



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.”



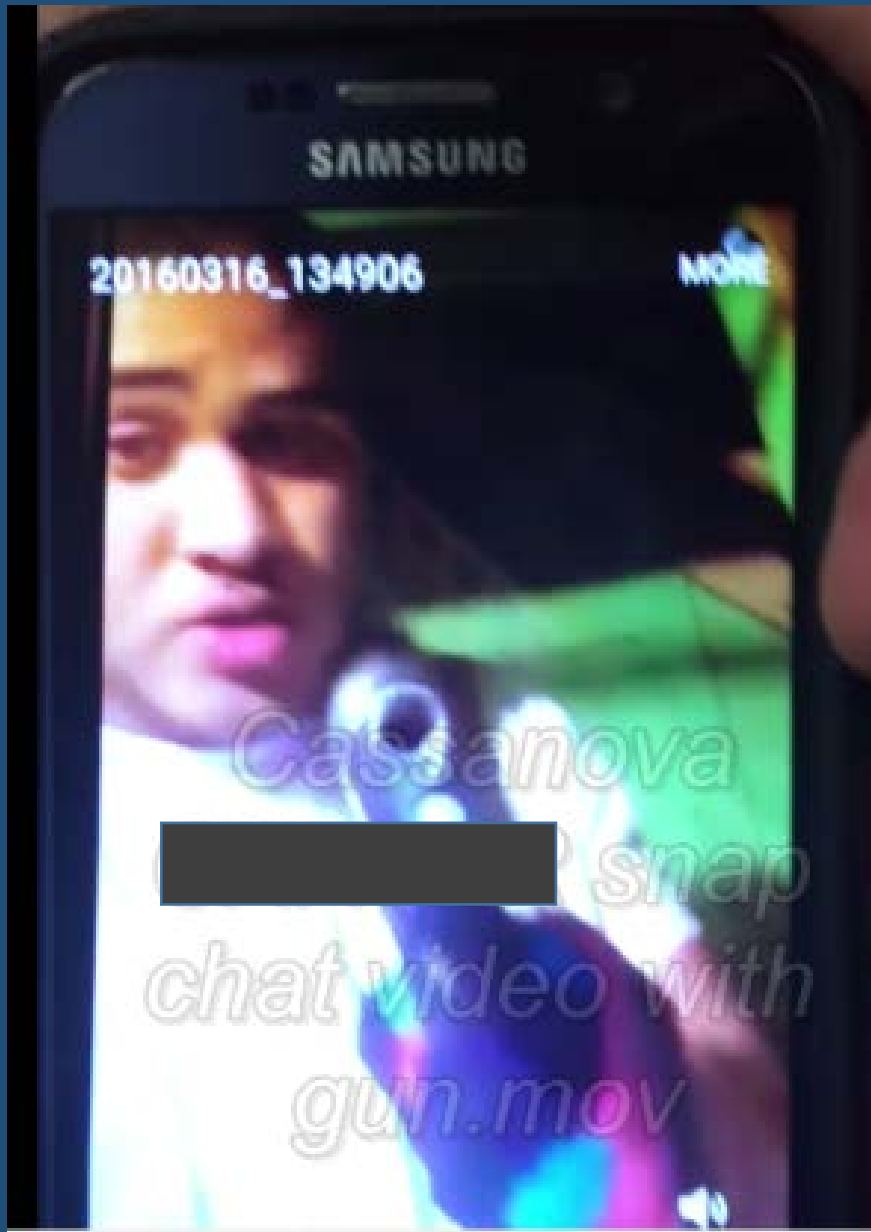
**Technology includes Social Media**

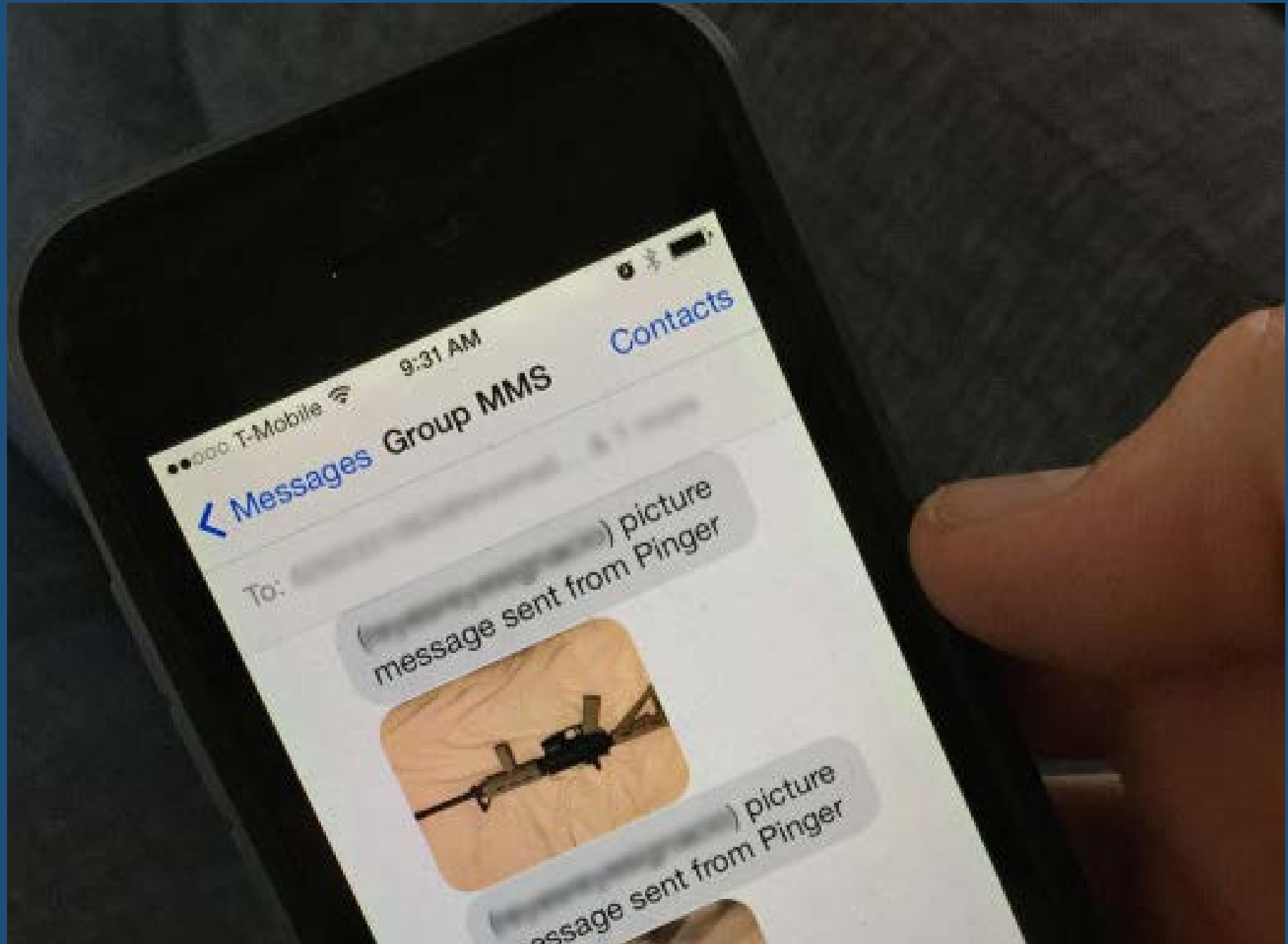
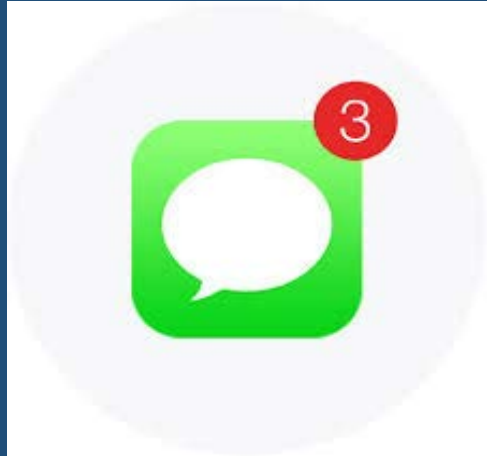
**social media is usually bad for the client**

**facebook**

Facebook Business Record







**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.....**

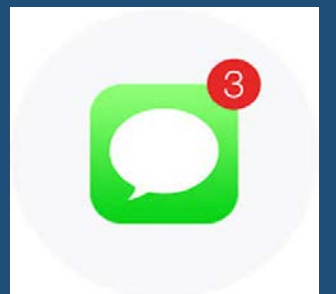
use social media to defend your client

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





**FIGHTING ISIS**

## ISIS "AGGRESSIVELY" RECRUITING FROM MINNESOTA

**LIVE**

**CNN**

10:01 PM EDT

AT LEAST 40

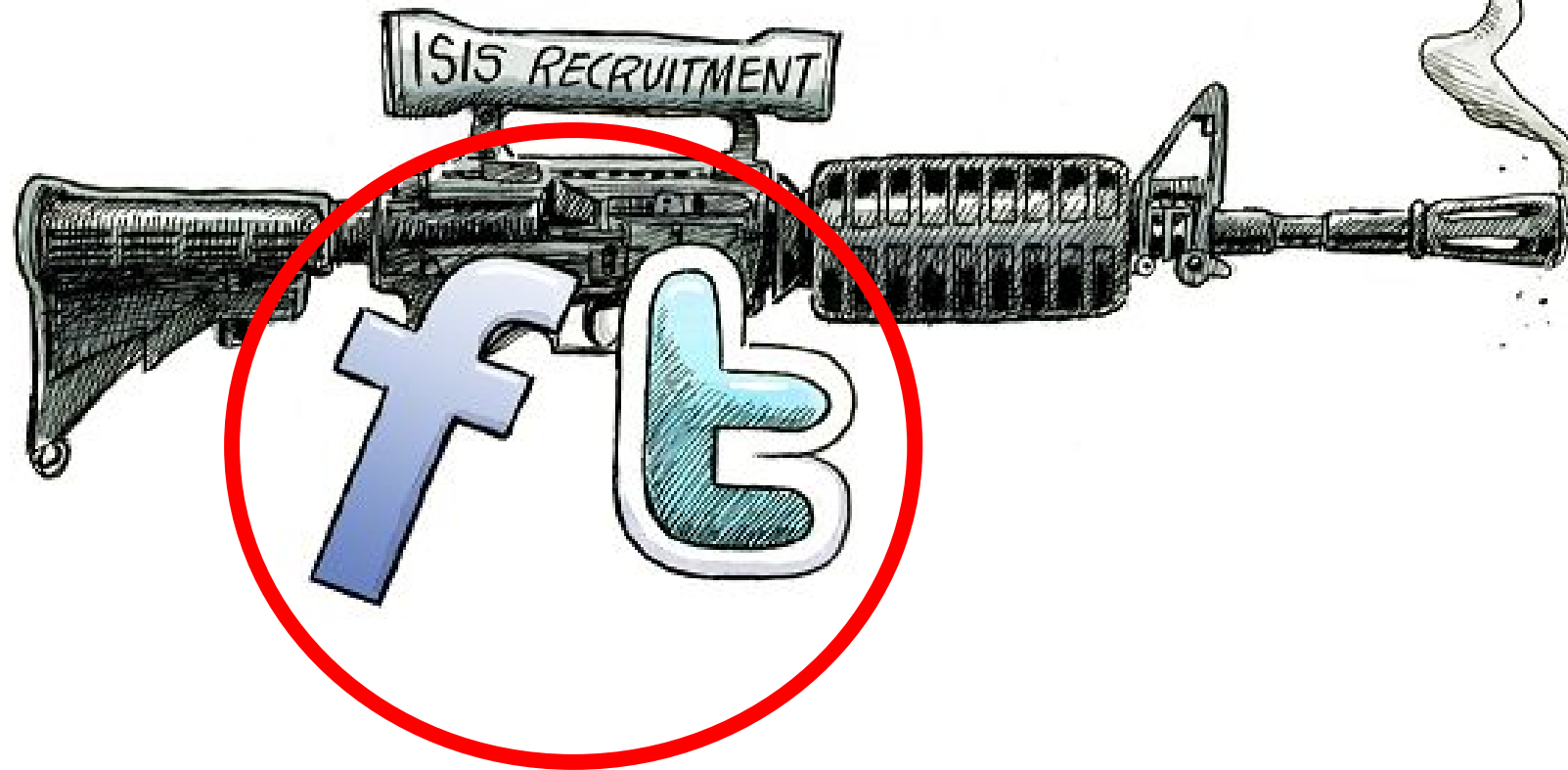
[CNN.com](http://CNN.com)

THOUSANDS OF VETERANS WHO ARE PATIENTS OF VA HEALTHCARE SYSTEM

NEWSROOM



ADAM THE BUFFALO NEWS  
CYCLE CARTOONS.COM  
2015



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!

لا إله إلا الله







**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

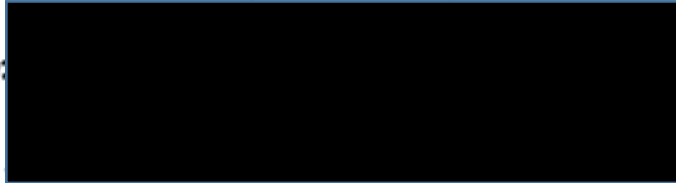
use social media to cross examine the witness

RED LAKE NATION TRIBAL COURT  
RED LAKE INDIAN JURISDICTION

VICTIM/WITNESS STATEMENT

Date of incident: \_\_\_\_\_ Time incident occurred: \_\_\_\_\_

Suspect (Offender(s) name(s):



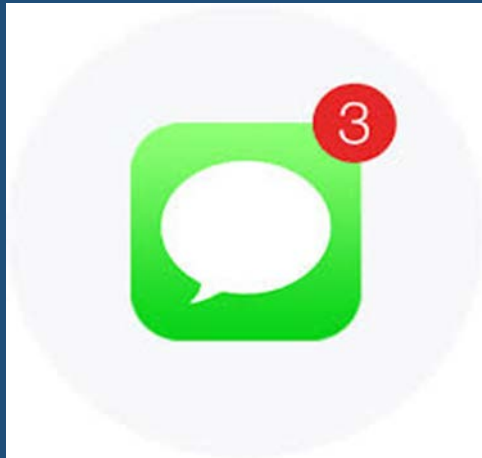
Location of incident: \_\_\_\_\_

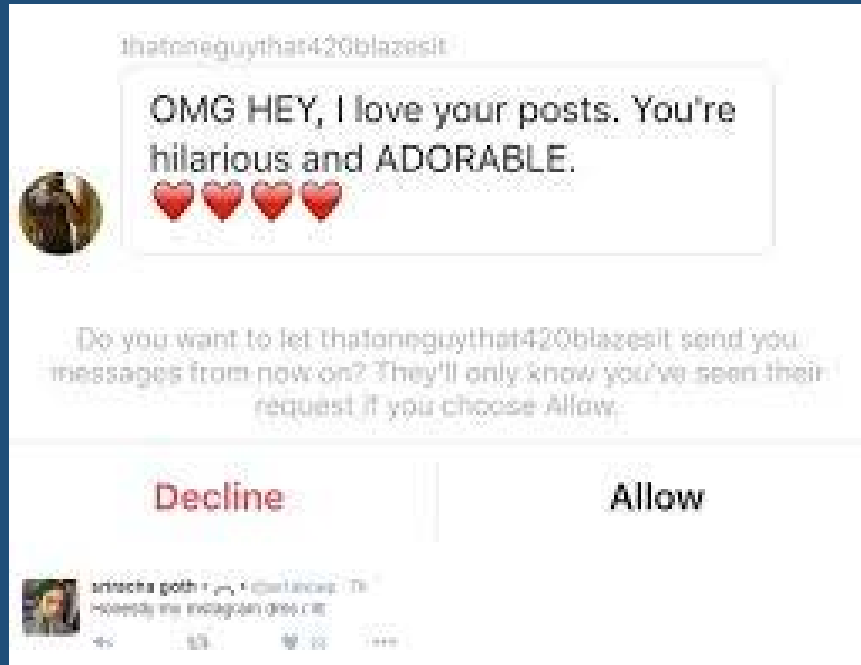
IN YOUR OWN WORD, EXPLAIN WHAT HAPPENED:

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*

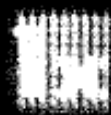
system documentation, and text messages<sup>1</sup> for cellular telephone number (218) [REDACTED] for the time frame of July 6, 2012 - August 6, 2012, inclusive.

Subscriber listing, call detail records, cellular site locations, global positioning system documentation, and text messages<sup>1</sup> for cellular telephone number (218) [REDACTED] for the time frame of July 6, 2012 - August 6, 2012, inclusive.



Subscriber Information for 218.3 [REDACTED]

No calls from Client's Phone to Alleged Victim;

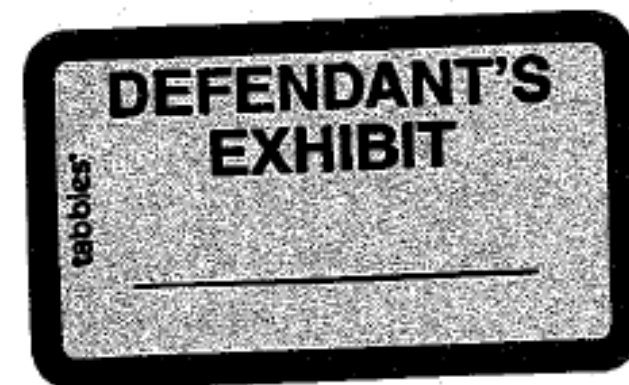


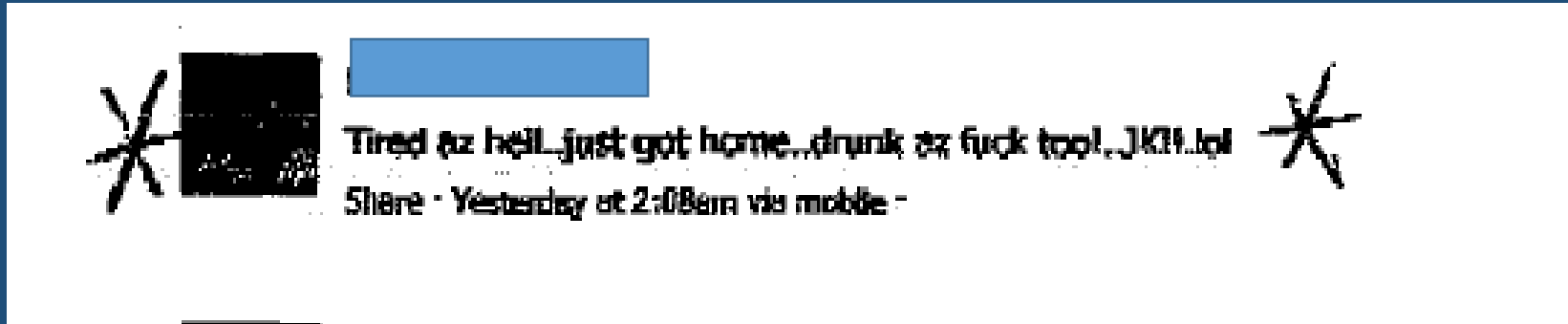
## Message (1/3)

I need that med  
bottle asap

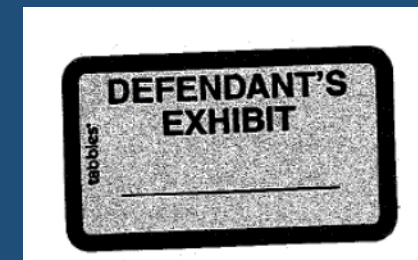
PJMJ </3

CB: 218- [REDACTED]



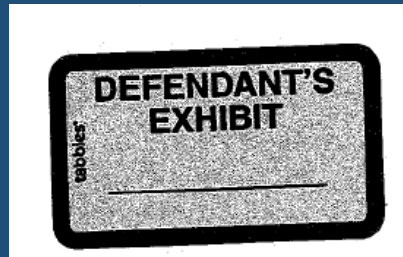


Tired az hell... just go home...drunk as f\*\*k...





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



|          |  |                      |                     |
|----------|--|----------------------|---------------------|
| OFFICERS | Officer Assigned: Jourdain, [REDACTED] | Badge No: [REDACTED] | Primary: Yes        |
|          | Officer Assigned: [REDACTED]           | Badge No: [REDACTED] | Primary: No         |
|          | Officer Assigned: ,                    | Badge No:            | Primary: No         |
| NAMES    | Involvement: None Selected             | Name: Benals, Jean   | DOB: --             |
|          | Age:                                   | Sex: Race:           | Height: 0 Weight: 0 |

Officer Assigned: Jourdain





**Justin Jourdain**

[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 123

**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

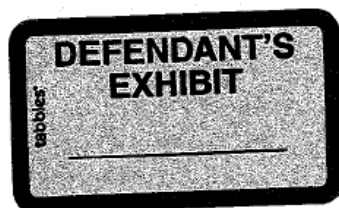
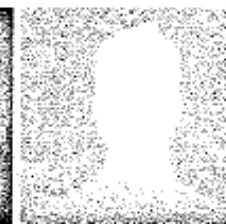
Class of 2008 · Red Lake, Minnesota



#### Redlake Highschool

### Friends

[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?**