



Are Cases Being Pushed too Fast?

In Kentucky, the *Anders* Brief has become a convenient and perhaps, an overused tool for prosecutors in improving the efficiency of their workload in appeals cases. Read Chief Judge Joy Kramer's story on page 18.

Compiling Comprehensive Background Reports by Jennifer L. Baker, J.D., MLS



Background information on both individuals and business entities serves a variety of interests for legal practitioners, but resources that serve as gateways to such data often go unnoticed by members of the legal field until we are in a bind. Public records databases can be used to ascertain the current

whereabouts of individuals for service of process purposes, to discern whether a party holds recoverable assets, and to assist in due diligence endeavors, amongst other things. This article will provide an overview of the many providers and websites which attorneys and their support staff can leverage to compile comprehensive background reports on both individuals and corporations.

General Internet Searching

Searching for information on individuals and companies using Google, or whichever search engine you fancy, can be as helpful as searching social media sites. Sometimes, a simple search for a company that your client is considering merging with, or for an individual who has filed suit against your client, can reveal news coverage, blog posts, and other such material which may shed additional light on the subject. General internet research is the fastest—and cheapest—step you can take toward a more informed due diligence process, and its return on investment is often undervalued.

Fee-based Public Records Aggregation Services

The two leading services aggregating public records data and making background reports available to subscribers are TransUnion TLOxp¹ and LexisNexis Accurint.² Both of these services offer a variety of methods for mining their data; users can search by name, SSN or EIN, address, phone number, and more. Additionally, TLOxp and Accurint gather data across many types of public records, from personally identifiable information to court records to hard assets. The two services are comparably priced, and have similar depth of coverage. As with any aggregation service, the coverage is only as comprehensive as the underlying resources that are available, so both services exhibit coverage gaps where Kentucky state court records are concerned but have full coverage of federal courts.

While you could always pull reports from both services to ensure the best chance of having a more complete folio on the subject, those of us who frequently utilize both of these aggregation services have observed two features that distinguish one from the other. If a user's purpose is to skip-trace an individual for service of process, or to mail out pension distributions, TLOxp tends to contain more up-to-date whereabouts and contact information. However, if the purpose of use is more focused on land records and encumbrances, Accurint has been more successful at locating records of liens.

Verifying Information Gathered by Aggregation Services

Aggregation services do their best to connect public records to the correct individuals and business entities. However, from time to time, that process is complicated by circumstances such as families that pass down the same name and a junior or senior suffix. It is also not uncommon for one spouse's social security number to become associated with the other spouse over time. It may be necessary to confirm information presented in any reports that are obtained from a public records aggregator. Another potential issue to arise with the aggregation services is the delay between when new information is uploaded to the source websites and when the aggregator receives updates from the source website. This often takes librarians directly to the source websites, like county recorders and assessors, state licensure boards, and Secretaries of State, not only in the hopes of verifying leads pertaining to land records, professional licenses and disciplinary actions, business affiliations, and UCC filings, but also to ensure the data is current. However, it can be difficult to determine whether the records returned in such databases should be attributed to the subject; government-run databases scrub much of the personally identifiable information, making it impossible to correctly match records for individuals with names like John Smith or companies with names like Best Insurance.

Much of the research that can be done at the state and county level is free of charge, but there are jurisdictions (i.e. Texas, Maryland) that either charge search fees or provide information about the records but force patrons to obtain paper copies by visiting the office or court.

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¹See <https://www.tlo.com> . ²See www.accurint.com.

Social Media

Social media is often helpful with compiling comprehensive background reports on individuals because people themselves will often post or otherwise disclose information that can either bolster or disprove what you believe to be true. Often, people post about places they have visited, "check-in" to a location, change where they live in their profile, update their place of employment, etc. When conducting a full background check, on individuals in particular, it is always worth searching for the subject on Facebook and LinkedIn at the very least.

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