

Yikes - They're Searching Your Client's Computer

By David Michael Bigeleisen

STEPS TO GET ONE HOUR OF MCLE CREDIT

1. Answer the true/false questions below. There is only one answer for each question.
 2. Include a \$25 check for processing made payable to The Bar Association of San Francisco or fill out the credit card information in the box below
 3. Send both of these pages (answer sheet and payment coupon on page 2) and mail it, along with the \$25 check, to:
Attention Self-Study Examination, The Bar Association of San Francisco, 301 Battery Street, Third Floor, San Francisco, CA 94111
 4. Correct answers and CLE certificate will be mailed to you within three weeks.
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1. When the government searches your client's computer it is sometimes investigating a white collar crime.
 True False
2. The government sometimes uses computer searches to investigate sex cases.
 True False
3. Child pornography is contraband.
 True False
4. When you arrive at the scene of a search, ask if you can observe.
 True False
5. A modern computer tablet or laptop is the equivalent of yesterday's file cabinet.
 True False
6. Ask to see the search warrant.
 True False
7. When you arrive at the scene of a search, ask to speak with the agent in charge.
 True False
8. If the agents are executing a search warrant, don't get in their way.
 True False
9. It always a good idea to tell the agents that you represent the company and all of the employees.
 True False
10. Be sure to tell your client's employees not to speak with the special agents.
 True False
11. The government is required to segregate the items which it has a warrant to search for from those items it doesn't have a warrant to search for.
 True False
12. The government should have a neutral person, such as a magistrate; go through the hard drive content.
 True False

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13. The government must return the computer information that is not part of the items enumerated in the search warrant.
 True False
14. The government always needs a search warrant to find out who you are sending emails to and who is sending them to you.
 True False
15. The government always has to notify the customer immediately when it subpoenas email data.
 True False
16. Under California law, the police always need a warrant before they examine a cell phone.
 True False
17. Under Federal law, the government always needs a warrant before examining a cell phone.
 True False
18. If the client is summoned before the Grand Jury, he always has to reveal his computer password.
 True False
19. The government needs a warrant and probable cause to search a computer at the border.
 True False
20. The government can search every part of a computer at will when it passes through customs.
 True False

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