

How to Lay a Foundation to Get Your Evidence Introduced in New York

December 2, 2022

9:00 AM EST - 4:30 PM EST

I. Essentials of Laying a Foundation

9:00 - 9:50, *Stephen M. Packman*

- A. Procedures for Introducing Exhibits at Trial
- B. Authenticity, Reliability, and Relevance
- C. Foundation Requirements for Real, Illustrative, Demonstrative, and Documentary Evidence
- D. How to Handle Evidentiary Objections
- E. Preparing Evidence and Planning for Admissibility Issues Before Trial
- F. Issuing Trial Subpoenas to Witnesses

II. How to Authenticate Social Media Posts, Texts, Emails, and More

9:50 - 10:40, *Christopher J. DelliCarpini*

- A. How to Collect to Ensure Admission Later On
- B. Authenticating Emails
- C. How to Lay a Foundation for Facebook, YouTube Videos, Other Internet Records
- D. Digital Photographs
- E. Authenticating Texts and Other Smartphone Evidence
- F. Real-World Demonstrations
- G. How to Overcome Hearsay Objections
- H. Rule and Case Law Updates

III. Establishing Foundations for Business Records and Other Documentary Evidence

10:55 - 11:45, *Hon. Maurice E. Muir*

- A. Business Records
- B. Photographs
- C. Models, Maps, Diagrams
- D. Video Recordings
- E. Letters, Writings, and Contracts
- F. Medical Records, X-Rays, and Bills
- G. Establishing Foundations for Other Documentary Evidence
- H. Satisfying the Best Evidence Rule

IV. Laying a Foundation for Expert Witness Testimony

12:45 - 1:35, *Stephen M. Packman*

- A. Establishing Competency and Qualifications
- B. Verifying an Expert's Methodologies
- C. Motions *in Limine*: Bringing or Defending Against
- D. At the Hearing
- E. Case Law Review

V. Introducing Physical Evidence at Trial

1:35 - 2:25, *Stephen M. Packman*

VI. Demonstrative and Illustrative Evidence: Satisfying the Foundation Requirements

2:40 - 3:30, *Christopher J. DelliCarpini*

- A. Establishing Relevancy
- B. Battleground for Demonstrative Evidence: Satisfying the Fairness Requirement
- C. PowerPoints
- D. Computer Simulations and Recreations
- E. Handling Numerical Data, Charts, and Graphs
- F. Models, Maps, Diagrams
- G. Photographs and Videos
- H. Case Law Review

VII. Applying Ethics Rules to Evidence

3:30 - 4:30, *F. David Rusin*

- A. Ethics of ESI
- B. Handling Prejudicial Evidence
- C. Candor With the Court
- D. "Coaching" Witnesses