

Standards of proof determine how convincing the evidence must be for a decision to be made.

Misconceptions

- Beyond a reasonable doubt doesn't mean 100% certainty.
- Preponderance of the evidence isn't a low standard. It still needs credible evidence.

Legal standards of proof are the backbone of fair trials and justice. Stay informed to better navigate the legal system. **UNDERSTAND** your case to know the burden of proof.

1. A PREPONDERANCE OF THE EVIDENCE:

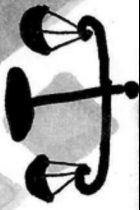
- common in civil cases.
- evidence must show that it is more likely than not that it is true.
- if 51% of the evidence supports one side, they win.

Standards of **PROOF**: A quick guide to legal burdens in court. Understand legal

HOW EVIDENCE IS WEIGHED:

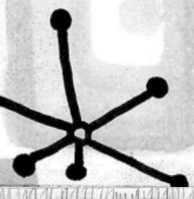
- **DIRECT**:
 - witness testimony
 - forensics
 - circumstantial
- **JUDGE/JURY**:
 - Deciding what evidence is credible and how much weight to give it.

Please read our other **ZINES** like: Jury Nullification: Power in the Jury Box and other legal zines in the series.



3. Beyond a Reasonable Doubt:

- standard for criminal cases
- The evidence must leave no reasonable doubt of the defendant's guilt.
- protects against wrongful conviction



CHALLENGES IN APPLICATION

Ambiguity:
 "What constitutes 'reasonable doubt' can vary."
 Human Factors:
 "Biases and interpretation of evidence affect outcomes."

2. Clear and Convincing Evidence:
 • used in high stakes civil cases
 • claim must be "highly probable" per the evidence
 • Stronger than a preponderance but not as strict as reasonable doubt.

• Family Law: "clear and convincing evidence"
 • Contract Disputes: "preponderance of the evidence"
 • Criminal cases: "Always beyond a reasonable doubt."

BURDEN OF PROOF
 Who has it?
 - The party bringing the claim or charge
 • plaintiff in civil cases
 • prosecution in criminal cases
 In some cases the burden may shift to the defendant to prove a defense.

CIVIL vs. CRIMINAL
 civil cases involve disputes between individuals or entities.
 Criminal cases involve the government prosecuting someone accused of breaking the law.

Historical Context
 Standards have developed to ensure fairness and prevent miscarriages of justice.
 They have evolved over time.

LEGAL STANDARD OF PROOF
 are the levels of certainty required to establish facts in a court room. They vary based on the type of case.

READING
 The Burdens of Proof By Dale A. Nance
 ...
 Burden of Proof, Presumption and Argumentation By Douglas Walton
 ...
 Beyond a Reasonable Doubt By Larry King
 ...
 Proof Beyond a Reasonable Doubt: A Philosophical and Legal Perspective By Larry Laudan