

Adoption Law and Practice

Joan H. Hollinger, Editor-in-Chief

Adoption Law and Practice, a premiere treatise by the most respected name in adoption law, places local issues in broader context, provides information about interstate, state-federal, and international aspects of adoption, and is the acknowledged authority for dealing with the increased "constitutionalizing" of adoption law and practice.

Turn to this nationally recognized work for insightful analysis of contemporary adoption issues, including:

- Who may adopt and be adopted
- Consent and relinquishment by birth parents
- Placement: religious, racial, ethnic factors; single and gay or lesbian adoptive parents
- Independent, stepparent, and agency adoptions – by consent or contested
- Interstate Jurisdictional Rules and Conflicts of Law
- Adopting children with special needs
- Federal Laws: ASFA, MEPA, CAPTA
- Adopting children from other countries
- Adopting Native American children
- Impact of the new reproductive technology – including surrogate parenting
- Economic, legal, and psychological consequences of adoption

Apprehending and Prosecuting the Drunk Driver

Harvey M. Cohen, Joseph B. Green, David Slavin

Apprehending and Prosecuting the Drunk Driver is a one-volume treatise offering the legal, technical, and practical information law enforcement officers and prosecutors need to ensure the effectiveness of each drunk driving stop, search, arrest, and prosecution.

Topics include:

- recognizing drunk driving characteristics of a vehicle in motion
- evaluating sensory clues of alcohol and drug impairment during face-to-face encounters
- administering field sobriety tests and preliminary breath tests
- deciding if probable cause for arrest exists
- determining if "fresh pursuit" is warranted
- reading Miranda rights and implied consent warnings
- administering chemical tests after arrest
- labeling and preserving test samples; and
- videotaping suspects.

Extensive scientific material is included on the effects of alcohol on the body, the chemical testing methods and devices used to determine alcohol concentration, breath alcohol ignition interlock devices, and alcohol monitoring. Trial and pretrial considerations in a drunk driving prosecution are addressed. Driving under the influence of drugs, vehicular homicide involving the intoxicated driver, and police civil liability are also discussed. The procedures set forth by the National Highway Traffic Safety Administration for detecting drunk drivers and recognizing drivers who are under the influence of drugs are reprinted and analyzed. Coverage is national in scope. Included is a pocket-sized manual, *Apprehending the Drunk Driver: Police Officer's Handbook*, which also may be purchased separately. This handbook contains concise, easy to read guidelines an officer can refer to in the field when making the determination whether to stop and arrest a drunk driving suspect.

Chapter 11 for Individual Debtors

Daniel M. Press, Brett Weiss, Alan N. Resnick, Henry J. Sommer

Chapter 11 for Individual Debtors: A Collier Monograph lays out the groundwork, reviews the fundamentals, provides forms, and lets counsel know how to properly represent and advise an individual chapter 11 client from the initial interview to discharge. It is both a primer for bankruptcy law attorneys who have not previously represented chapter 11 individual debtors, as well as a detailed description of bankruptcy law and procedure applying to this type of case for the experienced practitioner.

Chapter 11 for Individual Debtors discusses some of the common chapter 11 pitfalls, and highlights the differences and similarities with chapter 13. For the more experienced individual chapter 11 bankruptcy law practitioner, it offers strategies and in-depth explanations of some of the more complex areas of individual chapter 11 practice.

Forms covering major aspects of a chapter 11 case, from an Application for Employment of Counsel to an Emergency Motion to Use Cash Collateral to the Disclosure Statement and chapter 11 Plan, are included.

Closely Held Corporations

Douglas K. Moll
Robert A. Ragazzo

The **closely held corporation** is a relatively new corporate formation, with a distinct and unique body of law that is still developing: lawmakers have recognized that the closely held corporation has its own needs, and its own potentials for malfeasance. *Closely Held Corporations* is a definitive work on this multi-faceted and ever-evolving area of law. Written by two nationally recognized scholars in the corporate law field, the book considers laws, regulations and judicial opinions, at both the federal and state level. It also references the wealth of legal scholarship on the subject, in extensive detail. *Closely Held Corporations* provides profound insight into creating viable and highly successful corporate structures and bylaws that will help avoid future conflict. In addition, the work provides everything a practitioner needs to successfully resolve conflict, should it arise.

This skillfully drafted and highly effective treatise:

Maintains current treatment of all facets of close corporation law; Focuses on the transactional and litigation issues that are unique to this particular corporate form; Considers both basic and more sophisticated issues, and as such is relevant for both the seasoned practitioner, and one who is newer to the field, and; Includes highly detailed forms and litigation pleadings.

Collier Consumer Bankruptcy Practice Guide

Henry J. Sommer

Collier Consumer Bankruptcy Practice Guide assists you through all phases of a consumer bankruptcy case. From interviewing the client to filing an appeal, this transaction-based practice guide provides detailed discussions and step-by-step analysis of Chapter 7 and Chapter 13 consumer bankruptcy cases.

Collier Consumer Bankruptcy Practice Guide covers:

- Methods and strategies for interviewing the debtor
- Counseling the debtor about bankruptcy options
- Choosing the type of bankruptcy offering the greatest advantage to the client
- Agreements for and disclosure of attorney's fees
- Preparing and filing the forms, statements and schedules used in a typical bankruptcy case
- Enforcing the automatic and codebtor stay, as well as motions for relief from the stay
- Claiming and objecting to exemptions
- Preparing for the meeting of creditors
- Litigation procedures in bankruptcy cases

Collier Family Law and the Bankruptcy Code

For both the general practitioner and the matrimonial specialist, a comprehensive, practice-oriented guide to the impact of bankruptcy on family law issues. Examines the Bankruptcy Code with emphasis on provisions directly related to family law.

Coverage of **Collier Family Law and the Bankruptcy Code** includes:

- Overview of the bankruptcy process
- Overlap of bankruptcy court jurisdiction and state family court jurisdiction
- Determining the debtor's interest in marital property
- Special issues involving community property
- Effects of Chapter 13 on current alimony and support obligations and on modification and enforcement of support obligations
- Effect of the automatic stay on on-going family court actions

Corporate Attorney's Practice Guide

Corporate Attorney's Practice Guide gives you practical, step-by-step guidance for the representation of a business entity – as well as analytical overviews of each topic, checklists, practice pointers, links to complementary analytical materials – plus links to lexis.com® for more comprehensive research. This step-by-step guide is edited by William H. Clark, Jr. of Drinker Biddle and Reath with contributions from several other prominent corporate attorneys. They share their knowledge, practice tips and deep understanding of corporate law in this task based practice guide.

Corporate Compliance Practice Guide

Corporate Compliance Practice Guide is the first resource of its kind to address the new era of compliance issues and expectations

triggered by the global financial crisis. Turn to this portable, quick-answer guide for expert insights into best practices for developing and maintaining compliance programs tailored to your client's or organization's industry, business, and culture – with specialized guidance for such practice areas and regulated industries including antitrust, securities, banking, healthcare, insurance and environmental.

Criminal Constitutional Law

David S. Rudstein, C. Peter Erlinder, David C. Thomas

This wide-ranging treatise examines all the complex constitutional issues involved in criminal law. **Criminal Constitutional Law** provides substantive discussion, as well as procedural guidelines on tactics and strategy. The treatise analyzes all important Supreme Court, federal and state decisions interpreting Constitution provisions.

Procedures mandated by the constitution for police, the courts, the prosecution and the defense at each stage of the criminal process are thoroughly scrutinized, with discussions of:

- Prohibition of unreasonable searches and seizures, including "good faith" exceptions
- Protection against compulsive self-incrimination and compelled testimony
- Prohibition against excessive bail
- Obligations of due process and equal protection
- Right to counsel, right to a jury trial, and rights of appeal

Criminal Evidentiary Foundations

Edward J. Imwinkelried, Daniel D. Blinka

Criminal Evidentiary Foundations describes in detail how to lay foundations to ensure the admission of critical items of evidence in a criminal trial. It shows you exactly how to convert abstract evidentiary doctrine into concrete lines of questioning. You'll get explanations for phrasing of questions on direct and cross-examination and hundreds of sample foundational questions adapted to criminal cases.

Criminal Investigation Handbook

Thomas P. Mauriello

Criminal Investigation Handbook contains critical information you need to know about use of the internet in perpetrating a computer crime – especially cybercrime – and websites, e-mail addresses, and databases you can use in your investigation.

Use this **Handbook** for practical guidance through each element of a criminal investigation. **Criminal Investigation Handbook** provides you with current information in a format that is easy to understand and apply to your investigation.

Whether you are a law enforcement officer, prosecutor, or criminal defense lawyer, you will find the information in this resource useful to your case. Covering the practical aspects of an investigation as well as pertinent legal analysis, this resource will prove itself invaluable to your case.

Criminal Law Deskbook

Patrick L. McCloskey, Ronald L. Schoenberg; Revisions: Jay Shapiro

Criminal Law Deskbook offers concise discussion of the basic principles of criminal procedure, substantive criminal law, and criminal trial strategy and tactics.

Criminal Law Deskbook:

- Is logically organized according to the chronology of a criminal case
- Provides thorough coverage of everything from arraignment and bail to sentencing
- Contains numerous checklists provide a time-saving framework for analyzing all aspects of a case

Criminal Trial Error and Misconduct

Gershman, Bennett L.

Prepare for any critical situation in a criminal trial with **Criminal Trial Error and Misconduct**, now in its second edition. This book will help you avoid devastating results in the unpredictable world of a criminal trial. No one wants their case reversed due to error or misconduct. This reference is broad in scope and comprehensive in coverage and proves indispensable for everyone in criminal practice - prosecutors, defense attorneys and even judges.

The eBook versions of this title feature links to Lexis Advance for further legal research options.

Corporate Governance: Law and Practice

Corporate Governance: Law and Practice addresses the major policies embodied in legislation, case law, state and federal regulations, stock market listing requirements, and best practices guidelines concerning the rights of shareholders and the obligations of the managers and directors who run and oversee companies on their behalf.

This comprehensive and accessible resource offers authoritative analysis and insightful, practical guidance on every critical corporate governance topic. Coverage includes:

- An overview of the history and sources of corporate governance, as well as a discussion of current and future trends
- Discussion of shareholders' rights and developments relating to shareholder proposals and access to company proxy materials
- An overview of the legal duties and responsibilities of the board, including the business judgment rule, and discussion of board structure and specific board processes
- Concise yet thorough discussion on limiting director and officer liability through expert analysis of indemnification, D&O insurance, and exculpation under the Delaware General Corporation Law
- Expert advice on developing and disclosing required corporate governance guidelines, including sample guidelines and a comprehensive chart comparing United States company guidelines with codes of best practices
- A separate chapter devoted to each of the nominating/corporate governance, audit and compensation committees, covering composition and procedural requirements and including a sample charter for each
- Discussion of governance issues in the corporate control context, with explication of the enhanced scrutiny applied by courts in such contexts, and practical guidance on appropriate preparatory actions and responses to takeover proposals and going private and hostile tender offers
- A separate chapter on special board committees, focusing on the purpose, membership criteria and requirements of both special negotiating and special litigation committees
- An informative discussion of the importance of the corporate code of conduct as a lynchpin of a company's compliance efforts, including in-depth review of the legal and regulatory background; discussion of the Federal Sentencing Guidelines for Organizations compliance standards; Sarbanes-Oxley Act, SEC and SRO code of conduct requirements; and practical advice on creating, implementing and monitoring the code with references throughout to the model code included in the chapter appendix
- An insightful discussion of the roles and responsibilities of the major non-board participants in corporate governance: the CEO; the CFO, the Head of the Internal Audit; the Corporate Secretary; the Chief Governance Officer; the Chief Compliance Officer; the General Counsel and the Independent Public Accountants. Related topics include requirements for the NYSE and Sarbanes-Oxley Sections 302 and 906 CEO and CFO certifications; the SEC attorney conduct rules; the ABA Model Rules of Professional Conduct; and the role of the Public Company Accounting Oversight Board
- Comprehensive coverage of corporate governance aspects of executive compensation

In addition to expert analysis and practical advice, the treatise includes numerous chapter and treatise appendices for quick reference, including sample charters, sample forms, NYSE and NASDAQ corporate governance listing standards, selected federal securities statutes and regulations, and best practices reports and guidance from influential private sector groups.

Defense of Narcotics Cases

Defense of Narcotics Cases provides expert, up-to-date coverage of all aspects of narcotics cases and related matters, such as: identification of drugs, search and seizure, motor vehicle and airport searches, and pretrial proceedings. It also covers informers and accomplices, the trial, alternatives to standing trial, compulsory commitment of narcotics addicts, defense of driving-under-the-influence cases, and forfeiture proceedings

Defense of Drunk Driving Cases: Criminal – Civil

Richard E. Erwin, Dr. Leon Greenberg, Herbert M. Goldstein, Arne K. Bergh, Practice Guide by Richard J. Essen; Scientific Chapters Revised by Harvey M. Cohen

Defense of Drunk Driving Cases: Criminal – Civil provides comprehensive coverage of the legal and technical issues that arise in a drunk driving case. This resource contains up-to-date guidance on relevant statutes, case law, and scientific facts. Topics discussed include per se laws, implied consent legislation, constitutional objections, field sobriety testing, and admissibility of chemical test results and other evidence. The Practice Guide details pretrial discovery, defenses, and trial tactics. Extensive background information on the substance of chemical test evidence, including physiology, pharmacology, and analytical techniques, is also featured.

Defense of Drunk Driving Cases features a Practice Guide written by a drunk driving defense expert. From pinpointing the elements of the defense to delivering the arguments to the jury, the Practice Guide addresses how to handle a drunk driving case from the initial client contact through appeal, including sample cross-examination, illustrative testimony and sample forms and motions.

Comprehensive coverage of all aspects of drunk driving defense:

- Illegal per se laws and statutory presumptions
- Constitutional objections
- Field sobriety tests
- Motions to suppress
- Pretrial discovery
- Implied consent laws
- Self-incrimination and unlawful search and seizure
- Roadblocks
- Admissibility of chemical test evidence
- Detailed analysis of the scientific instruments used to detect alcohol levels and the factors that may interfere with the accuracy of results
- State statutory appendix and Uniform Vehicle Code
- Extensive case annotations from all jurisdictions
- Trial tactics and appeals procedures
- Liquor liability

This indispensable reference also describes the scientific and mathematical foundations of chemical testing and their relation to a case with clear, non-technical explanations found in no other source. Discover the mechanics of blood, urine, and saliva analysis, as well as the background and uses of breath-testing devices for alcohol detection. Learn about the many pathological conditions whose symptoms sometimes resemble intoxication, leading to improper arrests and false positive test results.

Disputed Paternity Proceedings

George C. Maha, Nina M. Vitek, Ami S. Jaeger, Marygold M. Melli, James R. Marsh, with other contributors

Disputed Paternity Proceedings is a comprehensive analysis of paternity-related litigation issues emphasizing topics that transcend state lines, offering tightly focused coverage of contemporary issues in a highly accessible format to help:

- Warn of procedural traps and substantive pitfalls
- Identify key factors in the court's decision-making
- Get results by applying recent legislation
- Take the mystery out of the study of cells and genetics
- Question outdated traditions
- Structure winning arguments to the court
- Locate data to support client positions and contentions
- Pursue federal social security, admiralty and military benefits
- Assess proposed solutions
- Handle DNA testing and presenting results in the courtroom
- Collect child support in cases of disputed paternity
- Ensure safe use of new reproductive technologies
- Protect the rights of people participating in the reproductive process

Drafting Partnership and LLC Agreements: Tax Provisions

Ivan Mitev, Matt Kaden

This short treatise discusses and explains in great detail the "boilerplate" tax provisions that are found in almost all partnership and LLC agreements. The treatise is intended to serve as a practice tool to be used by practitioners who draft or review such agreements. The treatise explains what each provision does, whether it is required, and whether the drafter should implement it. Additionally, the treatise discusses how each provision impacts the capital accounts and tax returns, and provides clarifying comments regarding the language and its interplay with the famous (or infamous) Section 704(b) Regulations. The treatise also identifies and discusses a number of issues and traps for the unwary that the practitioner should be aware of when drafting the all-important allocation and liquidation provisions of the agreement. Finally, the treatise provides a sample layout that practitioners may use to run calculations in testing their allocations, as well as sample tax language that serves as a more concise alternative to the currently prevalent tax boilerplate.

Family Law & Practice

Written by a distinguished group of matrimonial practitioners and family law experts from across the country, Family Law & Practice is national in scope and practice-oriented, providing guidance for every stage of a family law proceeding from initial client contact through modification and enforcement. Some of the topics covered in this comprehensive, up-to-date work include:

- Strategy
- Temporary relief
- Child custody, including the latest cases on joint vs. sole custody

- Valuation and distribution of property upon dissolution of marriage
- Child support
- Spousal support
- Domestic violence
- The latest tax considerations
- Discovery, pre-trial, and trial techniques
- Modification and enforcement of support orders
- Divorce, support and benefits relevant to military families
- Paternity proceedings
- Adoption
- Unmarried cohabitants
- Counsel fees
- Attorney ethics

Invaluable practice aids incorporated throughout the work include model pleadings, orders, motion papers, sample retainers, financial questionnaires, sample interrogatories, models of equitable distribution of marital property, model direct and cross-examinations.

Family Law Litigation Guide with Forms: Discovery, Evidence, Trial Practice

Family Law Litigation Guide with Forms: Discovery, Evidence, Trial Practice is the only publication available that helps prepare you for every phase of matrimonial and family law pre-trial practice and related court proceedings. You'll get in-depth coverage of procedural and evidentiary rules, as well as practical "how to" guidance that helps you apply those rules in court. Whether you're a specialist or a general practitioner, your work will go faster with clearly-written analyses, practice points, convenient checklists, and more than 200 sample court-tested forms, including:

- Forms used in family law proceedings
- Practice checklists
- Sample motion papers
- Sample discovery devices
- Sample questions and answers that demonstrate and explain every aspect of questioning

Four distinct units of coverage take you step-by-step through:

- Law of Discovery
- Discovery Practice
- Law of Evidence
- Trial Practice

Law of Associations

George D. Webster (1921-1996), Hugh K. Webster

The **Law of Associations** is a resource that will guide association executives step by step through the business, legal and tax issues encountered every day in managing an association. This one-stop guide to association management details topics such as the nature of associations, association operation, association lobbying, antitrust and employment law issues, ethical dilemmas, federal tax aspects of association activities, statistical reporting, and other legal and related problems of associations. With the proven guidelines set out by author Hugh K. Webster, a partner in the Washington, D.C. firm of Webster, Chamberlain & Bean who specializes exclusively in the representation of nonprofit organizations, association executives will move confidently within the law and safeguard their tax-exempt status from danger.

Liability of Corporate Officers and Directors

William E. Knepper, Dan A. Bailey, Katharine B. Bowman, R. Stacy Lane, Robert L. Eblin

Liability of Corporate Officers and Directors addresses virtually every aspect of D&O liability, loss prevention and financial protection, providing the expert insight and practical perspective essential to any attorney counseling corporate directors and officers. With a full examination of all potential bases for liability – from breaches of basic duties to specific claims arising under intellectual property, employment, environmental and securities laws – and complete analysis of indemnification and insurance issues, this single source offers clear, reliable, and current direction on how best to protect against, or if necessary, respond to, liability issues.

Long-Term Care Advocacy

Eric M. Carlson

Long-Term Care Advocacy is everything you need to advise your elderly clients and their families about nursing and residential care

facilities. This unique resource offers a practical approach to dealing with a variety of issues that can arise when placing an elderly person in long-term care, including:

- Selecting the best type of facility for your client
- Admissions policies and admissions agreements
- Transferring from one facility to another or being readmitted to a facility
- Qualifying for Medicare/Medicaid payments
- Providing financial protection for spouses of nursing facility residents
- Pros and cons of purchasing long-term care insurance
- Litigating against a nursing facility

National Academy of Elder Law Attorneys Journal/Quarterly

Contains the text of the National Academy of Elder Law Attorneys Journal/Quarterly

National Senior Citizens Law Center Newsletter

The National Senior Citizens Law Center (NSCLC) was established in 1972 to help older individuals live their lives in dignity and freedom from poverty, through legal work in support of elderly poor clients, client groups, and Elder Law attorneys. NSCLC attorneys are knowledgeable in a broad range of legal issues and practice areas that affect the security and welfare of older persons of limited income.

The **NSCLC Washington Weekly** covers topics of interest to public interest advocates, including Medicaid and Medicare, Nursing Home Reform, SSI and Social Security, Disability Law, Age Discrimination, Guardianship, and Pension Rights.

Organizing Corporate and Other Business Enterprises

Mark R. Lee, Leonard Gross

Organizing Corporate and Other Business Enterprises is a treatise detailing the various aspects of setting up small business enterprises. Among the business entities discussed are individual proprietorships, general and limited partnerships, closely held corporations, not-for-profit corporations, and limited liability companies. Tax, financing, and management considerations are reviewed. The publication covers much more than the title indicates it deals not just with organizing business enterprises but also with selected, tangential problem areas, e.g., fiduciary obligations of officers and directors, managing risk, employee benefits, etc.

This publication is a practice guide to legal and tax factors to be considered in selecting a form of business organization. It is intended for the attorney who is advising proposed or existing small businesses. **Organizing Corporate and Other Business Enterprises** provides assistance from the inception of an enterprise through the death of the owners or the termination of the enterprise. Coverage includes: strong federal tax analysis, which is especially important for choice of entity classification, including S corporations; corporate domicile; promoter's rights; and initial capitalization.

Pretrial Motions in Criminal Prosecutions

Eric M. Carlson

Criminal practice demands that lawyers consider a far-ranging array of pretrial challenges regardless of whether the case is actually tried at some later point. **Pretrial Motions in Criminal Prosecutions** is a readable and convenient single volume discussing critical areas of pretrial motion practice and issues relating to the myriad of motions that may be brought in a criminal prosecution. A sample omnibus motion is provided to demonstrate how a lawyer can skillfully encompass multiple considerations in a single motion. Expert author Daniel D. Blinka identifies the most salient grounds for pretrial motions, explains the issues that commonly arise, and provides a succinct statement of the governing law. Pivotal Points conveniently highlight more important aspects of an issue, and extensive use of federal case law makes this treatise a dependable reference for attorneys in all jurisdictions.

Use the author's first-hand experience to learn about the law of pretrial motions as it is actually interpreted on the streets and in courts of law. Clearly written and comprehensive in scope, **Pretrial Motions in Criminal Prosecutions** offers expert insight on such issues as motions to suppress, search and seizure, and identification procedures, as well as current guidelines governing specific pretrial motions such as withdrawal of counsel and disqualification of a judge. Extensive case citations illustrate the applications of the law.

Prosecution and Defense of Criminal Conspiracy Cases

Paul Marcus

Prosecution and Defense of Criminal Conspiracy Cases includes complete coverage including complex evidentiary matters,

constitutional issues, and practical considerations. It includes coverage of substantive problems, such as requirements of agreement, overt act, and specific intent; procedural problems, such as venue, joint defendant questions, co-conspirators' declarations, and the hearsay exception, complicity, and double jeopardy; a chapter on federal conspiracy principles; every state and federal conspiracy statute in convenient tables; bibliographies and key sample indictments; comments on future trends in the law; discussion of RICO conspiracy issues.

Prosecution and Defense of Forfeiture Cases

David B. Smith

Prosecution and Defense of Forfeiture Cases is the most comprehensive treatise available on the substantive and procedural law of civil and criminal forfeiture. Provides valuable practical suggestions and model forms, and covers all the key forfeiture statutes, including the Uniform Controlled Substances Act, the Comprehensive Crime Control Act of 1984, and the Civil Asset Forfeiture Reform Act of 2000.

This resource includes:

- Discussion of forfeiture in federal narcotics, alien smuggling and foreign currency transaction cases
- Application of the relation back doctrine
- Civil forfeiture proceedings from filing a claim and answer through trial, including settlements and plea negotiations
- The law and practice of criminal forfeiture
- Post-forfeiture administrative relief guide to obtaining remission and mitigation

Prosecutor's Manual for Arrest, Search and Seizure

*James A. Adams
Blinka, Daniel D.*

The ideal roadmap for defense lawyers and prosecutors, written by former prosecutors, Professors Adams and Blinka who appreciate the succinct analysis necessary to canvass the often tangled landscape of Fourth Amendment law. Their pragmatic approach has created a balanced, sound and comprehensive one-volume survey of arrest, search and seizure issues.

The second edition now features all decisions by the Supreme Court through April 2004 as well as significant and helpful circuit court decisions, touching on a staggering array of issues including border searches, revisions as instituted by the USA Patriot Act, as well as the inclusion of timely and important new sections. Readers will likely find this edition even more beneficial, useful and helpful than the first

Prosecutorial Misconduct

Joseph F. Lawless

We've all encountered prosecutors who are only interested in improving their "conviction scorecard" and regularly tread on the Bill of Rights in the name of their own ambition. The Duke Lacrosse Team case and the recently dismissed prosecution of U.S. Senator Ted Stevens are merely emblematic of the kind of prosecutorial abuses that have long plagued our system of criminal justice. In the wake of scandals such as Enron, KMPG, ImClone and WorldCom, lawmakers continue to give federal and state prosecutors expanded, unbridled power to investigate and prosecute, fueling this ambition and encouraging prosecutorial abuse.

Now, Philadelphia lawyer Joseph F. Lawless, a former Assistant District Attorney, Special Prosecutor and active criminal defense lawyer, gives you the benefit of his 32 years of experience to help protect your clients from prosecutorial misconduct with this authoritative and practical work. Considered the definitive treatise on the subject, this newest edition of *Prosecutorial Misconduct* provides a comprehensive and scholarly analysis of every prosecutorial abuse, from the initiation of a criminal investigation through the appeal and post-conviction stages for both federal and state jurisdictions. Unlike other works, however, *Prosecutorial Misconduct* also provides the defense bar with proven battle plans.

Included in this edition is a complete collection of motions, briefs and arguments from actual cases handled by noted defense lawyers such as David Kendall, Gerry Spence, Billy Martin, James Brosnahan, John Cline, Michael Tigar and Joe Lawless, such as:

- the Jayson Williams murder case;
- the Clinton/Lewinsky grand jury probe;
- the Wen Ho Lee espionage prosecution;
- the prosecution of "American Taliban" John Philip Walker Lindh;
- the Oklahoma City Bombing trial, *United States v. Terry Lynn Nichols*;
- the "Buddhist Temple" fundraising case, *United States v. Maria Hsia*;
- the Linda Tripp wiretap investigation;
- the Doug Gilmore NHL extortion case.
- This newest edition also examines:
 - the Hyde Amendment;

- the Principles of Federal Prosecution for Business Organizations;
- the White Collar Crime Penalty Enhancement Act.

Prosecutorial Misconduct sets out innovative, aggressive strategies developed in the crossfire of the courtroom by accomplished, successful defense lawyers, and is a must for every defense lawyer's library.

Publicly Held Corporations

Howard M. Friedman

In **Publicly Held Corporations: A Lawyer's Guide**, Howard M. Friedman, provides readers with an introduction to the vast array of legal material that governs the several thousand largest economic entities in the United States publicly held corporations and their real-world operational characteristics.

Written from the perspective of the transactional lawyer, **Publicly Held Corporations** covers issues of financing the publicly held company, including use of commercial paper, the role of rating agencies, use of bank loans and legal requirements for follow-on stock offerings. Extensive attention is given to the shareholders' role in governance matters, the special role of institutional investors, the complex system of street-name ownership of shares and SEC proxy rules. The book also examines the array of protections for shareholders as investors. The increasingly important role of independent directors is examined in detail, as is the committee structure of modern corporate boards and director liability. Executive compensation and trading in shares by company executives are both examined. Issues of corporate structure to avoid piercing the corporate veil are explained. Separate chapters on friendly acquisitions and hostile tender offers simplify this complex field. Finally, special ethical obligations of corporate counsel are examined in detail. The book was completed several months after the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act and integrates the vast amount of new regulation imposed by that statute into a broader perspective.

Features

- A unique practitioner's guide to the complex strands of law governing large corporations whose shares are traded on major stock exchanges.
- A useful guide for attorneys new to the field seeking a comprehensive overview of the relevant federal and state law, and stock exchange rules.
- Written by a distinguished expert in the field of corporate and securities law.

Qualified Domestic Relations Orders: Strategy and Liability for the Family Law Attorney

Raymond S. Dietrich

This gap-filling practice guide for handling and protecting retirement benefits in marital dissolutions stresses proper representation and negotiation techniques. While many family law attorneys outsource preparation of QDROs to other professionals, the attorney still requires guidance on how to best protect his client's interests. Author Raymond S. Dietrich provides a tightly focused analysis, the necessary information and the strategies critical to properly positioning a case.

Effective strategies in negotiating settlement of interests in retirement benefits are poorly understood partly because many family law attorneys send the task out to a specialist, use a form book to draft a QDRO or accept the pension plan administrator's offer of the "standard provisions." This resource provides a succinct education regarding the structure of many pension plans, alerts the practitioner to unknown contingencies, empowers the attorney with negotiating strategies and warns of potential attorney liability.

QDRO Strategy and Liability complements all state-specific and national dissolution practice sets and online family law menus in the handling of retirement benefits, one of the most common and important assets in marital dissolution proceedings. This top-of-the-line coverage is a necessary addition for all family law attorneys handling significant asset cases – as well as forensic CPAs and pension plan administrators.

Representing the Child Client

Michael J. Dale and other contributors

Representing the Child Client covers the legal and strategic considerations involved in the representation of children including those who are neglected, dependent, or charged with delinquent behavior. The primary topics and issues analyzed include:

- Delinquency proceedings
- Dependency proceedings
- Jail and other institution-related proceedings regarding children
- Use of child witnesses
- Proceedings before educational authorities
- Guardianship and emancipation proceedings

Search and Seizure

John Wesley Hall

Search and Seizure addresses the types of issues that busy practitioners and judges encounter every day. It analyzes the principles and applications of search and seizure law, unlocking its subtleties and providing the tools to ensure that no aspect of your case is overlooked.

Clearly written and comprehensive in scope, **Search and Seizure** offers expert insight on such issues as reasonable expectation of privacy, consent, and probable cause, as well as current guidelines governing search and seizure in such specific circumstances as vehicles, professional offices, and airports. It contains practice pointers throughout the text, concise summaries of the standards of governing a particular rule of search and seizure law, and numerous checklists you can use to debrief a client or prepare for a suppression motion and hearing. Extensive case citations illustrate the applications of the Fourth Amendment and, in every case, describe precisely the exact location of the quotes within a case.

Special Committees Law & Practice

Gregory Varallo, Srinivas Rahu and Michael Allen

Special Committees: Law & Practice authored by Gregory Varallo, Srinivas Rahu and Michael Allen: Since the early 1980s, the body of corporate law has favored the resolution of conflict of interest transactions through the use of committees of the board of directors commonly referred to as "special" (or "independent" or "conflicts") committees. Special committees are recognized as effective tools to resolve conflicts in transactions, to investigate potential corporate wrongdoing and to assert the board's control over pending derivative litigation. Given the widespread use of special committees and the body of law that has grown up relating to its use, **Special Committees: Law and Practice** is the definitive reference on this emerging area of law.

Features

- Written by three knowledgeable experts in corporate law and special committee practice
- Provides practitioners with a unique and comprehensive working knowledge of special committee law
- Provides in-depth explanations on the uses, benefits and disadvantages of special committees

Sexual Assault Trials

Paul DerOhannesian II

Because of the dynamic nature of sexual assault litigation, current knowledge, principles, and approaches can easily become outdated. Stay on top of the latest developments in this area with **Sexual Assault Trials**, the only book of its kind written by an active trial practitioner.

Covering virtually all aspects of sexual assault trials, this resource is a complete handbook for anticipating and fulfilling the special demands of sexual assault cases. Get expert guidance on discovery and pretrial issues, jury selection, direct and cross-examination, hearsay, expert testimony, presentation of evidence, and jury instructions to help you develop a winning strategy for your case. The discussion also includes an analysis of the medical, scientific, and social science issues that come up in sexual assault litigation, such as the interpretation of physical findings in the examination of assault victims, the psychological aspects of sexual abuse, sensitivities involved in interviewing the child witness, and DNA and related technology.

Whether you're searching for answers on how to proceed in a sexual assault case, or just want expert advice on trial tactics for any criminal trial, you'll find the information you need in **Sexual Assault Trials**.

Tax, Estate & Financial Planning for the Elderly

John J. Regan, Rebecca C. Morgan, David M. English

Tax, Estate and Financial Planning for the Elderly covers every aspect of elder law practice. Topics covered include:

- Health (Medicare, Medicaid, advance health care directives, long-term care, nursing homes)
- Financial (income, estate and gift taxes, pensions, financial planning, estate planning, property management)
- Government Benefits (Social Security, SSI, veterans' benefits)
- Personal (housing, elder abuse, guardianship)
- Practical Advice for the Attorney (client relationships, ethical considerations)

Professional guidance from top experts Rebecca C. Morgan, past President of the National Academy of Elder Law Attorneys, and David M. English, a leading estate planning authority, helps you anticipate your clients' requirements and plan for their future. Every chapter begins with common client questions, followed by comprehensive legal analysis, including detailed planning notes, examples, and

practical advice. This resource analyzes all relevant case law and legislation and explains the numerous and often complex administrative steps required to achieve the clients' goals. It is national in scope and includes state-specific discussions of significant deviations from the federal rules.

Convenient cross-references to **Tax, Estate & Financial Planning for the Elderly: Forms & Practice**, the companion forms set, lead to sample forms and checklists for every practice need.

This publication offers simple, direct guidance through the myriad regulations, forms, and agencies encountered in an elder law practice. Expert commentary offers easy-to-find, easy-to-understand answers to common elder law questions, and practice notes highlight key practice tips.

Tax, Estate & Financial Planning for the Elderly: Forms and Practice

John J. Regan, Michael Gilfix, Rebecca C. Morgan, David M. English

You will find all the forms you need in **Tax, Estate & Financial Planning for the Elderly: Forms & Practice**. There are forms for everything from client intake and retainer agreements to review and appeal of benefit denials, as well as court petitions and clauses you can use in drafting durable powers of attorney, health care proxies, wills, and trusts.

Every basic area is covered, including:

- Medicaid and asset preservation
- Nursing homes
- Durable powers of attorney
- Income tax planning
- Estate planning
- Medicare/Social Security

This resource contains checklists, practice tips, state specific tables, sample client letters, and intake forms to guide you through difficult areas of the law, save you time, and make your practice run smoothly and efficiently. The forms and checklists are also cross-referenced to legal analysis in the practice guide. You can use the forms as provided or modify them to meet your specific requirements.

Tax Planning for Retirees

Vorris J. Blankenship

Because your clients are living healthier, longer lives, they need to stretch their retirement dollars to the maximum. Smart tax planning can be a huge help here by minimizing exposure of retirement income to federal tax. **Tax Planning for Retirees** will help you deliver the goods.

This complete, one-stop guide is packed with "how to do it" expertise that will help you steer clients to the best tax- and estate-planning decisions possible, at every step before and during retirement. Written in clear, jargon-free language, it covers:

- Federal tax treatment of everything from IRAs and Social Security benefits to long-term care insurance and disability benefits
- Strategies for optimizing IRA and 401(k) distributions
- Pensions, ESOPs, veterans' benefits, and all other types of retirement income
- Estate-planning in transition to the estate tax rules for 2010 and beyond

You get scores of examples complete with tax-cutting tips, illustrations, calculations, and more – everything you'll need to navigate complex tax-planning issues with confidence, root out every tax-saving opportunity, and help your clients keep more of their nest-eggs for themselves.

The Entrapment Defense

Paul Marcus

The Entrapment Defense presents a full discussion of trial issues under both subjective and objective tests. The book includes full treatment of the standards of proof for both state and defendant, as well as evidentiary problems facing the defense. It gives special attention to inconsistent defense situations and exceptions to the inconsistent defense rule, due process issues, and other constitutional implications of entrapment.

The Ethics of Representing Organizations

Lawrence Fox & Susan J. Martyn

Ethics of Representing Organizations: Legal Fictions for Clients authored by Lawrence Fox & Susan J. Martyn: Whether a company,

organization, entity, family business, a publicly held corporation, non-profit, or even the government, the legal representation of an organization is rarely as straightforward as representing a single person. The client in such cases is a construct—a legal fiction—that often operates through many individuals with different roles, views, and interests, and therefore requires an attorney to consider any number of special professional-responsibility issues. **The Ethics of Representing Organizations: Legal Fictions for Clients** is the first book to practically address ethics within the special context of representing entities.

Fox and Martyn have combined their extensive legal knowledge and designed an accessible aid for attorneys—whether in the representation of an organization as outside counsel or as in-house counsel—in this increasingly important and complex but often-neglected process. **The Ethics of Representing Organizations** not only outlines ethical duties for lawyers, but also includes strategic remedies and suggestions for ethical problems as they arise.

Features

- A must-read for any practitioner seeking the most up-to-date authority on the ethics of representing organizations
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- Renowned and respected authors Fox & Martyn have combined their extensive legal expertise in legal ethics and corporate law to construct one sapient volume
- This text not only outlines ethical duties for lawyers, but also the strategic remedies and suggestions for ethical problems as they arise
- Informal and efficient stylistic layout makes this a unique and highly practical treatise, coalescing all vital practitioner information on legal ethics into one accessible reference

The Prosecution and Defense of Sex Crimes

B. Anthony Morosco

The Prosecution and Defense of Sex Crimes contains full coverage of legal problems involved in forcible and non-forcible sex crimes, including sexual and physical abuse of children and spouses, and prostitution.

This resource delivers detailed authority on:

- Investigatory techniques
- Pre-trial motions
- Trial strategies
- Jury selection
- Cross-examination
- Treatment of expert witnesses
- Sentencing alternatives
- Negotiated pleas
- Appeals
- Child sexual assault
- Megan's Law

Warren's Forms of Agreements

Warren's Forms of Agreements consists of numerous well-defined, well-prefaced forms covering nearly every transaction that an attorney will encounter in a business practice. The set serves as both a legal reference resource and a valuable drafting tool. Each chapter contains introductory material that provides legal and practical background information pertaining to the particular subject, followed by complete forms and specific clauses. Topics covered include:

- Business organizations
- Computer agreements
- Real estate
- Commercial loans
- Intellectual property

For more information, contact your LexisNexis account representative.

Adoption law is the generic area of legal theory, policy making, legal practice and legal studies relating to law on adoption. National, or domestic, adoption laws deal with issues such as step-parent adoption, adoption by cohabitees, adoption by single parents and LGBT adoption. Adoption laws in some countries may be affected by religious considerations such as adoption in Islam. Laws vary widely from country to country and in the case of adoption in the United States, from state to state. An adult adoption is the adoption of any person who is 18 years of age or older. Petitions to adopt are complicated to prepare. Learn a few tips from us.Â The truth is, adoption is not limited to just minor children, and the reasons for adopting an adult is not that different from those for adopting a minor child. Sometimes itâ€™s as simple as taking advantage of the adoption laws that allow you to pick your own family. Whether someone is an adult or a minor is determined by state law. A minor in many states is defined as someone under the age of 21 (sometimes under 18). While adult adoption is allowed in many states, it is strictly prohibited in others. See more of Georgia Adoption & Family Law Practice on Facebook. Log In. or. Create New Account. See more of Georgia Adoption & Family Law Practice on Facebook. Log In. Forgotten account?

Adoption enables the adoptee to inherit the adopter's surname and property. [1] In Italy, adoption is subject to a legal framework...[1] French law distinguishes between simple adoption and full or plenary (plenary) adoption. Full adoption creates between an adopted minor and an adoptive person or couple a parent-child relationship that replaces that between the adoptee and his/her birth parents. This article presents a comparative history of adoption law and practice in France and Italy since the nineteenth century, analysing the degree of similarity between the two countries over the long term and the signification of the differences observed. We begin with a historical review of adoption law in France since 1804 and Italy since 1865. 1 Although the practice of adoption occurred informally prior to this. 2 However, less than a quarter of adoptions involved such a society, leaving adoption predominantly a transaction between private individuals (Stephen Cretney, *Family Law in the Twentieth Century: A History* (2005, OUP, Oxford) 609-10). 3 Re JM Carroll [1931] 1 KB 317 CA. The Adoption and Children Act 2002 was intended to bring the practice of adoption into line with the rest of child law in England, by placing the focus solely on the rights and interests of children.³⁸ The welfare principle was also strengthened in this legislation, with the child's welfare going from the "first consideration" under the 1976 Adoption Act,³⁹ to the "paramount consideration".⁴⁰

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