



# PACIFIC JUDICIAL COUNCIL

## DIGITAL EVIDENCE FOR JUDGES

*Westin Resort Guam, Tumon, Guam*  
*June 24-26, 2026*

### **PROGRAM AGENDA**

**FINAL 5.18.26**

**WEDNESDAY, June 24, 2026 DAY 1**

12:30 p.m. **Registration**

12:45 p.m. – 1:00 p.m. **Welcome & Introductions**

*Hon. Robert J. Torres, Associate Justice, Supreme Court of Guam*

1:00 p.m. – 2:00 p.m. **Legal Considerations of Technology, Social Media, & Digital Data**  
*[Mark McGinnis & Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Make technical information relevant and practical for Judges (multiple states).
- Discuss our roles.
- Provide tips and best practices for judges when handling different types of cases.
- Identify legal issues.
- Provide a legal framework for working through these issues the same way every time.

2:00 p.m. – 2:15 p.m. **Break**

2:15 p.m. – 3:15 p.m. **Fourth Amendment Framework for Judges**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Discuss and build a 4<sup>th</sup> Amendment framework for analyzing and deciding admissibility issues.
- Examine how the framework applies to digital devices and media
- Review three Supreme Court decisions related to EOP.

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### ***PROGRAM AGENDA***

3:15 p.m. – 4:15 p.m.

**Private Search Doctrine, Search vs Seizure, REOP**

*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Examine where the private search doctrine fits in our 4<sup>th</sup> Amendment framework.
- Discuss case examples that illustrate private search doctrine.
- Discuss search versus seizure.
- Review video examples of search and seizure during a forensic examination.

4:15 p.m.- 5:00 p.m.

**AI for Judges- Introduction**

*[Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Know what AI is.
- Examples of how AI is being used.
- Know the risks of AI in legal filings.

5:00 p.m. **Adjourn**

**DINNER ON YOUR OWN**



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### ***PROGRAM AGENDA***

**THURSDAY, June 25, 2026**

**DAY 2**

8:00 a.m. – 8:30 a.m. **Check-in and debrief from Day 1**

8:30 a.m. – 9:30 a.m. **Fourth Amendment Satisfaction Framework for Judges-Exceptions**

*[Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Discuss the Fourth Amendment Satisfaction Framework
- Discuss an overview of warrantless searches.
- Explain exceptions to search warrant requirements and their requirements.
- Examine example scenarios that illustrate processes and problems.

9:30 a.m. – 10:30 a.m. **Search Warrant Framework and Review- Warrants**

*[Mark McGinnis & Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Refresh and deepen our understanding of the Fourth amendment and warrant satisfaction.
- Review and discuss several affidavits and search warrants.

10:30 a.m. – 10:45 a.m. **Break**

**Search Warrant Best Practices & Practical Exercises**

10:45 a.m. – 11:45 a.m. *[Mark McGinnis & Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Discuss the role of the trial court.
- Examine the search warrant procedure and constitutional requirements for every warrant.



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11:45 a.m. – 1:00 p.m. **Lunch**

1:00 p.m. – 2:00 p.m. **Geofence Warrants & Location Data**

*[Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Identify and describe a geofence warrant.
- Know the difference between a geofence warrant, a tower dump, and HSCLI.
- Know the geofence 3 step process.
- Know best practices when reviewing, limiting, and granting a geofence warrant.

2:00 p.m. – 3:00 p.m. **Third-Party Doctrine, Third-Party Consent Issues for Judges**

*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Compare third-party doctrine with third-party consent.
- Examine how terms of service impact protections.
- Review several cases that illustrate shared space and REOP.
- Examine consent versus abandonment.

3:00 p.m. – 3:15 p.m. **Break**

3:15 p.m. – 4:15 p.m. **Motion Practice: Best Practices, Legal Considerations**

*[Alison Emerson & Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Discuss best practices for motions.
- Review motions to quash and/or return property.
- Review examples of motion practice involving



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the Confrontation Clause.

- Discuss motion considerations when media or the public requests documents.

4:15 p.m. – 5:00 p.m. **AI Practical Experience for Judges**

*[Alison Emerson & Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Use AI for Legal Research and Other Judicial Tasks
- Understand the Ways Litigants/Counsel Use AI

5:00 p.m. **Wrap up & Adjourn**



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#### **FRIDAY, June 26, 2026      DAY 3**

8:00 a.m. – 8:30 a.m.    **Check-in and debrief from Day 2**

8:30 a.m. – 9:30 a.m.    **Fifth Amendment Framework for Judges**  
*[Alison Emerson]*

**Upon completing this lesson, students will be able to:**

- Discuss rights and privileges outlined in the 5<sup>th</sup> Amendment.
- Discuss forced self-incrimination and the 5<sup>th</sup> Amendment.
- Discuss compulsion of biometrics v. password or PIN.
- Review potential 5<sup>th</sup> Amendment exception-foregone conclusion.
- Discuss noteworthy cases.
- Review best practices.

9:30 a.m. – 10:30 a.m.    **Admissibility Framework for Judges**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Review the legal framework for analyzing and deciding admissibility issues.

10:30 a.m. – 10:45 a.m.    **Break**

10:45 a.m. – 11:45 a.m.    **Admissibility Framework of Digital Evidence**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Review the legal framework for analyzing and deciding admissibility issues.



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11:45 a.m. – 12:45 p.m. **Lunch**

12:45 p.m. – 1:45 p.m. **Expert Testimony and Expert Opinions**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Discuss federal rules of evidence, and opinion testimony by lay witnesses and expert witnesses.
- Review the legal framework for admissibility of evidence.
- Examine our role as gatekeeper of the evidence.

1:45 p.m. – 2:45 p.m. **Discovery and E-Discovery for Judges**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Analyze discovery issues for requests of digital data.
- Review E-discovery best practices and emerging issues.
- Examine discovery of digital data scenarios.

2:45 p.m. – 3:00 p.m. **Break**

3:00 p.m. – 4:00 p.m. **Protecting Judges' Privacy in Cyberspace**  
*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Discuss general guidelines for all internet activity.
- Review security concepts.
- Examine online ethics and security.



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- Discuss reasonable preventative measures.

4:00 p.m. – 4:45 p.m. **Electronic Media and Use Issues for Judges**

*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Discuss our use of social media.
- Evaluate the appropriate use of social media.
- Discuss cellphones in the courtroom.

4:45 p.m. – 5:30 p.m. **AI – Evidentiary Issues**

*[Mark McGinnis]*

**Upon completing this lesson, students will be able to:**

- Use the admissibility framework for AI issues.