

TRACK: Legal A
SESSION #: TBA
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SESSION TITLE: "Computers, Search Warrants and Privileged Documents"
SPEAKER(S): David E. Clark – Attorney
ORGANIZATION: Clark & Towne, PC Atlanta, GA

ABSTRACT: "Computers, Search Warrants and Privileged Documents"

Privileged information is increasingly stored on personal computers, laptops and high-end cell phones. Since computers are sometimes used to commit credit card or internet fraud schemes or to store illegal child pornography, police frequently seek search warrants calling for the seizure of computers and their contents ("digital property"). These warrants can be carefully drawn in order to avoid violating privacy rights. The consequences of issuing a warrant inadvertently allowing the seizure of privileged information are significant. All items seized using technically deficient warrants are subject to suppression from evidence at trial. A magistrate who exceeds his or her lawful jurisdiction may also be subject to civil liability.

Changes in computer storage capacity, types of digital property, and communication applications made possible through the world wide web require changes in the way police apply for, judges draft, and defense lawyers analyze computer-related search warrants.

SPEAKER BIO(S): David Clark is a respected attorney and former judge. He is the author of "Search and Seizure for Georgia Law Enforcement" and "101 Ways to Beat a Marijuana Charge in Georgia."

He is featured every week in a podcast on constitutional law called "The Fourth Amendment Podcast," available through iTunes Music Store. Over the twenty years of his legal career, he has given dozens of lectures on constitutional law, trial practice, and the admissibility of scientific evidence in court. He is a founding member of the Georgia Innocence Project, serves on the executive committee of the Georgia Association of Criminal Defense Lawyers and is President-elect of the Criminal Law Section of the Gwinnett County Bar Association.

His track record in the courtroom is legendary. In 1999, he and his partner won *Love v. State*, which struck down Georgia's DUI-marijuana law as unconstitutional. That same year, they kept laser speeding guns from being used in Georgia. Since then, Dave has won numerous key illegal search cases, defining the limits on what police can do while fighting the so-called "war on drugs." He has taken other famous cases involving separation of church and state, and privacy rights. Last year, he left his post as Magistrate judge in order to go back to the courtroom full time and return to legal rights activism. His law practice, Clark & Towne PC, is located in Lawrenceville, in suburban Atlanta, GA.