

Suffolk Journal of Trial and Appellate Advocacy

Volume 14 | Issue 1

Article 3

January 2009

Table of Contents

JTAA Editors

Follow this and additional works at: <https://dc.suffolk.edu/jtaa-suffolk>



Part of the [Litigation Commons](#)

Recommended Citation

14 Suffolk J. Trial & App. Advoc. xi (2009)

This Contents is brought to you for free and open access by Digital Collections @ Suffolk. It has been accepted for inclusion in Suffolk Journal of Trial and Appellate Advocacy by an authorized editor of Digital Collections @ Suffolk. For more information, please contact dct@suffolk.edu.

SUFFOLK JOURNAL OF TRIAL &
APPELLATE ADVOCACY

Volume XIV

2009

TABLE OF CONTENTS

Editor's Note. xiii

ARTICLES

Judicial Participation in Plea Negotiations: The Elephant
in Chambers. . . . Hon. Isaac Borenstein (ret.) & Erin J. Anderson 1

Navigating E-Discovery in the Massachusetts State
Trial Courts. . . . Barry C. Klickstein & Katherine Young Fergus 35

NOTES

A Free Pass for Corporate Conspirators?:
Inconsistent Distinctions Between Civil and Criminal
Corporate Conspiratorial Liability. Katy O'Leary 58

The Uncertain Status of the Legal Certainty Test:
The Need for Consistency Among Federal Courts When
Determining the Amount-In-Controversy. . . .Robert A. Hurstak 78

Class Action Certification in Private Securities
Litigation: Endangered Species?Margaret Anne Caulfield 94

Spoliation in a Digital World:
Proposing a New Standard of Culpability in Massachusetts
for an Adverse Inference Instruction.Ben Farrell 110

CASE COMMENTS

Criminal Law – Inconclusive DNA Test Results Admitted As
Relevant Evidence Despite Absence of Random Match
Probability Analysis – *Commonwealth v. Mattei*, 892 N.E.2d 826
(Mass. App. Ct. 2008)Ryan Patrick O'Malley 127

Criminal Law – Wartime Suspension of Limitations Act
Extends Filing Time for Fraud Claims Against Big Dig
Contractors – *United States v. Prospero*, 573 F. Supp. 2d 436
(D. Mass. 2008) Cailin M. Campbell 140

Constitutional Law – In-Home Interrogation in a
Police-Dominated Atmosphere Ruled Custodial Requiring
Miranda Warnings – *United States v. Craighead*, 539 F.3d 1073
(9th Cir. 2008) Steven Vallarelli 150