

BowTieLawyer.MS

CHILD CUSTODY, CRIME, DIVORCE, GENERAL LEGAL, MARRIAGE

Mic Test: “Testing 1, 2, 3...: Recording in Divorce- Good, Bad & Ugly

12/10/2014 | BOWTIELAWYER | LEAVE A COMMENT |

Recording Fever has swept the divorce world, at least, since the 1980s.



anankml
/freedigitalphotos.net

Recording set the record straight, right? It's incontrovertible proof that so-and-so said what-they-said on any given date. It's right there on tape...

Not so fast. **First of all is it legal where you are?** States have differing laws on recordings. Generally, in this state, recording is legal so long as one person to the conversation is aware that it is being recorded. However, this is not the case in every state and some require all parties know and consent.

Secondly, is the recording a set-up? There have been instances where a spouse (or ex-spouse) intentionally created circumstances where the other spouse would “blow up.” Under these circumstances your recording may get you in more trouble than it's worth.

Third, is the recording complete and unaltered? Recordings can be edited. They can certainly be manipulated. Recordings must be authenticated, complete and relevant to be considered admissible.

Fourth, is it as valuable as you think? I know a Judge whose opinion is “*You need to be focusing on parenting and communicating with the other parent rather than recording every interaction...*”

Recordings, either audio or video or both, may well be legal, legitimate, complete and valuable, but it could easily be illegal, under false circumstances, incomplete and of no value. Discuss the laws regarding recordings and admissibility with your attorney.

Matthew Thompson is a Family Law Attorney in Mississippi and warns clients of the possibility of surveillance and recordings, reminding them to say and do things they do NOT mind seeing played back in Court.

Follow the blog: #BowTieLawyer (<http://www.blog.bowtielawyer.ms/>) Visit the website: #Thompson Law Firm (<http://www.bowtielawyer.ms/>) You may also contact Matthew with your family law matter or question at (601) 850-8000 or Matthew@bowtielawyer.ms



Occasionally some of your visitors may see an advertisement here.

About these ads (<http://wordpress.com/about-these-ads/>)

Tell me more (<http://wordpress.com/about-these-ads/>) | Dismiss this message

◀ CUSTODY ▶ DIVORCE ▶ RECORDING ▶ RECORDING PHONE
CALLS ▶ SURVEILLANCE ▶ TAPE ▶ TAPE RECORDING