

Departments

2

EDITOR'S NOTE, LETTERS TO THE EDITOR, BRIEFS

8

THE STORIED THIRD BRANCH
A PASSION FOR JUSTICE

J. Michelle Childs

31

ON COURTS

TIGHTROPE ACT: FISA COURT REFORMS

Maj. Gen. Charles J. Dunlap, Jr. USAF (Ret.)

59

CASE NOTE

THIRD CIRCUIT CLARIFIES ASCERTAINABILITY STANDARD

Lauren Sanders

68

POINT / COUNTERPOINT

COST SHIFTING: HAS ITS TIME COME?

John Vail and Alex Dahl

74

BOOK REVIEW

A JUDGE'S LIFE

Scott D. Makar

80

LASTLY



8

POP QUIZ

A parent warns his or
"You will be punished
party or engage in an
that damages the hour

21

Features

10

A CLOSER LOOK AT
NEW PLEADING IN THE LITIGATION MARKETPLACE

Scott Dodson

21

THE DOCTRINE OF THE LAST ANTECEDENT, THE EXAMPLE IN *BARNHART*,
AND WHY BOTH ARE WEAK

Joseph Kimble

32

WRANGLING THE BEAST:
CREATING NEW STANDARDS AND BEST PRACTICES FOR MDL

Jaime L. Dodge

36

THE MDL VORTEX REVISITED

Thomas Metzloff

44

BUREAUCRATIZING THE COURTS?
FINDING MDL'S PLACE IN THE TRADITIONAL LEGAL CULTURE

Patrick Higginbotham

48

AUTHENTICATION: WHAT EVERY JUDGE AND LAWYER
NEEDS TO KNOW ABOUT ELECTRONIC EVIDENCE

Gregory Joseph

60

SHOOTING FROM THE HIP:
CONCEALED CAMERAS IN THE UNITED STATES SUPREME COURT

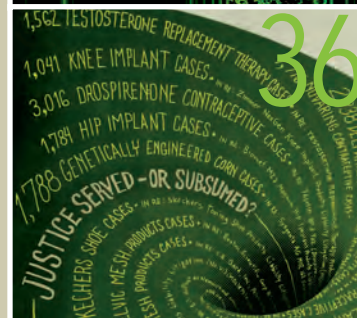
Kyle Kopko and Erin Krause



48



60



36



10