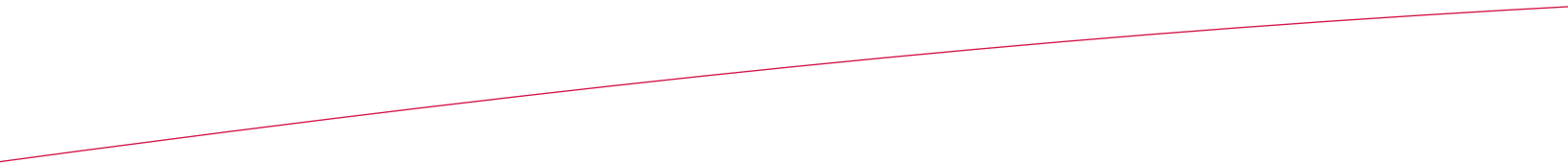




Top Five Attributes of a Reliable Public Records Search Service

By Seth G. Rowland



You're a lawyer in private practice and ... you just secured default judgment on a note. Your client has just received a *bear-hug* offer from an unknown partnership. Your client must decide whether to accept a divorce settlement offer. You're considering taking on a new client charged with securities fraud. Your client has asked you to conduct due diligence on an asset purchase. Your client holds a secured note guaranteed by a company that just filed for bankruptcy. You need to issue a subpoena to a witness whom you cannot locate using Google™.

You're a lawyer in a corporate legal department and ... the purchasing department asks you to investigate a prospective supplier. You need to know when a competitor purchases a piece of undeveloped land on which it will open a new location. You seek information about a potential franchisee. Your corporate finance team has asked you to conduct due diligence on a company you may acquire to expand your business in a new geographic region.

What do all these scenarios have in common? They all could benefit from a public records search. In the bad old days, obtaining such information often meant hiring a private investigator to pore through musty books and microfiche in courthouses and government agencies. Sometimes you got lucky. But gumshoes don't come cheap. And it takes time to manually conduct such searches.

Fortunately, many of these public records have been digitized and converted into searchable databases. Moreover, these "separate" databases have been aggregated into master databases. As a result, you can conduct searches in seconds, not days—at a price much lower than the cost of hiring a PI.

Problem solved! Not so fast. Since public records are public, any enterprising entrepreneur can set up shop. As a result, selecting a service provider is challenging. Unlike restaurants or even legal software, you cannot readily find reviews, which further compounds the problem.

Below you'll find five key criteria to inquire about when selecting a public records service provider.

1. Entity Resolution Technology Provides Comprehensive Yet Relevant Results

Chances are you'll need to conduct public records searches across several jurisdictions. People move around. And change their name. Corporations and partnerships register in different states. Creditors file liens in the jurisdiction where the secured assets are located, etc.

Each jurisdiction's public records have their own unique design, data structure and search criteria. Even public records within the same jurisdiction can differ over time as changes are made to recording procedures. On top of this issue, many public records contain typographical errors.

Boolean searches can yield too many results and too little relevance. Such searches often provide a false sense of security because they are only as good as your search query. You cannot see relevant records missed because of a typo or other inconsistency.

To combat these problems, some providers offer data matching technology. However, a precise search that works in one jurisdiction may not work in another jurisdiction. And a search for one type of public record may not work for related records. The result: overly narrow search results.

Rather than make a tradeoff between relevancy and precision, look for a search provider that uses identity resolution or entity resolution. This breakthrough technology can effectively bridge or link data in multiple fields and across multiple databases.

Entity resolution finds relevant records even when they don't contain any of your search terms, helping increase precision beyond what a Boolean or data matching search can accomplish. It works its magic by aligning every record to a specific entity, so that typographical errors and other inconsistencies in the underlying documents no longer present a barrier to retrieval. Essentially, the public records service provider creates a meta-database of persons and entities that contain your search criteria, and then provides links to all records that concern those persons or entities.

2. Reports, Not Just Records

When you ask a junior colleague to research an issue, you don't want a pile of cases. You want a memo synthesizing the cases. Similarly, when you search public records, you sometimes want more than just the record itself. Instead, you may be looking for patterns across multiple records.

Look for a public records service provider that provides reports, especially for searches involving multiple records. The reports summarize information from multiple public records, making it easier to analyze. They also make for more effective exhibits in briefs, settlement conferences and perhaps even in court. Just as a research memo saves you time, so do public records reports.

3. Data Mining Can Find Relationships You Didn't Know Existed

Public records essentially memorialize "transactions" for a person or business: a home purchase, a secured debt, a lien, a court filing, etc. Collectively, these documents represent a series of relationships between the subject and other entities. Data mining is the process of uncovering relationships that can only be ascertained by looking at groups of public records rather than an individual record.

For example, suppose you file a lawsuit against an individual in Virginia. He claims to have few assets. But he's a prominent businessman so you suspect he's not being forthcoming. A search for his name and business show few assets. You then use a public records service provider with data mining technology. You find that he owns a deep sea fishing business in Florida. You quickly link to documents associated with that business and uncover real estate titles in the name of that business in Florida and Georgia plus a number of aircraft, a yacht and sports cars.

4. Flexible Search Methods

Many public records service providers offer search forms with several fields, which make forming search queries much easier. But not all search forms are created equal. And sometimes you need to conduct a freeform Boolean search.

Use a public records service provider that offers several options, including a single search engine-style search box for freeform searches. Searches should also accommodate fuzzy logic (spelled-like "Roberta") as well as Boolean syntax, including proximeters ("John" within 3 words of "Doe"), exclusions (does not contain "IBM"), exclusions with proximeters (not "Robert" within 5 of "Smith"), and connectors (and, or, not). Other helpful options include tools that help you construct a proper search, enter multiple criteria and have the system rank the results based on best match.

5. Public Yet Private

Many public records searches require confidentiality given the sensitive nature of the information and the reason for conducting the search.

Read the “Terms of Service” of any public records search provider. Understand what they will or won’t do with your search and searches in the aggregate. Will you be able, for instance, to use the provider to search who has been searching for you? Realize also that some records have restrictions on who may access the information and for what purposes. Make sure that your provider adheres to those guidelines. You don’t want someone calling your ethics into question.

On a related note, beware of scams. Some free public records providers are really fronts for either criminal operations or unscrupulous marketing operations. They will use both your personal information and the information for which you search for improper purposes. Free after all is never really free. It just means some else is paying for and benefiting from your information.

Conclusion

Public records can prove immensely helpful to lawyers in virtually every practice area. In some cases, they can even play the role of the proverbial smoking gun that wins a concession in a transaction, or results in a favorable settlement or verdict in a lawsuit. By carefully choosing a public records service provider using the previously mentioned criteria, your only regret will be not using public records in your practice sooner.

Seth Rowland, Esq. was named TechnoLawyer Consultant of the Year in 2002 for his expertise with document assembly and law practice automation. He is a nationally known technologist whose company, Basha Systems, has helped many law firms build customized practice management and workflow solutions. [Visit his blog](#) for the latest on document assembly and practice management. [Basha Systems](#) currently offers consulting services for HotDocs® automated document tools, Exari, DealBuilder, Time Matters® software and Amicus Attorney.

