

What Would a Judge Say About Your Evidence?

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Course Description: What genealogical evidence do you have? Did you attempt to verify the genealogy you copied from the internet? Learn about evidence as it relates to genealogy.

Evidence A FIVE-STEP PROCESS

- Conduct a reasonably exhaustive search for all information pertinent to
 - Identity
 - Relationship
 - Event
 - Situation in question
- Collect and include
 - Complete accurate citation to the source or sources of each item
- Analyze and correlate the collected information to assess its quality as evidence
- Resolve any conflicts caused by
 - Items of evidence that contradict each other
 - Contrary to a proposed (hypothetical) solution to the question
- Arrive at a
 - Soundly reasoned and coherently written conclusion

Building a case

- Three elements in classifying evidence
 - Direct or indirect evidence
 - Original or derivative source
 - Primary or secondary information

Direct vs. indirect evidence

- Refers to the content
- "Direct evidence"
 - Stands on its own to make a statement
- "Indirect evidence"

- Circumstantial evidence
- Requires an introduction of other information
- Normally has less weight

Original vs. derivative sources

Original

- The original source is one that contributes information that is
 - Written
 - Oral
 - Visual
- It's not created from prior written or visual record or oral communication
- It may include original
 - Deed
 - Video or tape recording
 - Photograph or painting
 - Original tombstone
 - Etc.

Derivate Source

- Contributes information which was
 - Copied
 - Transcribed
 - Abstracted
 - Summarized
 - Duplicated
 - Repeated from information in a previously existing source
- Derivative because of how it's created has chance of introducing errors

Primary vs. Secondary Information

- Primary and secondary refers to the *quality of the information*
- The record is primary if
 - It was made orally
 - In writing
 - Even pictorially as in a painting or photograph
 - At or near the time of the event
 - By someone in a position to know

Examples of weighing evidence

- Which source has more weight
 - Higher value: microfilm, scans, and photocopies
 - Less value: handwritten or typed transcriptions or abstracts
- Tombstones
 - Higher value: photograph of a tombstone inscription
 - Less value: handwritten notes made from tombstone inscriptions
- Transcriptions
 - Higher value: Transcriptions made closer to the time of the event

- Less value: Transcriptions made farther away in time from the event
- Birthdates
 - Higher value: birthdate in a Bible
 - Less value: Birth date in an obituary

Building a case for one's research

- Conduct a
 - Reasonably exhaustive search
 - Among a variety of records
- Determine the class for each piece of information within the record
 - Direct or indirect evidence
 - Original or derivative source
 - Primary or secondary information
- Weigh each piece of data
 - keeping in mind
 - Who furnished the information
 - Why
- Evidence must all point in the same direction
 - If there is an opposing bit of evidence,
 - It's relevance to the question must be
 - Negated
 - Refuted
- If evidence all points in the same direction
 - No other reasonable conclusion can be reached
 - Case considered solid
- Write up the conclusion
 - Include an explanation of any opposing evidence
 - Include how it was resolved
 - Include citations