

ADMISSION OF INTERNET EVIDENCE

Jason S. Boulette

**BOULETTE GOLDEN
& MARIN L.L.P.**

1

Overview

1. Self-help discovery
 - Disciplinary Rules
 - SCA
 - Constitution
 - Public Policy
2. Formal discovery
 - Social media not immune
 - Threshold showing req'd
 - SCA compelled consent
3. Admissibility



**BOULETTE GOLDEN
& MARIN L.L.P.**

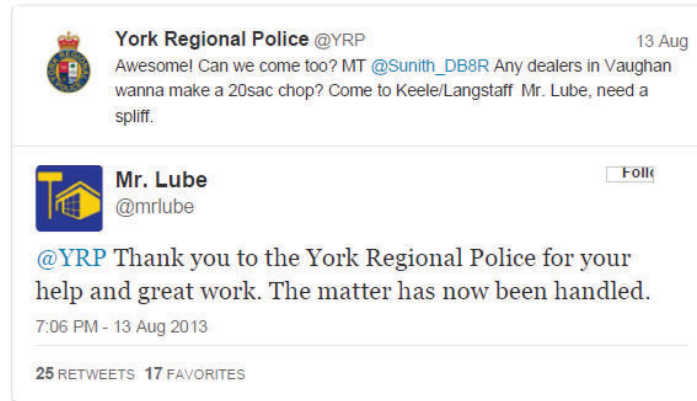
2

Internet = Public

3

Man tweets for weed; job goes up in smoke

By **Chandler Friedman** and **Dorrine Mendoza**, CNN
updated 7:45 AM EDT, Thu August 15, 2013 |



Trying to get weed delivered to your workplace is probably not the smartest thing to do.

STORY HIGHLIGHTS

Tweeting for pot costs man his

(CNN) -- *Note to self:* When soliciting for drugs on Twitter, try a direct message.

**BOULETTE GOLDEN
& MARIN L.L.P.**

3

The Disciplinary Rules

“In representing a client, a lawyer shall not communicate or cause or encourage another to communicate about the subject of the representation with a person, organization or entity of government the lawyer knows to be represented by another lawyer regarding that subject, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.”

TEX DISCIP. R. PROF. CONDUCT 4.02(a)

**BOULETTE GOLDEN
& MARIN L.L.P.**

4

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Admission of Internet Evidence

Also available as part of the eCourse

[2019 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
14th Annual Advanced Texas Administrative Law Seminar session
"Admission of Internet Evidence"