

The Growing Threat of Deepfakes to the Legal Profession – Part Two

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In our last [post](#), we explained what a deepfake is, its growing sophistication, and its role in the practice of law. Now that you understand what deepfakes are and why they are a problem for lawyers and judges, here is a list of some tips and strategies for addressing deepfakes:

Recognize inconsistencies. Even highly advanced deepfakes can leave evidence of manipulation behind. For example, there may be problems with consistent lighting or shadows across an image. Always examine images and videos closely. Listen several times to audio. If something doesn't seem right, a trained eye (or ear) could spot it.

Look for clues beyond the evidence itself. A party that manipulates a video or audio recording may have left fingerprints implicating their activity. Using the example of the British custody case, the woman may have conducted internet searches for programs or online tutorials. This is a sort of meta-evidence that robust discovery procedures might uncover.

Understand (and use) the rules of evidence. Lawyers will have to be more vigilant with the rules of evidence, particularly as they apply to authentication and the role that expert witnesses may play. Careful application of these rules could make it riskier for someone to attempt to pass off a deepfake as genuine evidence. Attorneys are already expected to know the rules of evidence, but the threat of synthetic media should drive that point home all the more.

Hire specialized experts. If you have reason to believe that evidence has been tampered with, hire a digital forensic expert that has experience detecting fake media.

Use technology. On the other side of the issues, if you are worried about your evidence being challenged as a deepfake, use software such as Truepic that writes a unique digital fingerprint at the time the data is created.

The attorneys of Rosen Hagood know that the strength of a case depends upon the reliability of the evidence. Our firm is committed to protecting the integrity of our justice system and to ensuring our clients are treated fairly in court. We are also staying up to date on the latest legal and technological developments surrounding deepfakes and the consequences they may have on our profession. That's the level of commitment our clients expect from us. If we can help with your litigation matter, give us a call today.