

**Table of Contents**

**List of Officers and Editing Board** .....1  
**Letter from the Editor-in-Chief** .....2  
**Table of Contents** ..... 3

**Can the Defendant Even Rise? – A Brief Analysis of the Laws Governing Abortion and Fetal Rights in the State of Florida** by Renzo Broggi . . . 7

In the State of Florida, there is a distinction present in the laws governing abortion and fetal rights. In this paper, we will follow the development of abortion laws on the federal level to see how the issue of abortion became such a prevalent national political topic. The crucial Supreme Court cases regarding abortion will be analyzed to understand the development and evolution of the law on the issue. As a reaction to the federal standards allowing expanded accessibility to abortion services, individual states have placed their own stipulations alongside the federal standards of “fetal rights” laws. The laws regulating fetal rights in the State of Florida will be analyzed to see how they differ from the federally imposed standards and how they have been formulated. Finally, the application of these laws will be analyzed to understand the impact federal law has had on state law.

**Federal Elections Standards for a Malicious Cyberspace** .....  
 ..... by: Michael E. Cairo . . . 15

This article is an eye-opening examination into the current lack of cybersecurity standards maintained by our voting systems in the United States. The 2016 Presidential election brought to light the urgent need to secure some of our nation’s voting systems when it was revealed by U.S. intelligence agencies that foreign actors sponsored by the Russian government gained access to voting systems in several states and localities and launched a multifaceted influence campaign aimed at disrupting confidence in the democratic election process to advance their interests. In 2016, 28 percent of

voters voted in jurisdictions that used Direct-Recording Electronic (DRE) voting machines that store vote counts directly into the memory of a computer network. This system lacks a paper trail that could be used to audit the accuracy of the automated vote counts in the event of a data breach in the network. This article explores the vulnerability of our voting systems and demonstrates the need for federal cybersecurity standards that must be met by all states and localities.

**Fraud or Fact: Should Speech be Regulated in Social Media. . . . .**  
 . . . . . by Stefania Cardenas. . **23**

With the rise of technology and communication via social media, we have grown to seek and depend on sites such as Facebook to obtain our daily news information. Protected by the first amendment, publishers allow the creation of fraudulent news stories that are published all over sites to gain attention or mislead readers. A goal to end this ethical violation, faces various challenges when considered being acted upon and written into law. However, if we take special consideration and write the law carefully, we should be able to find a way in which we are capable of stopping this unethical allowance while making sure innocent people do not suffer a harsh injustice.

**Intellectual Property: A Tool for Innovation and Change Given Our Evolving Economic and Social Structures: How Do We Maximize Its Effectiveness?. . . . .** by Michael Dewing . . . . . **35**

The road to innovation can be a collaborative ideal, sharing insights, open access, research in vital areas and includes an economic generator that identifies foundational principles, constitutional ideals, ethics, and a system of management that embraces principles of democracy. Freedom of innovation promotes ideas, generates commerce, and enables the development of share values. How can we best protect our emerging ideas and business investment opportunities to plan for a future where principles are supported by an international body, and where our judicial, legislative, and executive procedures that help citizens regenerate our middleclass value system?

**Youth in Politics: A Comparative Study of Italy and the USA** . . . . .  
 . . . . . by Nora Douglas. . . . . **50**

This article explores the importance of political participation to a democracy’s integrity. For a government to be representative of its people, the people must make efforts to articulate their interests and find ways to implement them in government. The most iconic symbol of a democratic society is the right to vote. However, many citizens (especially youth), do not use this right to their advantage for many reasons. Youth in Italy, for example, have ostensibly lower rates of voting in comparison to the older population and show little interest in voting because they have no interest in politics. They feel as if it does not affect them and is inconsequential. Not only is this a sentiment expressed in Italy, but there is a global resurgence of political apathy amongst youth, reasons for which will be further discussed in the paper.

**Death Spiral Financing.** . . . . . by Alina Marian. . . . . **59**

“Death Spiral Financing” refers to a certain type of Private Investment in Public Equity (PIPE), generally used by companies in financial trouble. We will show how these transactions can lead to the devaluation, and even the destruction of companies involved. While not illegal, these deals take advantage of loopholes within the Securities Exchange Commission’s (SEC) regulations regarding disclosure requirements of transactions involving securities. First we will briefly describe the mechanism of PIPE deals in general. Then we will focus on the so called “toxic” PIPEs. We will present how the SEC has raised claims (mainly unsuccessfully) against such practices in at least one of two categories: sale of unregistered securities, and insider trading. We will conclude by arguing that such transactions need to be more carefully scrutinized, as well as subject to stricter disclosure requirements in order to protect and better inform the “unsuspecting public.”

**Does our Current Regulatory System Incentivize Pharmaceutical Companies to Commit Fraud while Ignoring Research and Development Duties?** . . . . . by Abel Roman. . . . . **74**

On November 4<sup>th</sup>, 2013, global health care giant Johnson & Johnson and its subsidiaries reached a settlement amount of \$2.2 billion dollars. Considered

one of the largest health care fraud settlements in United States history, Johnson & Johnson agreed to pay this amount to resolve the civil and criminal allegations of promotions not approved as safe and effective, kickbacks to physicians, and violations of statutes particularly violations of the False Claims Act. This type of offense has been common with pharmaceutical companies in the past ten years in regards to false advertising, but the federal government still gives pharmaceutical companies tax breaks for advertising which represents billions of dollars in lost revenue for the federal government.

**A Case Review Concerning the Effectiveness of Provisions of the Individuals with Disabilities Education Act . . . by Cameron Ryan. . . 84**

On behalf of their daughter, the E.F. Fry family sued Napoleon Community School for damages citing emotional humiliation, which was not covered under the Individuals with Disabilities Education Act (IDEA), but instead was covered under the Americans with Disabilities Act (ADA). However, the ruling of the U.S. Court of Appeals for the sixth circuit found their educational demands to be protected under the IDEA, and thus, they needed to go through the administrative system of exhaustion which is required under the IDEA.

**Private Prison Industries and the Preservation of Slave Labor. . . . . by Ashley Carrie. . . 91**

The article examines how privatization of the prison industries has adversely affected our judicial system. Private Prison Industries use the prison system as a form of cheap labor to make a profit. The issue with the emergence of private prison industries is that it injects potential bias into the judicial system. The current interpretation of these amendments allow the government and private prison industries to compel and control prisoners’ labor. This affects the justice system because verdicts may be based upon the need to meet quotas in order to comply with government contracts with the private prison industries, insuring certain profit levels for the private prisons.

**Author Biographies . . . . . 99**

**The Faces of the Spring 2017 ULJ . . . . . 101**