

Authenticating - Can Cellphone Text Messages Stand Up in Court'

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PRACTICES Privacy and Cybersecurity

Parties seeking to admit cellphone text messages at trial face two authentication challenges. They must show that the documents they want to admit into evidence are accurate copies of the original text messages, and they must show that the persons to whom they seek to ascribe the messages actually wrote them.

Courts have uniformly held that existing rules of evidence are “generally ‘adequate to the task’” of authenticating electronic information and have declined to create new and special rules. The authentication threshold of Texas Rule of Evidence Rule 901(a) is met “by evidence sufficient to support a finding that the matter in question is what its proponent claims.”

Excerpted from *Texas Bar Journal*. [Read the full article.](#)