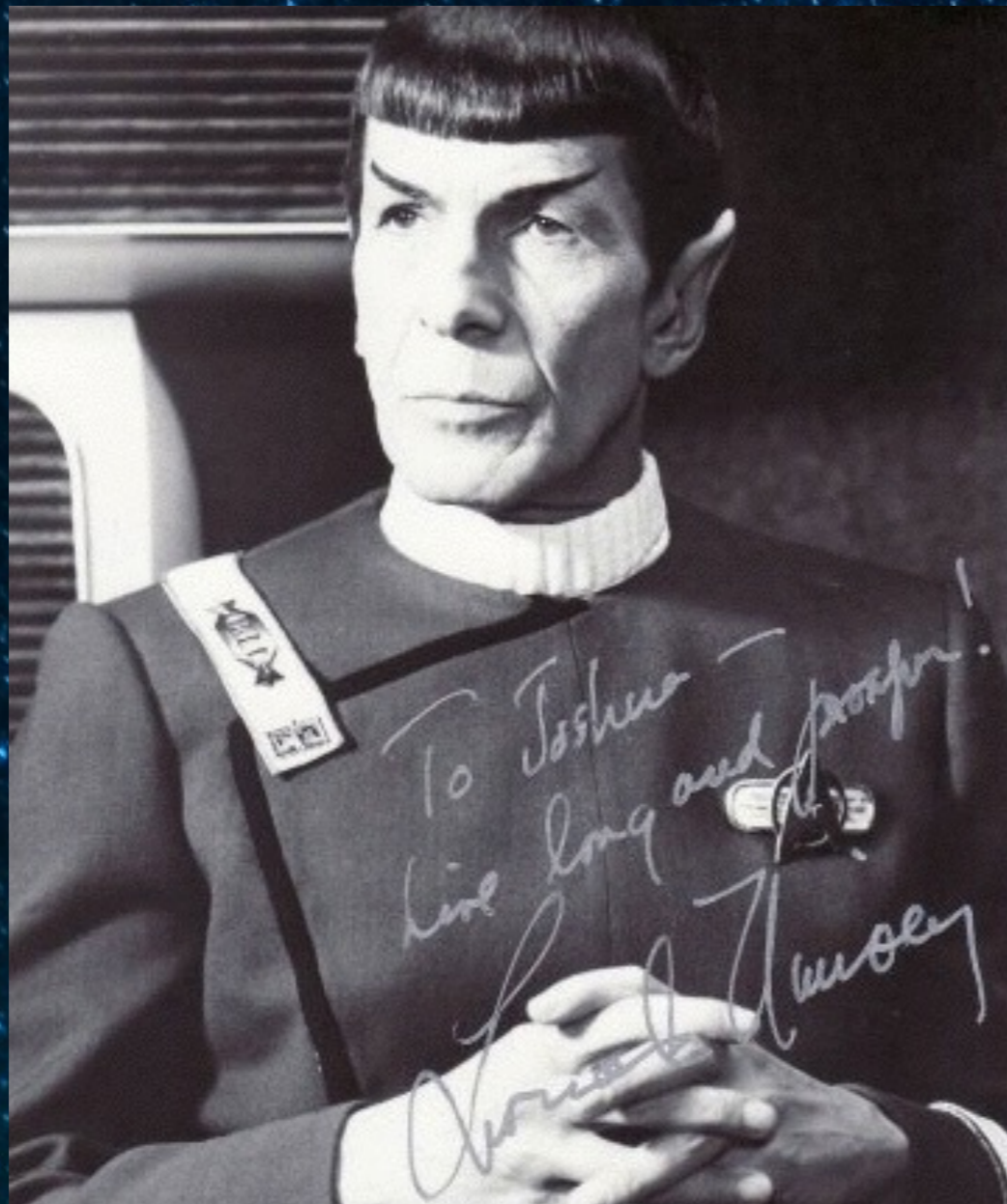


Diversity in the Practice of Law

Court Martial, TOS

Women in the Practice of Law





Leonard Nimoy

February 1990



Thanking Nimoy

May 2009

The *Legal Adventure* is Just Beginning

Questions?