

Recent Decisions “Wrap-Up”: Updates & Practical Impacts from the Supreme Court and Circuit Courts

Moderator: Alan M. Buie

Panelists: Douglas A. Allen, Jeffrey J. Ansley, and Jennifer S. Freel

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Harbor Healthcare Sys., L.P. v. United States 5 F.4th 593, 595 (5th Cir. 2021)

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Harbor Healthcare Sys., L.P. v. United States

- Held that the Fifth Circuit had jurisdiction to consider Rule 41(g) dispute and that government had to return seized property.
- The Fifth Circuit concluded the government had exhibited a “callous disregard” for Harbor Healthcare’s rights by (1) making no attempt to respect the attorney-client privilege even though it knew the director of compliance’s office and computer contained privileged materials and (2) retaining materials that the government had already identified as privileged.

3

United States v. Morton

984 F.3d 421 (5th Cir. 2021)

4

United States v. Morton

- Held that the district court should have suppressed child pornography that officers seized from a defendant's cell phone pursuant to a search warrant, because there was not probable cause to search a specific category of files on the phone.
- The court found that the affidavit an officer submitted to obtain the warrant supplied probable cause for a search of Morton's contacts and call logs, but not for a search of his photographs

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United States v. Dubin

982 F.3d 318 (5th Cir. 2020)

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