

Throw Away the Key, or the Key Holder? Coercive Contempt for Lost or Forgotten Cryptocurrency Private Keys, or Obstinate Holders

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Carlton Fields blockchain attorney Andrew (Drew) Hinkes authored an article in the *Northwestern Journal of Technology and Intellectual Property* exploring what happens when parties to a criminal or civil action or governmental investigation claim to have lost private keys controlling cryptocurrency assets.

“Determining whether claims of lost or forgotten private keys are genuine or are bad faith attempts to protect assets will be a challenge for courts, forcing them to confront complex, technology-specific evidence and requiring that they determine whether that loss is *bona fide* or tactical ‘self-created impossibility,’” Hinkes wrote.

READ: [Northwestern Journal of Technology and Intellectual Property, “Throw Away the Key, or the Key Holder? Coercive Contempt for Lost or Forgotten Cryptocurrency Private Keys, or Obstinate Holders”](#)

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