NASA Langley Office of Chief Counsel Newsletter

Volume 5, Issue I February 2014

As you can see, we haven't given up on writing our OCC Newsletter. We took a break from our year-end issue to allow our Intellectual Property Law Team (IPLT) to plan, coordinate, and host a successful annual NASA Mid-year Patent Counsel Meeting the second week of December 2013. Speaking of our IPLT, on February 10, 2014, we welcomed Yvette Mardis to OCC's staff. Yvette will work as a paralegal, primarily supporting our IPLT. Yvette joins our legal team after working many years in intellectual property law with private law firms. We are extremely pleased to have her join our office. Yvette will provide a great amount of assistance to Langley's prolific intellectual property law practice. Our IPLT plays an important role in helping Langley lead the Agency consistently in royalty payments every year. You may not know that the amount Langley employee and contractor invented and licensed technology generates in royalties paid to the Agency, Center, and inventors annually typically exceeds that generated by the rest of the Agency combined. We are likewise pleased to participate in enabling many other important NASA Programs and Projects, like the Advanced Composites Program and Hosted Payloads. In these areas, as in the many others that require OCC assistance, many things happen in the legal world that affect you and how you do your job. We cover a good many of them in this edition and endeavor to continue to serve as a vital partner in helping you complete the exciting and important contributions Langley makes to ensure so many NASA missions are accomplished with excellence. In doing so, we'll be back at full strength in April when Tom McMurry, who has been serving a one-year detail at NASA Headquarters as the Executive Assistant to the NASA Executive Council, returns to the office.

Happy reading. As always, we're open to your input and feedback regarding this OCC Newsletter.

Mike Madrid

OFFICE OF CHIEF COUNSEL STAFF
Michael N. Madrid, Chief Counsel
Charles A. "Pete" Polen, Deputy Chief Counsel
W. Thomas McMurry, Jr., Detailed to NASA HQ
Pamela M. Link, Legal Secretary
Elaine C. McMahon, Paralegal
Yvette D. Mardis, Paralegal
Bridgette M. Singleton, Legal Assistant
Gail M. Terry, Legal Assistant

BUSINESS LAW TEAM
Michael I. Mark, Associate Chief Counsel
Shawn T. Gallagher, Attorney Advisor
R. Eric Rissling, Attorney Advisor
Dacia K. Bruns, Attorney Advisor

HUMAN RELATIONS & ETHICS LAW TEAM
Charles A. "Pete" Polen, Associate Chief Counsel
Kenneth H. Goetzke, Jr., Attorney Advisor
Mona C. Williams, Attorney Advisor

INTELLECTUAL PROPERTY LAW TEAM
Robin W. Edwards, Patent Counsel
Jennifer L. Riley, Patent Attorney
Andrea Z. Warmbier, Patent Attorney

MS 30, B2101, R174
5 Langley Blvd., Hampton, VA 23681
757-864-3221

Welcome

The Office of Chief Counsel is happy to welcome Yvette Mardis as its newest member. Yvette has held paralegal positions with several law firms in Washington, D.C.; Key West and Tampa, Florida; and San Antonio, Texas, with a heavy focus in intellectual property law and litigation. Yvette's experience includes assistance with the prosecution of both domestic and foreign patent and trademark applications. She also has significant litigation and trial experience at the federal and state court levels. Yvette is married to retired Air Force Colonel Kirk Mardis and currently lives in Williamsburg with Kirk and their two children, Haley (15) and Joshua (11).

Yvette is a graduate of Eastern Kentucky University-Richmond, where she earned a B.S. in Paralegal Science. She is thrilled to be working at NASA!

Business Law News

NASA's Debarment and Suspension Procedures – Protecting the American Taxpayer

The Government has a duty to ensure that it conducts business with responsible parties. Suspension and debarment actions protect the Government from doing business with individuals, companies, and recipients of certain Government financial assistance who pose a business risk to the Government by barring these parties from entering into agreements with

the Government. Part 9 of the Federal Acquisition Regulation (FAR) sets forth regulations for suspension and debarment actions with respect to contract actions and Title 2, Part 180, Code of Federal Regulations sets forth regulations for other transactions with the Government. Contractors or individual contractor employees may be subject to suspension and debarment, and a contractor need only be suspended or debarred by one federal agency to prevent it from participating in contracts and assistance programs with all Government agencies.

Suspension is a temporary action that may last up to one year and is effective immediately. Respondents have limited due process rights, since suspension is a temporary action. A contractor may be suspended in the event it is suspected of any of a number of offenses including, but not limited to: commission of fraud or a criminal offense in connection with a public contract; violation of Federal or State antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; and commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor. Note that suspension only requires reasonable suspicion of the offense and not necessarily a conviction for the offense. The policy is intended to allow the Government to take immediate action to protect public interest while due process procedures are completed.

Debarment proceedings generally take place after a criminal conviction, civil judgment, or other fact-based determination. Simply stated, the causes of actions listed above for suspension must be proven for a debarment action to take place. The period for debarment is set on a case-by-case basis and should be for a period commensurate with the seriousness of the cause(s). Debarment is generally for a period not to exceed three years, though there are certain circumstances when an extension is warranted to protect the Government's interest.

Each Federal agency has been tasked with ensuring the Government only contracts with responsible parties. Agencies are given some discretion as to how to implement its suspension and debarment program. Under the current regulations, each agency has a Suspending and Debarring Official (SDO). NASA FAR Supplement (NFS) Subpart 1809.4 sets forth policies and procedures for suspension and debarment within the Agency and identifies NASA's SDO as the Deputy General Counsel. The Director, Headquarters Acquisition Integrity Program (AIP Director), is an Office of General Counsel asset responsible for administering the program, including entering parties excluded from participation in Government contracts into the System for Award Management (SAM). Further, each center's OCC has an AIP Center Attorney (AIP-C) responsible for coordinating violations within the center and to HQ AIP. LaRC's current AIP-C is Dacia Bruns (757.864.5764 or dacia.k.bruns@nasa.gov).

In accordance with NFS 1809.406-3(a), "Any person may refer a matter to the SDO when there is information indicating that a contractor may lack business integrity or business honesty. The information should be referred promptly to the SDO, through the AIP Director, for consideration."

The referral should contain supporting information as set forth NFS 1809.406-3(a)(1). Generally, the responsible Contracting Officer (CO) will gather the required information related to the potential violation. The AIP-C is responsible for assisting the CO in preparing the report and performing a legal sufficiency review. The AIP-C and CO sign the report and the Procurement

Officer submits it to the HQ-AIP to determine whether to proceed with 1) a presentation of matters in opposition; or 2) a fact-finding procedure. The former option is utilized when there are no genuine disputes of fact that must be resolved. This may be the case when the respondent admits to the facts, or in the event there has been a conviction or civil judgment through another judicial proceeding. Upon completion of the aforementioned due process procedures, the SDO will issue a decision.

Finally, it is important to note that unlike many criminal offenses, there is no intent requirement related to suspension and debarment. It is possible for a contractor to commit a violation without necessarily intending to do so. Therefore, it is imperative that contractors and contractor employees understand their responsibilities with respect to ethics and conflicts of interest as well as complying with applicable laws and regulations when carrying out their duties.

Arms Export Control Act and "Willful" Violations: U.S. v. Bishop

In our last OCC Newsletter we challenged readers to question whether they could recognize organizational conflicts of interest, and pointed out the dire consequences of failures to do so. This time we raise the specter of the Arms Export Control Act and ask a not-so-hypothetical question about what the prosecution must prove to get a conviction under the Act.

Let's say I'm a NASA employee working with technical data defined as "defense articles" under the Act. And, let's say I'm completely unaware the particular data is export controlled. Could I be convicted of a felony if I disclosed that technical data in a publication, even if I never knew the data was controlled under the Act? Would that be "willfully" exporting the data under the Arms Export Control Act? Or does the "willfulness" element of the crime require the prosecution prove I knew the exact data was specifically named in the Act and controlled?

A very recent federal case tried right here in the Eastern District of Virginia suggests the conviction will stand even if I didn't know what I blabbed about is on the United States Munitions List (USML).

In United States v. Brian Bishop, No. 13-4356 (Jan. 28, 2014), the government prosecuted a Foreign Service Officer for attempting to ship small arms ammunition to Amman, Jordan. Bishop, an avid hunter, included more than 7000 rounds of 9 mm and 7.62 X 39 mm ammunition in a shipment of his personal effects to be moved overseas by a government contract carrier. While Bishop's items were temporarily stored at a warehouse in Springfield,

Virginia, the carrier discovered the ammunition and alerted the authorities, who seized the ammunition. Bishop was eventually indicted under the federal Arms Export Control Act, 22 USC § 2778, for willfully attempting to export the ammunition, which are "defense articles" on the United States Munitions List, without obtaining a license from the State Department.

The USML is voluminous. It encompasses 21 separate categories and occupies 18 pages of the Code of Federal Regulations. It lists a broad array of items, including certain firearms, ammunition, explosives, protective equipment, military electronics, lasers, chemical agents, software, and related "technical data." A willful violation of the Arms Export Control Act is a felony offense punishable by 20 years' imprisonment and a $1 million fine.

At his trial Bishop maintained that he lacked the requisite criminal intent. Bishop introduced evidence that he and fellow State Department employees were confused about what kind of ammunition is actually controlled. He also presented evidence that the State Department's firearms policy in effect in Jordan would have permitted Bishop to possess ammunition in his residence. The trial judge, however, rejected Bishop's defense, and he was convicted.

In his appeal to the Fourth Circuit, Bishop argued that the government was required to prove not just that he knew that exporting the ammunition was illegal "as a general matter," but that he also knew 9 mm and 7.62 x 39 mm ammunition were specifically listed on the USML. In other words, Bishop contended that, to prove willfulness, the government was required to prove not only that he knew that his conduct was illegal, but "also that he knew why."
The Fourth Circuit rejected the argument and affirmed Bishop's conviction, holding that it was enough that Bishop know he was exporting ammunition, and that the exportation of ammunition is illegal, "even if unaccompanied by knowledge of the contents of the USML."

Given the straightforward nature of the defense articles involved in this case (i.e., small arms ammunition), Bishop's holding seems unsurprising. Most people of "ordinary intelligence" (let alone trained State Department employees) know that exporting thousands of rounds of ammunition is illegal. But legal experts have noted the case has great significance for those who deal with complex technical data or software, whose characterization as "defense articles" on the USML is by no means self-evident. Increasingly, the Department of Justice uses the Arms Export Control Act to fight technology transfers in addition to hard weapons shipments.

After the Bishop case, when the government prosecutes a person or business under the AECA for willfully disclosing technical data to a foreign entity without a license, proof that the disclosing person never knew the data in question was listed on the Munitions List will not necessarily prevent a conviction. The lesson from this case is quite clear—be sure you know whether the information you wish to disseminate is subject to the export control regulations. Don’t hesitate to seek the assistance of the Office of the Chief Counsel and the Center Export Administrator you ever have questions about such matters. For assistance, you may contact Eric Rissling in OCC at raymond.e.rissling@nasa.gov or at 864-7295. To reach a Center Export Administrator, you may contact Angela Digiosaffatte at Angela.digiosaffatte@nasa.gov or 864-6933 or Marissa Tons at marissa.n.tons@nasa.gov or 864-3313.

Ethics Edicts

A Pathway Ahead for Pathways Students: A Recent Change to NASA's Ethics Regulations

Thanks to a recent change in NASA's ethics regulations, student interns in the Pathways program (and other student intern programs) may now receive permission to also do other work funded by NASA contracts, grants, and agreements.

Under NASA's ethics regulations, most of its employees are prohibited from doing other work funded by NASA. Our employees engage in all sorts of outside activities, including teaching, private consulting, professional activities, and of course recreational and hobby interests. To avoid even the appearance that official funds might be misused, however, there is a regulatory prohibition against employees doing outside work that is funded by NASA. So, for example, a NASA engineer at Langley Research Center could not do outside work on a NASA grant, even if it was unrelated to her normal duties. Because students who are interested in Aerospace careers frequently do work on multiple projects funded from various sources, and are unlikely to be in a position to direct NASA fund usage, the ethics restriction frequently frustrated otherwise promising opportunities.

Under the new policy, though, a Pathways student may spend a semester as a cooperative student, working at a NASA center, and then return to their academic institution, and assist a professor in NASA funded research. Before taking on NASA work, however, that student should consult with both their NASA and school mentors, and the OHCM Pathways Program Manager. Their proposed work must still be approved for potential conflicts (via Langley Form 106, available from the OHCM Pathways Program Manager). Pathways students are considered Federal employees, even when they return fulltime to their home institution, so they need to be careful in disclosing information, and avoiding situations where it might appear they are using their NASA connections for improper personal gain. But there is no longer an absolute bar to being involved in more than one program.

For more information, contact the NASA Langley OHCM Pathways Program Manager, Yolanda Watford Simmons, at yolanda.watford.simmons@nasa.gov or 757-864-1569, or our agency ethics official, Ken Goetzke, an Attorney in our Office of Chief Counsel, at kenneth.goetzke@nasa.gov or 757-864-7390.

A difficult task for a lawyer? Leaving this space empty.

Ethics Edicts

An Employee of the People (just not your people)

A civil servant may not use his or her official position for personal benefit or for the benefit of others. As civil servants, our job is not a friends and family plan. In general, within the ethics world, ethics regulations governing Misuse of Position proscribe use of official position for personal benefit or the benefit of others. Misuse of Position regulations cover a broad category of activities, including endorsement, use of government property, writing letters of recommendation, use of official information, and use of official time. Below is a review of these various regulations. Employees should direct questions regarding potential misuse of position to one of the Center ethics counselors. You may reach an ethics counselor by calling 864-3221 or contacting Ken Goetzke at Kenneth.h.goetzke@nasa.gov or Pete Polen at Charles.a.polen@nasa.gov.

Misuse of Position

An employee may not use her public office for her own private gain or for that of persons or organizations with which she is associated personally. An employee's position or title should not be used to coerce; to endorse any product, service or enterprise; or to give the appearance of governmental sanction. An employee may use her official title and stationery only in response to a request for a reference or recommendation for someone she has worked with in Federal employment or someone she is recommending for Federal employment.

5 C.F.R. § 2635.702 (see **Subpart G - Misuse of Position; Use of Public Office for Private Gain**)

Use of Official Title

Generally, an employee engaging in teaching, speaking or writing in her personal capacity may not use her official title or position to identify herself in connection with the activity or to promote any book, seminar, course, or program. The two exceptions to this rule are as follows:

1. An employee may allow the use of her title if it is included as part of several other biographical details and the title is given no more prominence than other information; and,

2. An employee may allow the use of her title in connection with an article published in a scientific or professional journal provided there is an appropriate disclaimer. A disclaimer typically reads something like, “This article is written in my capacity as a research scientist and does not necessarily reflect the views of NASA or the United States Government.”

5 C.F.R. § 2635.807(b) (see **Subpart H - Outside Activities; Teaching, Speaking and Writing**)

Fundraising

An employee engaging in fundraising in her personal capacity is also prohibited from using her official title, position or authority. In addition, she cannot solicit funds or other support from a subordinate or from any person that has business with her component.

5 C.F.R. § 2635.808(c) (see **Subpart H - Outside Activities; Fundraising activities)**

Use of Government Property

An employee should recognize his responsibility to protect and conserve government property and resources, and to make an honest effort to use official time and government property only for official business. 5 C.F.R. § 2635.704 through .705 **Use of Government property, and Use of official time**.

NPD 2540.1G, *Personal Use of Government Office Equipment, Including Information Technology*, sets forth NASA policy governing the use of office equipment. The NPD reminds us that by using government office equipment, employees and contractors consent to monitoring and disclosing the contents of files or information maintained or passed through the equipment. Limited personal use of government equipment, including computers and mobile phones by NASA employees and contractors is permissible, but it should normally occur at times that do not interfere with official business and accomplishing work, should involve minimal additional expense to the government, and must not violate any laws, regulations, or policy.

See Also Misuse *of Equipment and Time,* OCC Newsletter, Volume III, Issue III, December 2011.

Use of Non-public Information

An employee may not engage in a financial transaction using nonpublic information nor allow the use of such information to further his private interests or those of another. Nonpublic information is information an employee gains on the job that has not been made available to the general public and is not authorized to be made available upon request.

5 C.F.R. § 2635.703 (see **Subpart G - Misuse of Position; Use of Non-public Information**)

Use of Official Time

An employee shall use official time in an honest effort to perform official duties. Generally, employees should not conduct personal activities during duty hours.

5 C.F.R. § 2635.705 (see **Subpart G - Misuse of Position; Use of official time**)

Disclosing Procurement Information

An employee is prohibited from disclosing contractor bid or proposal information or source selection information to any person other than one authorized to receive such information.

48 C.F.R. § 3.104-4-5

Letters of Recommendation on Official NASA Letterhead

An employee may sign a letter of recommendation using his official title and office letterhead in response to a request for an employment recommendation or character reference for someone provided it is based on his personal knowledge of the ability or character of the person. In addition, the individual must be someone with whom the employee has worked with in the course of his federal employment or someone he is recommending for federal employment. A disclaimer normally accompanies such letters. A disclaimer in this situation typically reads something like, "this character reference is based upon my personal knowledge of the abilities of XXXXXXXXXXXX, whom I have known in the course of my NASA duties. It reflects my professional opinions and observations and is not intended to be an official agency or United States Government endorsement."

5 C.F.R. § 2635.702(b) (see **Subpart G - Misuse of Position; Use of public office for private gain**)

In closing on this topic, a couple of true stories of misuse:

Show Me the Money!

An inspector general investigation disclosed that a government employee submitted inaccurate Confidential Financial Disclosure Reports, Office of Government Ethics Forms 450, filed in four consecutive years. The employee failed to report income earned independent of her civil servant salary. The employee earned two payments for consulting services paid to her by her former supervisor, a retired civil servant. The former supervisor hired the employee to work on his consulting agreement with a community college, a grantee for which the current employee also served as grant manager. Additionally, the employee failed to document on her Form 450 that she was paid $25,845 for outside employment with a church. Finally, a government prime contractor performing work for the government under the government employee's supervision, donated $2,350 to the church at which the employee worked. The employee did not disclose any of the income from these sources or the apparent conflicts of interest her activities created. The former employee pled guilty to false statement charges.

Don't You Know Who You're Dealing With?

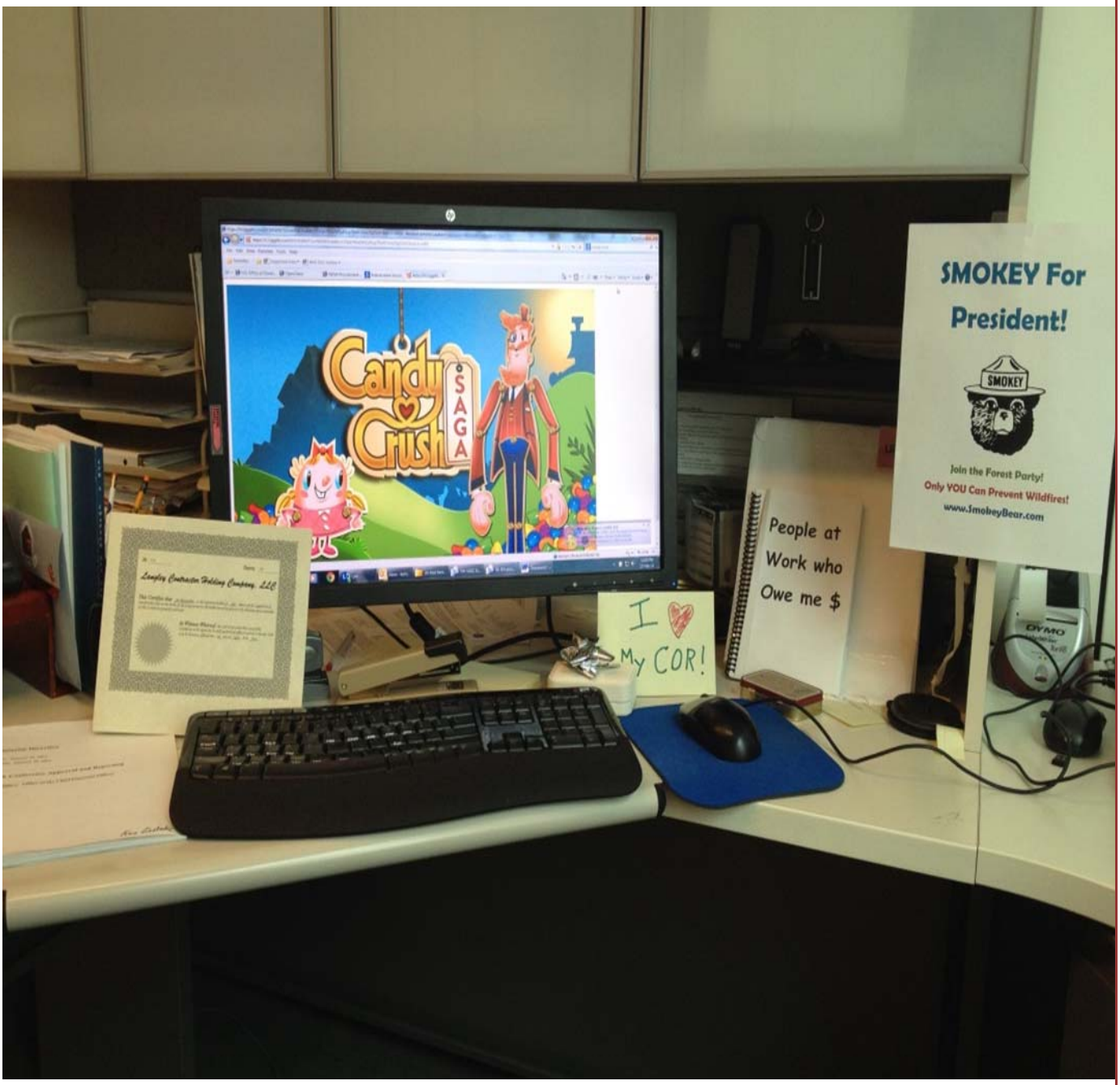
The son of an agency organization director was denied a rental car because he was too young. Outraged, his agency director father wrote a scathing letter (on agency letterhead) to the president of the rental car company, and sent it off in a U.S. postage-paid envelope. The president of the company was not amused and returned his scathing response to the head of the agency. Because of his action, the director was treated to a four-hour ethics training session and additional administrative punishment.

Ethics Edicts

Oh, no! The Ethics Patrol is Here![‡]

Can you spot the five differences between the "before" and "after" pictures on the next two pages? (Answers on next page)

Before:

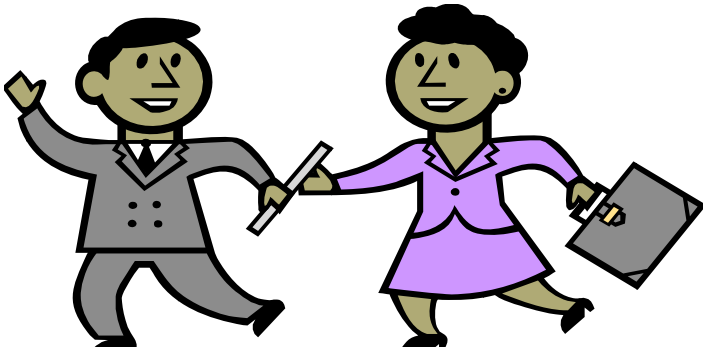


After:

Answers to Ethics Search: (1) Computer game replaced by officially endorsed website; (2) Expensive gift from contractor employee replaced with healthy snack; (3) Political poster (simulated) replaced by Code of Ethics; (4) Evidence of unapproved outside activity replaced by laboratory notebook; (5) Stock in government contractor replaced by conflict-free investment option.[‡] Note: There is no Ethics Patrol (yet).

Intellectually Speaking

Passing the Baton: the U.S. Patent System in Transition



On March 16, 2013, the provisions of the Leahy-Smith America Invents Act (AIA), which changed the U.S. Patent system from a first-to-invent to a first-inventor-to-file system, went into effect. Due to this transition, it is anticipated that for many years to come, the U.S. Patent system, including applicants, patent examiners, and courts will need to be prepared to examine/prosecute applications under each set of law.

Neither the patent applicants nor attorneys here at NASA Langley Research Center (LaRC) can escape this requirement. Now that we are nearly one year past the change to a first-to-file system, LaRC has some patent applications that are still being prosecuted under the old first-to-invent patent law and some newly filed patent applications that are being prosecuted under the new first-inventor-to-file patent law implemented by the AIA. Further, there may be some situations where a patent application will be transitioned from the old law to the new law.

Depending on which set of law is being applied to a particular patent application, different strategies may be implemented when writing new patent applications and replying to actions issued by the United States Patent and Trademark Office. Therefore, by understanding how the two sets of law will interact and by managing which set of law a patent application will be examined under, we will be able to obtain the optimal scope of patent protection for each invention.

Open Source Software – Friend or Foe?

Open source software use and distribution accomplishes many goals for NASA. Release of open source software furthers NASA's mission to facilitate technology transfer, accelerate NASA software development, and maximize awareness and impact of NASA research. Use of open source software also often provides NASA with a no-cost alternative to developing software at a time when budget constraints are a rapidly growing concern.

However, open source software users should proceed with caution before using or incorporating open source software into NASA software, as the terms of the open source license agreement may preclude NASA's intended use of the software. If you are planning to develop software that is intended for open source release, or incorporate external open source software as part of a NASA project, you should consult with NASA Office of Chief Counsel to assess any risks that may negatively impact NASA's intended use. It is important to determine whether the license terms are acceptable to NASA prior to incorporating open source or any third party software, as nothing would be more frustrating than to learn, after significant time and costs were invested in the development of the software, that NASA is unable to use or release the software as intended because of the restrictions of the license agreement.

LOVE THAT MUSIC??

Pop? Classical? Folk? Jazz? Country? Broadway? Whatever the genre, music may play an important role in a NASA presentation, video, app, or other outreach. It can often be the crowning touch – or perhaps be the inspiration around which a video is built.

Along with the use of music comes the responsibility to ensure NASA has the appropriate rights or license that permit the use. If public performance will be the only use, NASA has agreements in place that allow NASA to publicly perform select songs. Please contact LaRC OCC to determine whether specific music is covered. It is important to note that NASA's arrangements

do not permit NASA to use music (lyrics and composition) in connection with a video or other outreach we produce. For that use, NASA would need permission in the form of a synchronization license from the music publisher. It would also not permit NASA to use a particular sound recording (a recording of the song performed by a particular artist) in a video we are producing. For that, we would need permission in the form of a Master Use license from the record label.

Please coordinate early with LaRC OCC to ensure your desired use of music is permitted, to allow sufficient time for the required license(s) to be negotiated, or to enable the identification of alternate music with the necessary permitted use(s).

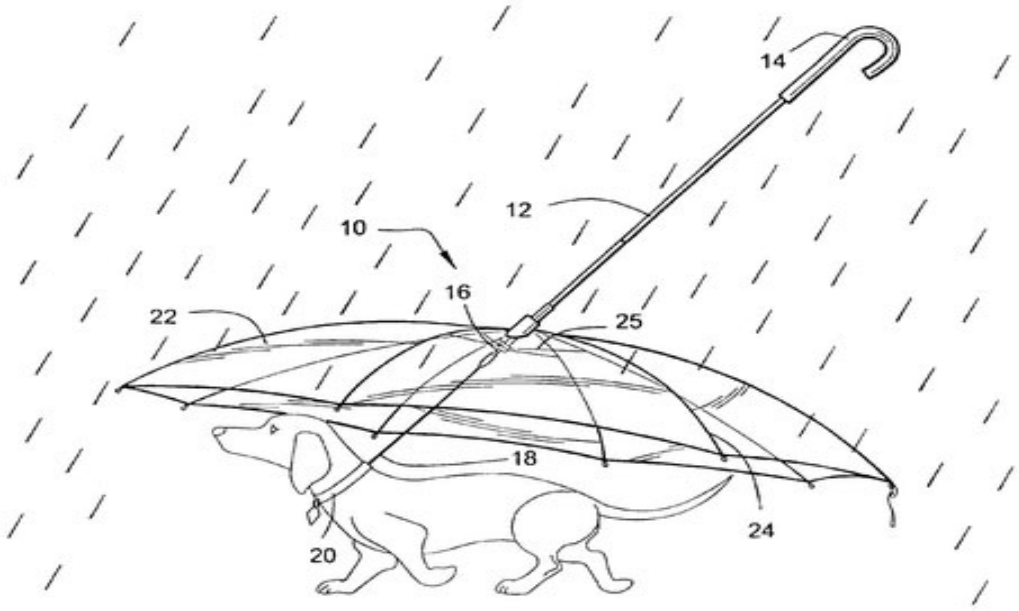
Congratulations to Inventors of Recently Issued U.S. Patents

Application Title	Patent Issue Date	Patent Number	Employer Name	First Name	Last Name
Composite Insulated Conductor	10/01/2013	8,545,986	NASA LaRC	Ruth	Pater
Time Shifted PN Codes for CW LIDAR, RADAR, and SONAR	12/10/2013	8,605,262	NASA LaRC	Joel	Campbell
			NASA LaRC	Narashima	Prasad
			NASA LaRC	Fenton	Harrison
			NASA LaRC	Michael	Flood
Mechanically Strong, Thermally Stable, and Electrically Conductive Nanocomposite Structure and Method of Fabricating Same	12/17/2013	8,608,993	NASA LaRC	Dennis	Working
			NASA LARC	Emilie	Siochi
			NIA	Cheol	Park
			NASA LaRC	Peter	Lillehei
Method and Apparatus for Performance Optimization Through Physical Perturbation of Task Elements	1/14/2014	8,628,333	NASA LaRC	Lawrence	Prinzel III
			NASA LaRC	Alan	Pope
			Self	Olafur	Palsson
			Self	Marsha	Turner
Wireless Temperature Sensor Having No Electrical Connections and Sensing Method for Use Therewith	1/28/2014	8,636,407	NASA LaRC	Stanley	Woodard

Methods of Real Time Image Enhancement of Flash LIDAR Data and Navigating a Vehicle Using Flash LIDAR Data	2/18/2014	8,655,513	NASA LaRC	Michael	Vanek
Blended Cutout Flap for the Reduction of Jet-Flap Interaction Noise	2/18/2014	8,651,429	The Boeing Co.	Michael	Czech
			NASA LaRC	Russell	Thomas
Photogrammetry System and Method for Determining Relative Motion Between Two Bodies	2/18/2014	8,655,094	NASA LaRC	Samuel	Miller
			NASA LaRC	Kurt	Severence
Vapor-Barrier Vacuum Isolation System	2/25/2014	8,658,004	NASA LaRC	Leonard	Weinstein
			NASA LaRC	Karen	Taminger

Now for Something Not Part of a Recently Issued NASA Patent:

Patent No. US 6871616: Pet Umbrella and Combined Pet Leash and Umbrella**



**Dog Sold Separately

Humor

The Extra Part Principle: You never know what that extra part is for until you've thrown it away.

Tylczak's Probability Postulate: Random events tend to occur in groups.

McKernan's Maxim: Those who are unable to learn from past meetings are condemned to repeat them.

Courtroom Humor from Actual Cases:

Q: Are you married?
A: No, I'm divorced.
Q: What did your husband do before you divorced him?
A: A lot of things I didn't know about.

Q: When he went, had you gone and had she, if she wanted to and was able, for the time being excluding all the restraints on her not to go, gone also, would he have brought you, meaning you and she, with him to the station:

MR BROOKS: Objection! That question should be taken out and shot.

Q: …any suggestions as to what prevented this from being a murder trial instead of an attempted murder trial?

A: The victim lived.

Q: Was that the same nose you broke as a child?

Quotes:

A jury consists of twelve persons chosen to decide who has the better lawyer.
-Robert Frost

A verbal contract isn't worth the paper it is written on.
-Samuel Goldwyn