

SEMINAR

When New Technology Becomes Evidence

What it is and how to use it for your next criminal case!

While developments in technology improve our everyday lives in countless positive ways, they also create novel means by which the police investigate crime. Prosecutions of many different types rely increasingly on the discovery of incriminating (or allegedly incriminating) digital evidence, not only through searches of smartphones and social media applications/platforms (Facebook, Instagram, Snapchat), but also from new, unexpected sources that record and collect data regarding our daily activity: personal IoT (Internet of Things) devices such as fitness trackers and smartwatches; home assistance devices (Amazon Echo, Google Home); and smart home appliances (Google Nest thermostats and other devices).

The successful defense of any case involving digital evidence requires a lawyer to understand how the police gather it, how it is produced and effectively managed during the discovery phase, how the prosecution uses it at trial, the many ways by which to challenge its admission, and, if admitted, how it might be used to the client's advantage.

The expert faculty discusses the admissibility of new types of evidence, the challenges faced by attorneys from both sides of the aisle in trying to produce, manage, and prepare for trial, and to explain the evidence to the finder of fact, and how to try to keep this evidence out if it hurts your case. Don't fall behind! Learn how this evidence is being gathered, produced, and used across the Commonwealth.

Agenda

- Overview of Developing and "New" Technology: How Police Gather Information and How Prosecutors Use It at Trial
- How to Manage, Review, and Understand Discovery Production in the Digital Age
- How to Oppose the Admission of Digital Evidence: Getting and Conducting Daubert-Lanigan Hearings
- Constitutional Challenges to the Search and Seizure of Digital Evidence
- Cross-Examination of Prosecution Expert Witnesses and Employing Defense Experts
- "Ask the Experts" Q&A Session

Faculty

Brian A. Wilson, Esq., *Clinical Instructor, Criminal Law Clinical Program, Boston University School of Law, Boston, Chair*

Brooke Gottlieb, *Paralegal, Federal Public Defender Office, Boston*

Andrew F. Sellars, Esq., *Director and Clinical Instructor, Technology & Law Clinic, Boston University School of Law, Boston*

Timothy G. Watkins, Esq., *Director's Leadership Program Resident, Administrative Office of the US Courts/Contracts & Services Division, Washington, DC*

Dates & Locations

BOSTON

Monday, July 29, 2019
2:00 pm–5:00 pm

MCLE Conference Center,
10 Winter Place, via Winter Street
Program Number: 2190274P01

LIVE WEBCAST

Monday, July 29, 2019
2:00 pm–5:00 pm

Register at www.mcle.org
Program Number: 2190274WBC

RECORDED WEBCAST

Monday, August 12, 2019
2:00 pm–5:00 pm

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Tuition *(includes written materials)*

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Materials

The materials for this program include MCLE's *Massachusetts E-Discovery and Evidence: Preservation Through Trial*, which can be viewed or downloaded via the link emailed to you prior to the course.

Also, there is no need to take extensive notes. Two weeks after the live seminar, all registrants receive a link to a written verbatim transcript of this program.

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View the webcast—live or later, or download the mp3 recording at www.mcle.org

Listen to the Audio CD
Available after Monday, August 12

- \$165
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To reserve seating and gain access to online materials, please register in advance of the program.


Upon registration, MCLE will e-mail a confirmation. Please check in with the registrar on the day of the program.

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If your plans change

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of which require two weeks notice and are subject to a \$45 processing fee.

Attorney scholarships

Attorneys with financial need who certify that they are unable to attend a program without financial aid may request a partial tuition scholarship in confidence by writing or emailing scholarships@mcle.org **at least two weeks in advance of the program.**

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 - 11-25 500
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 - 151-250 3,500
 - 251+ 4,500