

## Saw It On The Internet

In this three part series, the attendees will have the opportunity to witness seasoned members of the bar portray the essential aspects of a contested custody hearing where electronic evidence is at the forefront, including the direct and cross exam of the plaintiff and expert witness. The first session will begin with a presentation about what information is available in various forms of electronic devices, how to access it, and what to do about what you find (including the requirements of how to get it into evidence). The reliability of the information obtained and the value and the use of forensically sound data preservation and analysis will be discussed. A discussion of the ethical considerations involved will conclude this session.

The following sessions will feature a mock trial for the first hour after which the audience will have the opportunity to provide input about what they found effective and not so effective. In addition the panel will explain why they approached the matter as they did. We are fortunate enough to have members of the bench preside over each day's trial and they too will offer their insight into what "works and doesn't work."

The following challenging fact pattern has been created:

- The parties are in the midst of a hotly contested custody battle.
- At the present time they are cohabitating under one roof.
- Wife tells her attorney that she has gained access to husband's private email/facebook account on the household computer.
- She tells the attorney that her husband has been engaging in online sex with what appears to be a minor.
- She then said that she accessed her husband's password protected cell phone and found what appears to be nude pictures of her husband with children and her husband's text messages trying to set up a drug buy.
- Wife brings her information to her attorney to use.
- The veracity of wife's allegations will be explored in each mock trial session.

*This seminar is offered FREE OF CHARGE to all members of the Bar Association's Pro Bono Programs who agree to accept a case prior to attending.*

## Sessions

### Session 1

**October 17, 3:00 – 5:00 pm**

*2.0 Credits*

*(Includes .5 Ethics Credits)*

### Available Electronic Evidence and How to Access It

**Barbara L. Margolis, Esq. – Moderator**

Session will begin with a presentation about what information is available in various forms of electronic devices, how to access it, and what to do about what you find (including the requirements of how to get it into evidence).

### Session 2

**October 24, 3:00 – 5:00 pm**

*2.0 Credits*

*(Includes .5 Ethics Credit)*

### Direct & Cross Examination of Fact Witness

**Janne Reisch, Esq. - Moderator**

Session will begin with the direct and cross examination of the Plaintiff, followed by comments from the audience and the presenters.

### Session 3

**November 6, 3:00 – 5:00 pm**

*2.0 Credits*

*(Includes .5 Ethics Credit)*

### Direct & Cross Examination of Digital Evidence Expert Witness

**Susan Jeannette Famiglietti, Esq. - Moderator**

Session will begin with the direct and cross examination of the forensic expert, from Arsenal Consulting, followed by comments from the audience and the presenters.

*This series is sponsored by the Volunteer Lawyer Program in conjunction with the Public Service Involvement Committee.*

## Panelists

### Session 1

**Hon. Brian P. Stern**

*Associate Justice, Superior Court*

**Thomas W. Lyons III, Esq.**

*Strauss, Factor, Laing & Lyons*

**Barbara L. Margolis, Esq.**

*Office of Disciplinary Council*

**Mark Spencer**

*President, Arsenal Consulting*

### Session 2

**Hon. Karen Lynch Bernard**

*Associate Justice, RI Family Court*

**Plaintiff's Attorney**

**William J. Balkun, Esq.**

*Law Office of William J. Balkun*

**Defendant's Attorney**

**William K. Wray, Jr., Esq.**

*Adler Pollock & Sheehan P.C.*

**Witness**

**Victoria S. Lombardi, Esq.**

*Assalone & Associates*

### Session 3

**Hon. Feidlim E. Gill**

*Associate Justice, RI Family Court*

**Direct Exam**

**John R. Grasso, Esq.**

*The Law Office of John R. Grasso*

**Cross Exam**

**Brian J. Lamoureux, Esq.**

*Pannone Lopes Devereaux & O'Gara LLC*

**Expert Witness**

*Arsenal Consulting*

**Registration Form  
Saw It On The Internet**

NAME

FIRM/ORGANIZATION

ADDRESS

CITY/STATE

ZIP

PHONE

BAR ID#

EMAIL ADDRESS

You will receive an email confirmation of your registration.

I will attend:

- Session 1 – Thursday, October 17
- Session 2 – Thursday, October 24
- Session 3 – Wednesday, November 6

**Please mail registration form to:**  
**Volunteer Lawyer Program**  
**Rhode Island Bar Association**  
**41 Sharpe Drive**  
**Cranston, RI 02920**  
**or fax to 401-421-2703**

**You must agree to accept a pro bono family law case to complete the registration process.**

**Only one pro bono case is required for you to attend one or all three sessions.**

**Registration Details**

**DATE/ TIME/ PLACE**

All sessions to be held at:  
Rhode Island Law Center  
41 Sharpe Drive, Cranston

**Session 1 – Available Electronic Evidence and How to Access It**

Thursday, October 17  
3:00 – 5:00 p.m.  
2.0 Credits  
(Includes .5 Ethics Credits)

**Session 2 – Direct & Cross Examination of Fact Witness**

Thursday, October 24  
3:00 – 5:00 p.m.  
2.0 Credits  
(Includes .5 Ethics Credit)

**Session 3 – Direct & Cross Examination of Digital Evidence Expert Witness**

Wednesday, November 6  
3:00 – 5:00 p.m.  
2.0 Credits  
(Includes .5 Ethics Credit)

**REGISTER/SPECIAL ACCOMMODATION**

You must agree to accept a pro bono family law case in order to complete the registration process. The staff will contact you with an available pro bono case or you may reach them at 401-421-7758, or contact: Elisa King [eking@ribar.com](mailto:eking@ribar.com) or John Ellis [jellis@ribar.com](mailto:jellis@ribar.com). Please indicate on the registration form any special accommodation you may require or call us.

*The Volunteer Lawyer Program is funded by Rhode Island Legal Services, Inc. and the Rhode Island Bar Foundation and is offered as a Public Service by the Rhode Island Bar Association.*

**Saw It On The Internet:**  
*The legal and ethical issues surrounding electronic evidence*



**October 17, 2019**  
**October 24, 2019**  
**November 6, 2019**



Subject to Supreme Court Rule IV 3 each individual session has been approved by the MCLE Commission for the credits noted.