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Editor's Note

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EDITOR'S NOTE

Dear Reader:

On behalf of the Suffolk University Law School Moot Court Honor Board, I am proud to present the first issue in Volume XXI of the *Suffolk Journal of Trial & Appellate Advocacy*. This issue contains one lead article and eight student-written pieces, each designed to be of practical use to lawyers and judges at the trial and appellate levels.

The Lead Article, *Daubert Debunked: A History of Legal Retrogression and the Need to Reassess "Scientific Admissibility"* was written by Professor Barbara Pfeffer Billauer. Professor Billauer provides a comprehensive analysis on the impact of *Daubert* on the admissibility of scientific evidence. We are extraordinarily fortunate to have published a piece written by an expert on the forefront of her field, in which she merges scientific evidence with policy imperatives.

The student-written pieces address topics that are of interest to members of the bar in Massachusetts and nationwide. The topics covered involve:

- an overview of the expansion of the Federal Arbitration Act and analysis discussing the necessity for a standardized application of the claim preclusion doctrine in arbitration to preserve justice (Tiffany J. Johnson);
- a discussion of the Supreme Judicial Court of Massachusetts' recommended jury instructions for eye-witness testimony, and the concerns with those instructions (Annabel Rodriguez);
- an analysis of the Sarbanes-Oxley Act, and whistleblower provision, enacted in response to Enron's fraud (Allen K. Barret);
- an exploration of the term "member of particular social group" under asylum law and when, if ever, families of gang members or targets are eligible for asylum (Maria S. Hwang);
- a discussion of the nationwide, inconsistent application of *Miranda* as it relates to the execution of search warrants and police safety, when handcuffs are used (Jonathan D. Blanton);
- an advocacy strategy including: promoting best interests, emphasizing subjective uniqueness of circumstances, and demonstrating in good faith of inadequate representation to increase likelihood of successful intervention in guardianship proceedings (Kathryn E. Martin);
- a review of when vacating a judgment may be appropriate and, specifically, whether alleged juror misconduct is sufficient for a federal court to vacate a prior judgment (Kevin J. Castodio);
and
- an analysis and alternative to Massachusetts' Second Amendment standard of review (Michael F. Grimes).

My thanks and gratitude goes out to all members of the Moot Court Honor Board who helped put this issue together with noteworthy professionalism and dedication. The *Journal of Trial & Appellate Advocacy* boasts some of the finest members of the Suffolk University Law School community, and it has been a true honor to serve by their side. Special thanks go out to my Executive Editor, Michael F. Grimes, and my Managing Editor, Elizabeth Wasson for their absolute dedication to editing the enclosed pieces for publication in this issue. The Moot Court Honor Board is indebted to the entire editorial staff for the tremendous amount of time and effort they devoted to the editorial process. Finally, I would like to thank the Board's advisor, Professor Richard Pizzano, the Board's Staff Assistant, Janice Quinlan, and the Deans and Faculty of Suffolk University Law School for their continued support of the Moot Court Honor Board and *Suffolk Journal of Trial & Appellate Advocacy*.

Thank you for reading the first issue in Volume XXI of the *Suffolk Journal of Trial & Appellate Advocacy*. I am confident practitioners, professors, students, and judges will benefit from our scholarship. My best wishes in your endeavors, and I hope you find Volume XXI thought-provoking and useful.

Kindest regards,

Annabel Rodriguez
Editor-in-Chief

