

## **PROOF LEVELS REQUIRED**

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- 1. Beyond a Reasonable Doubt** **95% Sure**
  - A. Criminal trial
  
- 2. Clear & Convincing** **66-75% Sure**
  - A. State's req'd burden to prove consent was voluntary
  - B. To sever a parents rights over a child b/c of neglect
  - C. To prove or disprove a will in a will contest
  - D. INS burden @ Deportation Hearing
  - E. Bail Hearing: for gov't to show danger to community
  
- 3. Preponderance** **51% Sure**
  - A. Civil trial
  - B. Infractions/Speeding tickets
  - C. Authority req'd to avoid IRS penalties for wrong advice re: tax shelters
  - D. Bail Hearing: for gov't to show flight risk
  
- 4. Criminal Defense Verdict/Knapstad** **45% Sure**
  - A. When ev considered in light most favorable to non-mover, no rzble jury could find built beyond a reasonable doubt
  
- 5. Probable Cause** **40% Sure**
  - A. Arrests
  - B. Searches/Search warrants
  
- 6. IRS Realistic Possibility** **35% Sure**
  - A. "Realistic Possibility"--Tax advisors req'd chances of being correct on tax treatment issue to be above negligence
  
- 7. Substantial Authority/Meritorious** **33% Sure**
  - A. Authority req'd to avoid IRS penalties for understating
  
- 8. Rzble Suspicion/Civil Summary Judgment** **20% Sure**
  - A. Terry Stop; Investigative, street or car short detainment
  - B. Civil S.J.--when ev considered in light most favorable to non-mover, no rzble factfinder could find by preponderance of ev
  
- 9. Founded Suspicion** **20% Sure**
  - A. NY--req'd for cops to ask questions beyond routine data
  
- 10. Arguable/Colorable** **15% Sure**
  - A. Good faith belief in extension *or reversal* of existing law
  - B. Minimum needed to avoid Rule 11 sanction for frivolous suit
  
- 11. Hunch/Frivolous** **0-10% Sure**
  
- 12. Random/Arbitrary/Automatic/Capricious** **0% Sure**