

Note Paper + Case Scenario Handout

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Scenario 1

The State has filed a petition alleging that the respondent juvenile used an online tool to create deepfake pornography of a minor and then texted the images to his friend. The State alleges this constitutes Second Degree Sexual Exploitation of a Minor.

Think about any evidentiary issues or questions this scenario raises. How might the State prove its petition? What defenses may the juvenile raise?

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Scenario 2

The defendant has raised the possibility that AI was used to generate evidence. What evidentiary issues or questions come to mind? Whose burden is it to show that this evidence is – or is not – AI generated? How will you know if it is AI generated?

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Artificial Intelligence and Evidentiary Issues

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Scenario 3

Wife seeks alimony as a dependent spouse. Husband claims Wife engaged in “illicit sexual behavior” with a coworker. Husband offers a picture of Wife with her coworker’s arms wrapped around her while at a hotel for a work trip. Wife alleges the picture has been doctored using AI and offers a version of the same picture where the two are not touching.

The parties are offering conflicting evidence. What do you do? How do you know which picture to believe? Whose burden is it? What other evidence might you anticipate?

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Scenario 4

In a custody case, mother offers a Ring camera video that she says shows father yanking child off the porch. The video is blurry at a critical moment, so mom's attorney has used AI to enhance the video and seeks to admit the altered video.

Is evidence that is admittedly altered by AI admissible? Is it reliable? What does the proponent have to show? How can it be challenged?

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Scenario 5

Pro se Father filed a motion to modify a child support order. On cross-examination by Mother's attorney, Father acknowledges that he used AI to draft the motion. Mother's attorney moves to dismiss the motion based on Father's use of AI.

What does it mean if a party uses AI to generate pleadings or other filings? What if a pro se party files multiple motions like this? What are the different considerations when it is an attorney, and not a pro se party, using AI to draft pleadings or other filings?

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