

KEEP GOOD RECORDS

Any documents you want to present to the judge such as: diaries, photographs, notes, letters, police reports, etc., should be cataloged and indexed in a binder with a table of contents for quick reference.

Sometimes, a diary is the most critical piece of evidence because of its accuracy in recalling dates, times and locations of events. Writings come under the Hearsay Rule, and some writings may not be admitted into evidence by the judge because concern arises as to whether the writing was made at the time of the event. Judges will use the word “contemporaneous”.

Diary: Often, the most crucial piece of evidence is a diary. A diary is used to refresh a persons recollection of dates, times, locations of events, generally, does not come into evidence as a complete manuscript. When being asked questions during your testimony, use your diary to recall specific and exact events.

Writings: Any writings offered into evidence should be kept short so they will be read. Written notes are very useful when you need to convince a judge that your version of events is a more accurate rendition than your spouse. Written short summaries of events on a single calendar or diary, written at the time of occurrence, will also be very persuasive to a judge. The judge may not review each document, but he/she will be aware that you are not just “winging it”, as your version is based on notes taken at the actual time of the events.