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**ABA ADOPTS RESOLUTION AGAINST PRIVATE INVESTIGATOR
LICENSES FOR COMPUTER FORENSICS**

CHICAGO Sept 25, 2008 -- The American Bar Association, representing more than 407,000 members, adopted a [resolution](#) at its recent Annual Meeting in New York that discourages states from requiring private investigator licenses for persons engaged in computer forensic work. The resolution, submitted by the ABA's Section of Science & Technology Law, was intended to counter a recent trend in state legislatures and regulatory agencies that requires such licensure.

The report accompanying the resolution notes that investigations and expert testimony in computer forensics and network testing should be based upon the current state of science and technology, best practices in the industry and knowledge, skills and education of the expert. "Computer forensics is a specialized discipline that has been well served by qualified professionals who are not private investigators; in fact most PIs are not trained in computer forensics," said Jody Westby, chair of the section's Privacy & Computer Crime Committee, who drafted the resolution and accompanying report.

The report notes that, "Digital forensics is a changing and complex field not readily amenable to regulation by state licensing requirements." More than 50 universities, colleges, and professional organizations offer training and education in the area of computer forensics. Law enforcement and judicial organizations also sponsor or offer specialized computer forensic courses.

"All of these courses have to keep pace with threats, innovation and legal developments; state PI licenses do not," noted Gil Whittemore, former Section Chair. The ABA report notes that, "PI investigator licenses can be renewed upon payment of fees, whereas forensic education never stops."

The report states that Texas, Georgia, North Carolina, Rhode Island, Michigan and New York have been particularly aggressive with licensing requirements.

"Texas's law is particularly ambiguous, with criminal penalties of up to one year in jail and hefty fines for persons violating its provisions," notes Westby. "The law applies not only to investigators performing the work, but also to consumers, businesses, or attorneys who hire unlicensed investigators."

In urging swift action by the ABA the report notes that, “It is much easier to pass good laws than to remove or change enacted ones. Clearly the ABA heard that message: the ABA Resolution has already garnered the support from thirteen professional organizations:

- Association of Litigation Support Professionals (ALSP)
- Champlain College Center for Digital Investigation (CCCDI)
- Computer Technology Investigators Network (CTIN)
- Florida Association of Computer Crime Investigators (FACC)
- High Tech Crime Consortium (HTCC)
- High Tech Crime Network (HTCN)
- High Technology Crime Investigation Association (HTCIA)
- International Information Systems Forensics Association (IISFA)
- International Society of Forensic Computer Examiners (ISFCE)
- Law Enforcement and Emergency Services Video Association (LEVA)
- SysAdmin, Audit, Network, Security Institute (SANS)
- Wisconsin Association of Computer Crime Investigators-West (WACCI-W)
- Women in eDiscovery (WIED)

The adopted report and recommendation can be accessed [here](#).

The House of Delegates includes members from state and local bar associations around the country, ABA affiliates and ABA entities.

The Section of Science & Technology Law helps to define the legal frontiers of scientific discovery and technological innovation and shape related law and policy. The Section's over 13,000 members have diverse backgrounds in areas such as computer law, communications law, engineering, physics, biology and medicine and work through 25 committees to explore topics such as privacy and the Internet, digital evidence, animal law, rights and responsibilities of scientists, nanotechnology, homeland security, and biotechnology and the law.

With more than 407,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.

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