

Going from “In a Relationship” to “It’s Complicated”: The Evidence Code in the 21st Century

Judge Mark Juhas
Judge F Slaughter
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A Premonition

What do you want to know?



Jacob Cox-Brown
2 hours ago · 🌐
Drivin drunk... classic ;) but to whoever's
vehicle i hit i am sorry. :P

People v. Beckley (2010)
First iteration: "anyone can put anything on the internet." Proof beyond all doubt?



People v. Valdez (2011)
Second iteration: sufficient indicia of reliability can allow reasonable trier of fact to conclude the thing is what it purports to be.



People v. Goldsmith (2014)
Second iteration confirmed: circumstantial evidence is sufficient



In re K. B. (2015)
Triumph for the indicia of reliability and the
deathknell for pervasive doubt?



Authentication

The Theory

Authentication

The Practice

The Basics of Foundation

An example...

Video

Introducing...

a text message

Introducing...

a Facebook post

Introducing...

an Instagram photograph

What do you think?

1. May a judge be a member of an online social networking community?

1. May a judge include lawyers who may appear before the judge in the judge's online social networking?

1. May a judge include lawyers who have a case pending before the judge in the judge's online social networking?

Decision fatigue



Questions?

For more resources on this subject please go to:

www.legal-aid.com/incubator

www.legal-aid.com/mcle
