

PRESENTED AT  
26<sup>th</sup> Annual Land Use Conference  
April 20-22, 2002  
Austin, TX

“When the FBI Comes Knocking – or No Knocking”  
Ethical and Practical Considerations  
(Slide Presentation)



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WHEN THE FBI COMES KNOCKING

# Introduction - what we'll cover

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- My oral presentation will focus on:
  - Ethics rules in context of representing clients involved with other federal law enforcement investigation
  - Ethical problems in advising clients' communications security in context of possible federal wiretaps or other electronic monitoring (e.g., keyboard tracking, non-disclosure subpoenas to texting and email hosts), **or of federal informants**: possible loss of privilege and **criminal exposure for attorneys**
  - Privilege issues
- Time permitting: some additional issues addressed in

# Federal Law Enforcement Agencies' identities help identify nature of investigation

Vital to Identify agency, unit & location (plus AUSA & senior agents)

- Different agencies have different investigative jurisdictions
- FBI probably has broadest jurisdiction of federal agencies
- Joint Task Forces with DPS, local law enforcement, multiple agencies (e.g., narcotics, organized crime, terrorism)
- Federal agents have arrest, search & seizure powers (but not all duties) of Texas peace officers:
  - Tex. Code of Crim. P. Art. 2.122 (“powers of arrest and search and seizure as to”) most agents have powers for felonies only, some have them for misdemeanors or Texas offense

WHEN THE FBI COMES KNOCKING

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## Title search: When the FBI Comes Knocking (or No-knocking) (REPLAY)

First appeared as part of the conference materials for the  
2022 First Friday Ethics (July 2022) session

"When the FBI Comes Knocking (or No-knocking) (REPLAY)"