

CLE materials for

Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence

The Federal Judicial Center has provided the attached materials to assist courts in program planning and in applying for continuing legal education (CLE) credit for the webcast *Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence*. The materials include faculty biography, a continuing legal education application form, and a certificate of attendance (**fillable and not fillable forms**) for the webcast.

The Center is unable to process individual applications for CLE credit, and therefore there is no preapproval, but these materials will help you facilitate the process in your court. **Each individual attorney is responsible for submitting an application for CLE and for making any payments that are required.** The Center does not have course numbers for the jurisdictions; you will have to acquire that information once you apply for CLE credit in the jurisdiction for which you desire credit. **With regard to the Court Training Specialist signature that is required on the Certificate of Attendance, you can have your court's Training Coordinator/Training Specialist or Human Resources Specialist/Human Resources Manager sign the certificate. (The FJC does not sign this document.)** After it is signed, please submit the form to the CLE Commission or State Bar for which you seek credit. We strongly recommend that you contact your state's CLE board for information about CLE requirements, which vary from state to state.

If you have any questions about the CLE application process, please contact Rhonda Starks at 202-502-4059 or rstarks@fjc.gov. If you have any questions about the program in general, please contact Brenda Baldwin-White at 202-502-4112 or Bbaldwin-white@fjc.gov.

Program Description

Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence

July 20, 2022 – 1:00 p.m. – 2:00 p.m. ET

Host Brenda Baldwin-White, Senior Judicial Education Attorney, talks with Thomas K. Clancy, former director of the National Center for Justice and the Rule of Law and Professor Emeritus at the University of Mississippi School of Law. Professor Clancy is a nationally recognized expert on the Fourth Amendment and cyber crime. He is author of two books: *Cyber Crime and Digital Evidence* and *The Fourth Amendment: Its History and Interpretation*. Brenda and her guest discuss the Fourth Amendment aspects of the government acquiring digital evidence, including where we are now in the evolution of the doctrine, any certiorari grants, and some cutting-edge issues such as geofencing and the role of HASH value searches by private actors.

Faculty: Thomas K. Clancy, former director of the National Center for Justice and the Rule of Law and Professor Emeritus at the University of Mississippi School of Law

Faculty Biographical Information

Thomas K. Clancy

Professor Emeritus

As the initial permanent Director of the NCJRL at Ole Miss, Clancy created the Center's programs, which include: the Cyber Crime Initiative, which helps state governments through training and model programs designed to attack computer-related crime; the Fourth Amendment Initiative, which promotes awareness of search and seizure principles through conferences, training and support for selected publications; the Prosecution Externship Program, which provides specialized course-work and real-world training for law students in the duties and responsibilities of prosecutors; and the Criminal Appeals Program, which provides law students with intensive training representing on appeal persons convicted of crimes.

He has taught at the University of Baltimore School of Law, the University of Hawaii School of Law, the University of Maryland School of Law, the Washington College of Law at American University and at Vermont Law School. His subjects have included Criminal Law, Criminal Procedure I & II, Fourth Amendment Seminar, Criminal Justice and Constitutional Law. Clancy has more than 25 years of legal experience, including serving as Chief of the Post Conviction Unit in the State's Attorney's Office for Prince George's County, Maryland and as an Assistant Attorney General for the State of Maryland in the Criminal Appeals Division. He has briefed and argued over 900 criminal appeals cases and has extensive trial and post conviction litigation experience. He has written more than a dozen articles devoted to the Fourth Amendment and is author of the treatise, *The Fourth Amendment: Its History and Interpretation* (Carolina Academic Press 2008). He lectures frequently at judicial, law enforcement and other conferences on search and seizure and other criminal law and procedure topics.

Professor Clancy is a cum laude graduate of Vermont Law School and received his B.A. from the University of Notre Dame.

Education

J.D., University of Vermont

B.A., University of Notre Dame

UNIFORM APPLICATION FOR ACCREDITATION OF CONTINUING LEGAL EDUCATION

To the state of:

1. Sponsoring organization:

Name: Federal Judicial Center
Address: Education Division (ED)
One Columbus Circle, NE
Washington, DC 20002-8003
Telephone: 202-502-4059 Fax: 202-502-4299
Email: rstarks@fjc.gov

2. Title of educational activity: Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence

3. Date(s) and location(s): July 20, 2022 (being recroded for future viewing)

4. Registration fee: - 0 -

5. Writing surface available? Yes No

6. Delivery Method(s): faculty in room with participants; telephone to broadcast site; interactive video; webinar; audiotape presentation; streaming video; interactive computer/Internet; discussion leader present

7. Type of Law code(s): 1. ; 2. (Optional) ; 3. (Optional)
Difficulty Level: Beginner; Intermediate; Advanced

8. Advertised to: Lawyers; Clients; Others (specify): Federal Judges and Attorneys

9. List any admission restrictions:

10. "In-house activity" requirement (see local rules to determine applicability):
open/publicized to outside lawyers outside lawyers are 0% of faculty clients are 100% of audience

11. Method of evaluation: participant critique; independent evaluator; none; other:

12. Description of materials to be distributed: total pages ; loose-leaf bound
Distributed: before program; at program; other: Online

13. REQUIRED ATTACHMENTS to this application:
a. time schedule (brochure, course outline, course description)
b. table of contents or equivalent
c. faculty name(s) and credentials (if not in brochure or description)
d. complete set of materials (only in states where required)
e. fees (only in states where required)

14. Total minutes of instruction, not including breaks, meals or introductions:
General (non-ethics): 60
Ethics (minutes): 0 Substance Abuse: 0
Total: 60
Other: 0

15. Approval by other states: Granted by:
Denied by:

16. Submitted by: employee of sponsor/provider; individual lawyer

STATE ACCREDITATION OFFICE
NOTICE OF DECISION
Course No.
(The following action has been taken on this application:
RETURNED for more information.
APPROVED for CLE credits, Including Ethics credits.
DENIED Reference
SEE ATTACHED MATERIALS.

Name of person applying (type or print)

Address (if different than above)

Signature Date

Phone and Fax (if different than above)

E-mail address (if different than above):

***Court Web: Fourth Amendment Aspects of the Government
Acquiring Digital Evidence***

webcast presentation from the Federal Judicial Center

ATTENDANCE CERTIFICATE

This certificate should be filed with the appropriate MCLE Board or Commission within 30 days of this activity.

(keep a copy for your records)

Date you participated in the program: _____

Registrant signature

Registrant name

Address

City, state, zip code

_____ for _____
Attorney No. (if applicable) State

I attended a total of ____ hours at the viewing site in _____
(Please note that different jurisdictions approve varying numbers of credit. The total hours above is the actual number of 60-minute hours attended.)

Affirmation/Verification/Attendance Code: Please enter the Affirmation Code that was displayed on the screen during the webcast.

TRAINING COORDINATOR CERTIFICATION

This will certify that the above-named person attended the *Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence* webcast

Training Coordinator/Human Resources Specialist/Human Resources Manager signature

***Court Web: Fourth Amendment Aspects of the Government
Acquiring Digital Evidence***

webcast presentation from the Federal Judicial Center

ATTENDANCE CERTIFICATE

This certificate should be filed with the appropriate MCLE Board or Commission within 30 days of this activity.

(keep a copy for your records)

Date you participated in the program: _____

Registrant signature

Registrant name

Address

City, state, zip code

_____ for _____
Attorney No. (if applicable) State

I attended a total of ____ hours at the viewing site in _____
(Please note that different jurisdictions approve varying numbers of credit. The total hours above is the actual number of 60-minute hours attended.)

Affirmation/Verification/Attendance Code: Please enter the Affirmation Code that was displayed on the screen during the webcast.

TRAINING COORDINATOR CERTIFICATION

This will certify that the above-named person attended the *Court Web: Fourth Amendment Aspects of the Government Acquiring Digital Evidence* webcast

Training Coordinator/Human Resources Specialist/Human Resources Manager signature