



ABA Amended Model Rule 1.1 (2012)

MN Rules of Professional Conduct 1.1 (2015)

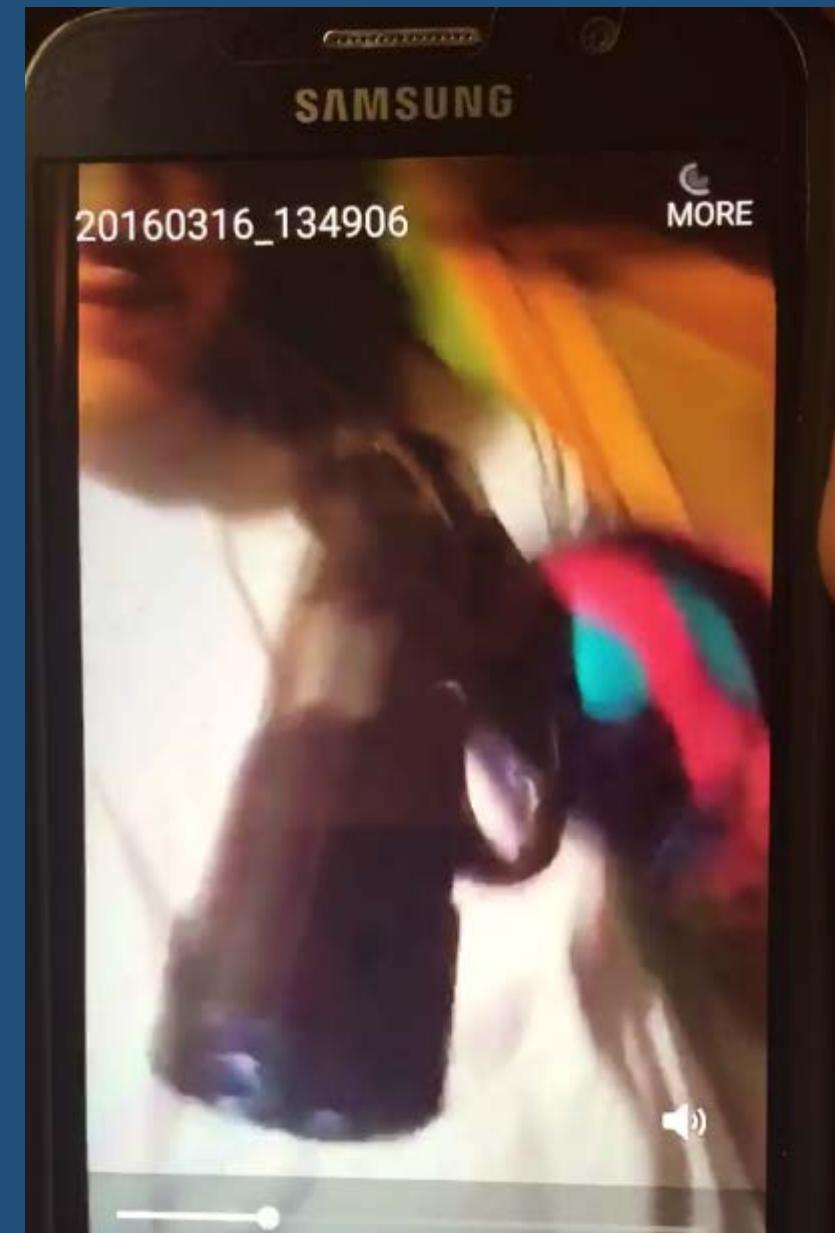
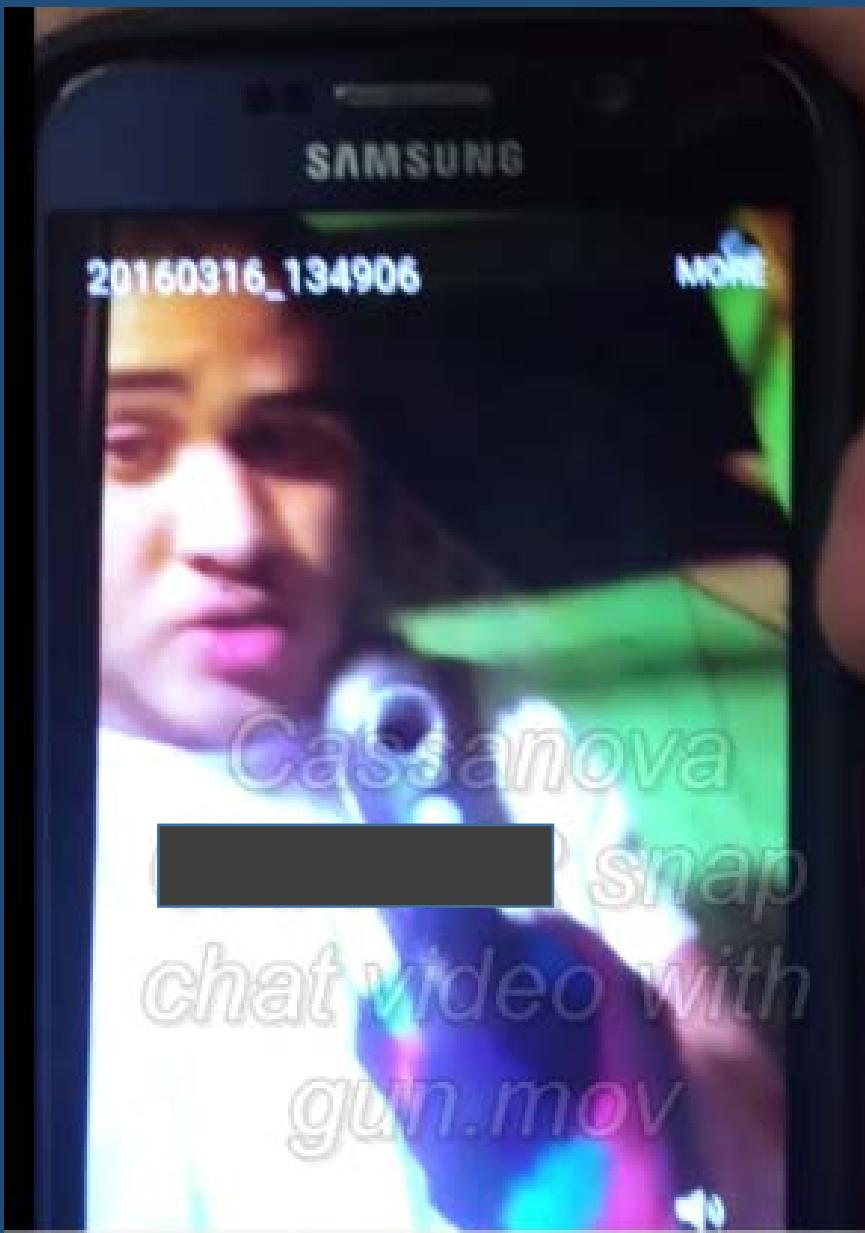
An attorney needs to stay abreast of changes in the law and its practice to keep up with **“the benefits and risks associated with relevant technology.”**

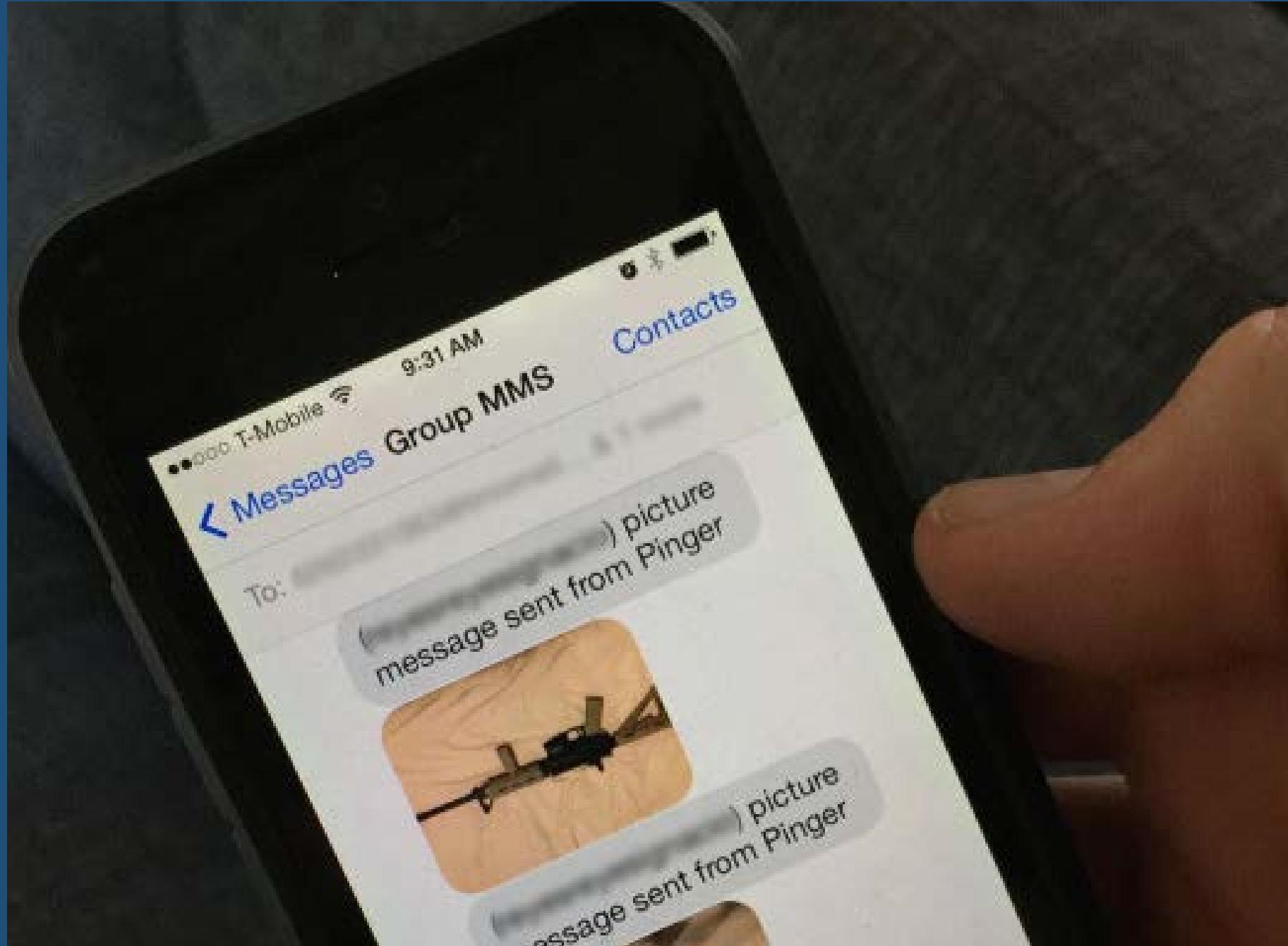
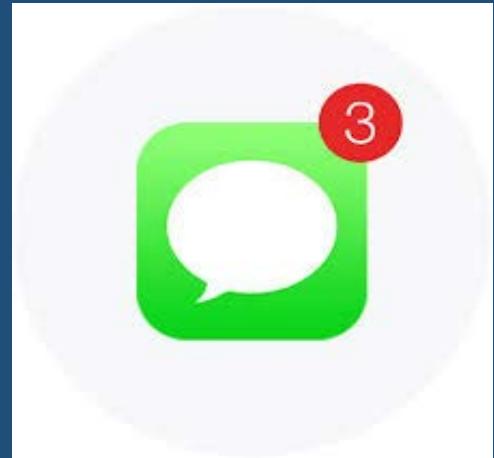


Technology includes Social Media

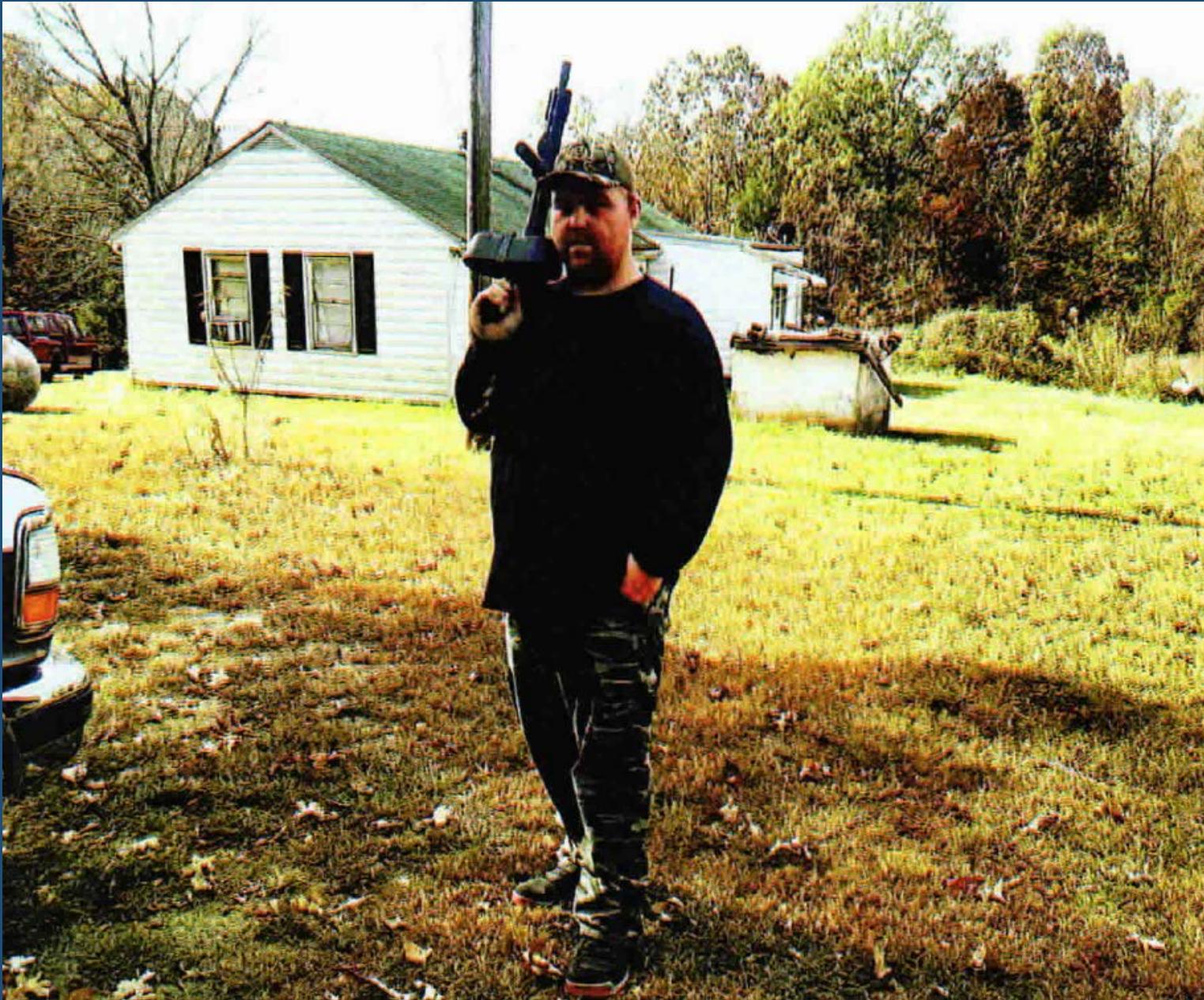
social media is usually bad for the client







what if the government hasn't found the bad evidence?



Is it Obstruction to advise a client to alter or remove materials on social media?

No clear cut answer.

Advise client to turn on most restrictive privacy settings.

Remember... Law Enforcement can get FB records....

use social media to defend your client

mitigate the circumstances

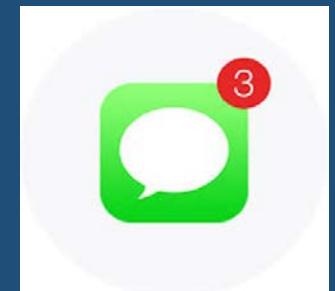
Text Messages from Officer to CI

CI tells Officer that Client can bring 10 pounds of meth from Utah to MN

of not
me
your

OK

Thanks! I will still hook





FIGHTING ISIS

ISIS "AGGRESSIVELY" RECRUITING FROM MINNESOTA

AT LEAST 30

[CNN](http://cnn.com)

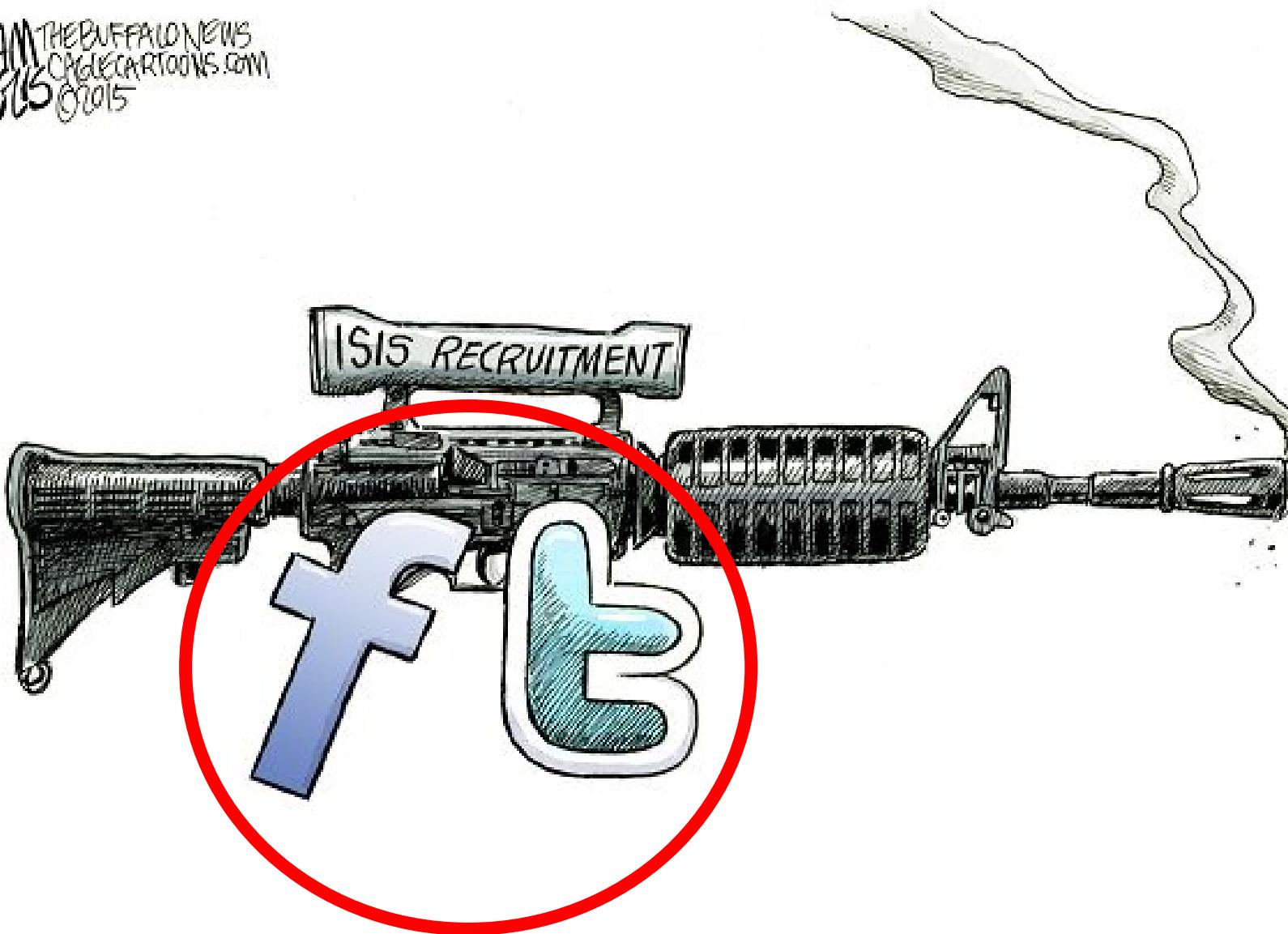
THOUSANDS OF VETERANS WHO ARE PATIENTS OF V. HENRY BROWN

LIVE

CNN

DOCUMENT

ADAM THE BUFFALO NEWS
CagleCartoons.com
2/6/15 02015



TWITTER HANDLE...

**I WANT YOU
FOR ISIS SOLDIER**





Sad? Depressed?

Thinking about killing yourself?

STOP! Call Us - We Can Help

suit you up with a suicide vest and
take you to a prime location where you'll be able
to destroy yourself and hundreds of capitalist pig Infidels
who are destroying the planet!



Like Us on Facebook

ISIS - We Hate America Too!







Abu Asma' Al-Amriki
@al_amriki7956



Follow

Keep your faith in your brothers on the the
ground. Do your part and don't
underestimate what you can do!



RETWEETS

4

LIKES

7



8:56 PM - 8 Nov 2015

use social media to cross examine the witness

RED LAKE NATION TRIBAL COURT
RED LAKE INDIAN JURISDICTION

VICTIM/WITNESS STATEMENT

Date of incident: _____ Time incident occurred: _____

Suspect Offender(s) name(s):
[REDACTED]

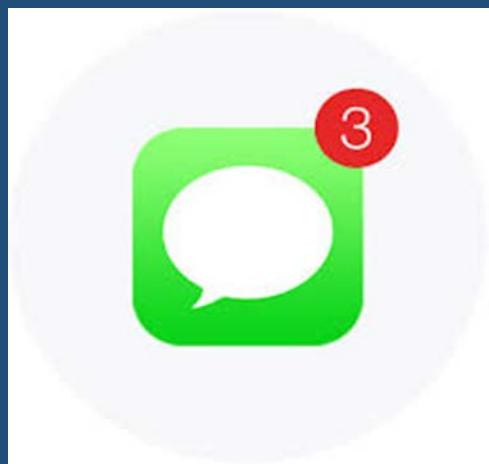
Location of incident: _____

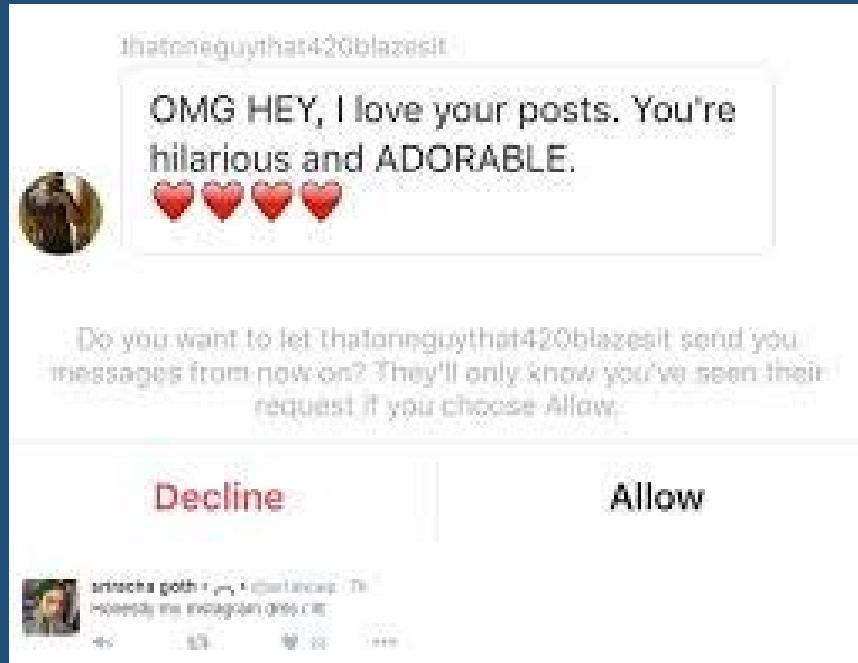
IN YOUR OWN WORD, EXPLAIN WHAT HAPPENED:

He called me & threatened
to hurt me. Saying he
was going to end me, &
that if he couldn't have
me, nobody could.

Theory of the defense

- Never happened.
- Alleged victim is lying because client has new girlfriend.
- No threatening text messages. No phone from client to alleged victim exists.
- Alleged victim has lied to the gov't that she has been sober and clean for six months.
- Reporting police officer and alleged victim have a close and personal relationship.





NEW GF: Alleged Victim followed Client and then new GF



No threatening texts messages. No Calls.

Upon petition by the defendant and pursuant to Rule 17(c), Federal Rules of Criminal Procedure,

IT IS HEREBY ORDERED that subpoenas duces tecum shall issue and they shall be served according to law to the following:

Subpoena Compliance
TracFone Phone Wireless Inc.
d/b/a Simple Mobile
9700 NW 112 Avenue
Miami, FL 33178

compelling the production of: the subscriber listing information stem documentation, and text messages for cellular telephone number (218) [REDACTED] for the time frame of July 6,

Upon petition by the defendant and pursuant to Rule 17(c), Federal Rules of Criminal Procedure,

IT IS HEREBY ORDERED that subpoenas duces tecum shall issue and they shall be served according to law to the following:

Subpoena Compliance

system documentation, and text messages for cellular telephone number (218) [REDACTED]
for the time frame of July 6, 2012 - August 6, 2012, inclusive.

Subscriber listing, call detail records, cellular site locations, global positioning
system documentation, and text messages for cellular telephone number (218) [REDACTED]
for the time frame of July 6, 2012 - August 6, 2012, inclusive.



Subscriber Information for 218.1

No calls from Client's Phone to Alleged Victim;

Text

Image

File

More



Message (1/3)

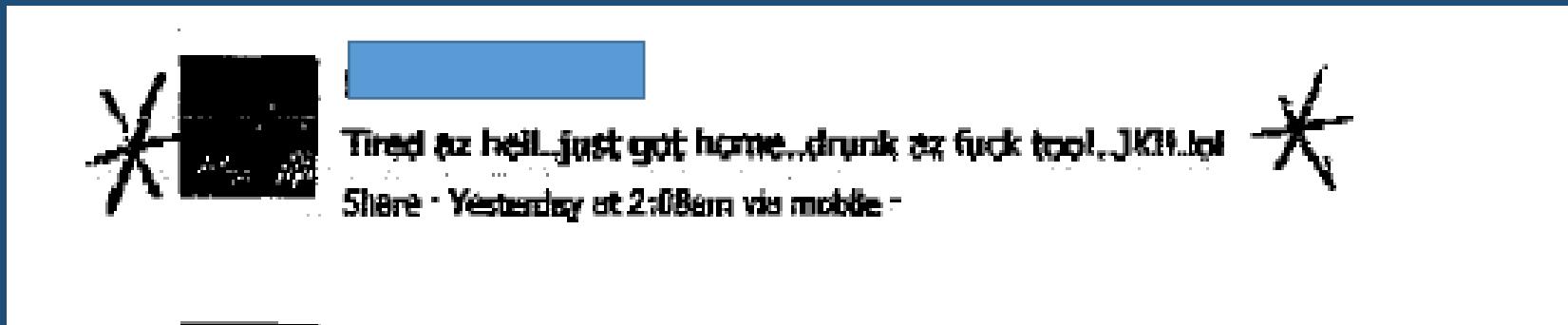
I need that med
bottle asap

PJMJ 5/3

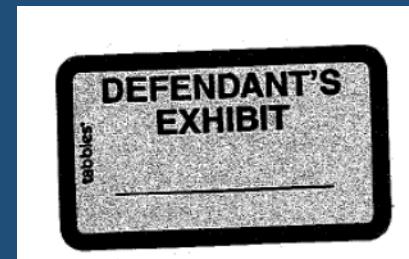
CB: 218-

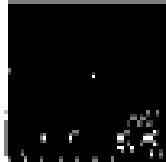
**DEFENDANT'S
EXHIBIT**

tabbed



Tired az hell... just go home...drunk as f**k...



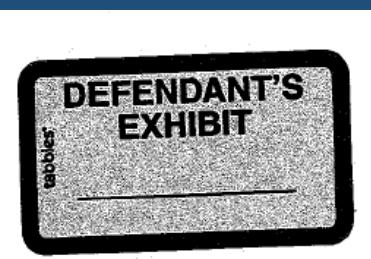


Inbox for the cell number...like i said i wanna meet different ppl..I
may have quit fu** with weed and pills but I still come visit in my
soccermom van and smoke a cig w/ ya or something!!..haha



Share - August 10 at 12:56pm via mobile

...may have quit fu** with weed and pills....



OFFICERS	Officer Assigned: Jourdain, 	Badge No: 	Primary: Yes
	Officer Assigned: 	Badge No: 	Primary: No
	Officer Assigned: ,	Badge No:	Primary: No
NAME	Involvement: None Selected	Name: Benais, Jean	DOB: ..
	Age: 	Sex:	Race:
			Height: 0 Weight: 0

Officer Assigned: Jourdain

DEFENDANT'S
EXHIBIT



Justin Joudain

+1 Add Friend

Subscribe

Message

- Police Officer at Red Lake Police Department
- Went to Red Lake Senior High School
- Lives in Red Lake, Minnesota
- From Red Lake, Minnesota

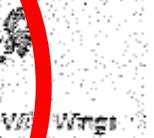
About



Friends 397

Photos

Map



Likes 105

Do you know Justin? If you know Justin, send him a friend request or message him! You can also subscribe to his public posts.

Work and Education



Red Lake Police Department

Police Officer · Red Lake, Minnesota · Aug 2011 to present



Red Lake Senior High School

Class of 2008 · Red Lake, Minnesota



Redlake Highschool

See All



can the defense “friend” the witness on Facebook?

Lawyer must not obtain information through deception or pretext, or have others do so on their behalf.

DO NOT create an alias or mislead in order to gain “friend” access to a Facebook page.

MN Rules of Professional Conduct:

OK to view anything that a witness posts publicly.

so how do you get this great evidence into evidence?