

## Insights

# ATTORNEYS AUTHOR ARTICLE FOR BLOOMBERG LAW ON U.S. SUPREME COURT CASE THAT TESTS CFAA

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Washington Partner Mark Srere and St. Louis Senior Trial Counsel Ben Clark authored an article published Dec. 7 by Bloomberg Law regarding the scope of the Computer Fraud and Abuse Act (CFAA). The U.S. Supreme Court recently heard arguments in *Van Buren v. United States*, a case involving the conviction of a police officer for violating the CFAA. Srere and Clark examined the implications of the case, including how upholding the conviction could, depending on the court's interpretation, make criminals out of those making misrepresentations while visiting websites, in violation of user access guidelines. "The CFAA prohibits, among other things, intentionally accessing a computer without authorization and exceeding authorized access to obtain information," they wrote. "Although there is no doubt that the statute criminalizes hacking, it is not clear how many different kinds of exceeding authorized access would trigger federal criminal liability. As examples, would violation of an employer's prohibition of using a work computer for personal emails – or a violation of a website's terms of access – impose potential criminal liability on employees and website users?" The authors also noted the countervailing interest of computer owners in protecting confidential information that users might improperly access. Srere is co-leader of BCLP's Investigations, Financial Regulation & White Collar Practice.

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