

“Two Americas: Cross-Border Data Requests Post-Dobbs,” *Lawfare*

Publications

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In an article for *Lawfare*, Partner Aaron R. Cooper discusses cross-border data issues that have arisen post-*Dobbs*. Since the Supreme Court’s decision to overturn 50-year precedent, concerns have been raised regarding the ability of state prosecutors to obtain user data as part of a criminal investigation into abortions and related services. In reaction, some states are considering ways to protect data held by companies subject to their jurisdiction from such investigations.

Companies— especially communications service providers—that are subject to the jurisdiction of multiple states are concerned about the changing legal framework and their responsibilities to produce data for abortion investigations or rights to refuse to do so under state and federal law.

Mr. Cooper writes, “the post-*Dobbs* world presents an unprecedented scenario for the collection of electronic evidence across state lines, where the compulsory process issued by one state threatens or violates fundamental rights protected in another,” with legal conflicts likely on the horizon.

In an interview with Axios, Mr. Cooper also spoke about the new California law to strengthen protections for digital privacy of reproductive health decisions. He says, “for the tech companies, it’s a tight spot to be in,” and being compelled by one state to produce data that California’s law now prohibits could trigger “irreconcilable obligations” with “no way to satisfy both.”

Read the *Lawfare* article [here](#) and the Axios article [here](#).

Mr. Cooper is a Partner in the firm’s Investigations, Compliance, and Defense Practice and the Government Controversies and Public Policy Litigation Practice. He is also a member of the firm’s Reproductive Health Task Force.

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