

# Popular Threads on Solosez

## PROVING THE WEATHER

I'd like to offer into evidence the weather on a particular day at particular time. Is there an internet site that I can print this from? I haven't come across any.

Thank you for your assistance.

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I believe AccuWeather provides historic weather information. But the statement would be hearsay. How you gonna lay the foundation?

David Masters, Colorado

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This might help, from National Weather Service:

Q1. Where can I find current and historical weather data?

A. One central web site you should check for current weather and data products at: [http://www.nws.noaa.gov/pa/climate\\_data.php](http://www.nws.noaa.gov/pa/climate_data.php)

You can get current forecasts and other weather information through the NWS Interactive Weather Information Network at: <http://www.weather.gov/>

All of the weather data gathered by the U.S. can be found through NOAA's National Climatic Data Center in Asheville, NC. They have a home page at <http://www.ncdc.noaa.gov>, or you can call them at 828-271-4800.

You may also want to contact your state climatologist. For a state-by-state list of these offices, go to <http://www.ncdc.noaa.gov/oa/climate/stateclimatologists.html> and find Meteorology FAQ part 7/7

Russell Goldman

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Weather Underground has historic information. You can get daily information but further down a "daily" page, there is also a graph showing the temperature throughout the day.

<http://www.wunderground.com/history/>

The page shows the weather for the day, but further down there are hourly trending graphs, and observation information. Depending on the day and location, there may be more or less information.

Good luck! David Whelan, Canada (not a lawyer)

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Newspaper from that date? That should be self-authenticating, right?

Although I suppose it only offers evidence of what the weather SHOULD be for that date, not what it actually was...

Heather Keck

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This article goes to the hearsay exception to get the evidence in:

<http://www.docstoc.com/docs/3645394/Expert-Advice-Forecast-for-Success-Expert-Advice-on-the-Weather>

Brian Pedigo, California

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The NOAA in Asheville, NC has certified records for all places in US. They send it in a nice sealed package with ribbons attached. Very impressive looking. I think you can order it online.

Robert W. "Robby" Hughes, Jr., Georgia

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Also, since it is a government office, it comes in under official government records.

Robert W. "Robby" Hughes, Jr., Georgia

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Try Compuweather.com. They purport to be a "Forensic Weather Company" that can provide pin-point weather forecasts for specific points on specific dates in the past.

I've never used them (and frankly, I don't remember how I came upon their Web site), but they seem to be what you are seeking.

Brian H. Cole, California

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Thank you for your responses. This should be enough to prove my point at the hearing.

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To avoid hearsay argument, will the other side stipulate to the admitting of the report as evidence. If it comes from the government, it surely can be trusted.

Often times stipulations can be done and that resolves the issues of getting something into evidence. Depends on the case and issues or course.

Phil A. Taylor

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I have used printouts from the web from NOAA to prove that the weather was below freezing during a particular month (when a landlord impeded the restoration of gas service for heat). The court accepted the printout of NOAA's copy of the handwritten logs for the day, but of course the formality

of the proceeding (and the gravity of the consequences) will dictate the amount of authentication that will be required.

NOAA's information is weather-station specific, so by looking at their maps, you can determine which physical monitoring station is closest to the location in question. Some locations (San Francisco, for instance) have so many micro-climates, pinpointing could be useful, depending on whether you're relying on precipitation, etc. I believe their records include location-specific sunrise and sunset.

I can't help but be curious, since your footer says you do tax law; are they claiming the weather was too inclement that day to travel to the post office for filing?

Good luck,

Richard J. Rutledge, Jr., North Carolina

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Isn't this an item of factual data that the court may take judicial notice, without the necessity of having to enter as an exception to the hearsay rule.

Marc W. Matheny, Indiana

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Glad you brought this up. This presents a classic ethics issue. The weather on the date in question is relevant. The records are available but subject to a hearsay objection. Do you object just to object, or because keeping out the evidence will help your client? Will it really help your client? If it won't really help your client to keep out this evidence, don't you have an obligation to get along and allow the evidence to come in?

Now, having said that, why can't we find someone who was present at the relevant location on the significant date and have them testify as to what they remember the weather to have been?

David Masters, Colorado

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Particularly if opponent will not stipulate to the weather facts many days in advance of trial you need to check your state's rules of evidence and rules of civil procedure. They probably track the federal rules regarding this type of evidence.

Next you need to obtain as your primary exhibit the 'ribboned' and authenticated record you want from NOAA, not from some private service, and then comply with the rules regarding notice to the other side.

You must be very careful in selection of NOAA records. Many urban areas have several data collection stations. Different stations from the same city can report different statistics.

The rules of evidence will probably also permit admission of other records, such as newspaper reports, etc. If all sources of data, including live testimony from witnesses with actual knowledge, for the particular location in question are in harmony it is likely opponent will have a difficult time rebutting.

Having said all this, I doubt if NOAA records can pinpoint, say, a brief, blinding sand storm down to the minute.

If attempting to prove several days of heavy rain, one would think the NOAA records buttressed by other sources and witnesses with direct knowledge would serve you well.

Rob V. Robertson, Texas

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You are correct. The court will take judicial notice of official government records.

Robert W. "Robby" Hughes, Jr., Georgia

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The precise location thing can be important. I tried a case last year where the rainfall accumulation on a specific property (0.75 ac) during a specific 12-hour period was a key issue. The two onsite witnesses (one was a defendant and the other was a plaintiff) had contradicting testimony. OC wanted to introduce NOAA records to back up his witness, but lost on a motion in limine where I pointed out that nearest NOAA station was 6 miles from the property and second nearest was 16 miles (backed up by a PhD meteorologist's declaration that accurate interpolation from the the available observations was impossible). My backup evidence at trial was a PhD hydrologist who calculated the rainfall for the particular location based on measurements of water accumulations in various small catch basins on the property.

Good luck with your case...

Alan L. Inglis, California

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I am with Alan.

If the weather is sought to prove a general issue ("It was sunny") then judicial notice would be appropriate. But if the weather was sought to prove a specific factual issue ("It was below 32 degrees, and therefore the front steps were covered by ice") then judicial notice is not appropriate. Or more accurately, judicial notice might be appropriate for the very limited fact "the NOAA weather station showed a temperature of 32 degrees" but not the next fact in the chain, "...and therefore it was also below 32 degrees on the front steps."

Weather is macro, but the immediate effects of weather are micro.

Erik Hammarlund, Massachusetts

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I used a print out from NOAA to rebut a claim of pooring down rain. The judge denied the hearsay objection based on NOAA being the weather bureau sort of backhand judicial notice.

John Davidson, Pennsylvania