

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

Judge Mark Juhas  
Judge F Slaughter  
Scott Barnes  
William T. Tanner

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## A Premonition

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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

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



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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.



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



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



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## Authentication

The Theory

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## Authentication

The Practice

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## The Basics of Foundation

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An example...

*Video*

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## Introducing...

a text message

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## Introducing...

a Facebook post

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## Introducing...

an Instagram photograph

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## 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?

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Decision fatigue



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Questions?

For more resources on this subject please go to:

[www.legal-aid.com/incubator](http://www.legal-aid.com/incubator)

[www.legal-aid.com/mcle](http://www.legal-aid.com/mcle)

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