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HEADLINE: Clicks of the Trade: Sleuthing on the Internet
Private Eye Says GCs Can Save Time, Money Using the Web

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BODY:

Corporate counsel have traditionally turned to outside investigators for hard-to-get information-the kind that is unlikely to be volunteered, for example, by an employee who is suspected of fraud, a potential business partner, or infringers of the company's patents or trademarks.

But the Internet has revolutionized the investigative field, making it possible for anyone with a computer to sift through vast amounts of information in a matter of minutes. Much of this information is available free-of-charge or for a nominal fee.

So before bringing in outside investigative help, conduct a search of your own, using some of the same online tools that the professionals use.

Searching the Internet

When surfing the Net, deciding which search engine to use can be difficult. A recent study of major Internet search engines conducted by the NEC Research Institute Inc. found that the best engine had indexed only 16 percent of the Web's approximately 800 million sites. Anyone who has spent even a minimal amount of time on the Internet knows that using the same search term with different search engines often yields very different results.

One solution to this problem is metasearch engines, like www.1blink.com and www.c4.com, which search the top search engines and then offer the user hyperlinks to any promising hits. When using search terms with more than one word, surround the phrase with quotation marks to ensure that only Web sites with the exact phrase are pinpointed. Otherwise, the search will return thousands of hyperlinks.

A metasearch engine led to an important discovery in a recent investigation conducted by The Georgetown Group Inc. on behalf of a Fortune 500 company accused of fraud. A former employee had alleged in his deposition that the company knowingly engaged in fraudulent activity despite his warnings. Searching 1blink using the witness's name found a hyperlink to his university's alumni newsletter, in which he bragged about his prominent role in another company. When additional Internet research determined that the U.S. Securities and Exchange Commission identified that company as part of a huge international stock fraud scheme, the witness's testimony suddenly seemed less credible. A record of SEC enforcement actions and related information can be found at www.sec.gov/enforce.htm.

Federal and state criminal and civil record searches are often the starting point of an investigation. Searching for these records, whether online or offline, poses unique problems. Since there is no national criminal or civil record database, an investigator must search federal, state, and county civil and criminal record sources separately.

To search for criminal and civil records at the federal level, Public Access to Court Electronic Records (PACER) provides online access to the U.S. district courts' case dockets, searchable by both plaintiff's and defendant's names, at www.pacer.psc.uscourts.gov. Or choose PACER's U.S. Party/ Case Index at www.pacer.psc.uscourts.gov/uspci.html, which, for a small fee (less than \$ 1 per minute), allows a user to search by the names of parties who might be involved in federal suits. When the search finds cases that match the search criteria, the user is directed to the appropriate U.S. district court for more detailed information about the case. PACER also offers access to U.S. bankruptcy and appellate courts' case indexes. The Federal Bureau of Prisons will disclose whether an individual has been incarcerated in one of its prisons at www.bop.gov. If a record exists, it will indicate the date of incarceration and release, the nature of the charges, and the facility where the person in question was incarcerated. In addition, this Web site provides telephone numbers for each state's department of corrections, which will provide similar information for state prisoners.

Many states offer public access to their statewide criminal record databases, although few currently offer online access. A great offline resource is BRB Publications Inc.'s State Public Records, which can be ordered at www.brbbpub.com/books/. This book provides each state's protocol for requesting a search of its criminal databases. Keep in mind, however, that such searches can take several weeks or more to complete.

For access to criminal and civil records by county, visit BRB's homepage and click on "Sites With Free Public Records." Commercial investigative databases, like Autotrack (www.autotrackxp.com) and IRSC (www.irsc.com), allow online requests for local court searches; they charge about \$ 20 per search and will report the results within several days. And don't forget the value of a simple phone call-some local courts will respond to telephone requests for database searches.

BRB's Web site also offers one of the Internet's best collections of links to a wide array of public information, including corporate records, available free of charge from many states (www.brbbpub.com/pubrecsites.htm).

Another free and comprehensive investigative resource on the Internet is the Crime Time Publishing Co.'s Black Book Online, which can be found at www.crimetime.com/online.html. Visit KnowX (www.knowx.com) or Lexis-Nexis (www.lexis-nexis.com/lbcc) if you are willing to pay from \$ 10 to \$ 150 for access to many other types of public records, including corporate records, judgments and liens, and driving records.

U.S. Tax Court

A little-known investigative resource is the U.S. Tax Court, which hears disputes between taxpayers and the Internal Revenue Service. Although not yet available online, its docket section accepts telephone inquiries ((202) 606-8777). Cases filed there occasionally contain personal financial information, such as tax returns.

In a recent litigation-related investigation, a Tax Court inquiry turned up a complaint filed by the IRS against a taxpayer for failure to report more than \$ 3 million in income.

Media Searches

Another important starting point for any investigation is a media search. An invaluable media resource is Lexis-Nexis Requester Direct and Lexis-Nexis Requester Major Papers at www.lexis-nexis.com/business/loops/loop220.html, which will search its entire news database-comprising thousands of sources-for as little as \$ 24 per day. In a recent due diligence investigation, for example, a quick search of the Lexis-Nexis news library revealed that a prospective business partner had committed a multimillion-dollar fraud using a slight variation of his name.

Other important media resources include DialogWeb (www.dialogweb.com), which will search more than 600 news and nonnews databases for free-charges apply only

to requests for detailed information; Northern Light (www.northernlight.com), which provides free access to a two-week archive of news from more than 50 news-wires; and Dow Jones Interactive (www.djinteractive.com). Once an account is established with Dow Jones, a user is permitted unlimited free searches of the publisher's database. Charges apply only when full-text articles are ordered. The best source for European publications is Dialog's Datastar service (products.dialog.com).

To search a specific newspaper, the American Journalism Review's Web site provides free access to approximately 5,000 newspapers worldwide, as well as major U.S. magazines at www.newslink.org. Many newspapers now offer the option to search their online archives for a small fee.

Web Site Registration

In a recent investigation regarding a worker's compensation claim, an employee who claimed he was unable to work for medical reasons was operating an Internet business from his home. The employee's e-mail address, which used his name as its domain-"johnsmith.com," for example-suggested that he might have registered a Web site. Indeed, a search of the "Whois" database maintained by the Internet registration company, Network Solutions Inc. (www.networksolutions.com) discovered that the employee had an Internet site. Better yet, the site was listed under his new company's name; the listing included both his home address and the date his site was registered.

In a similar investigation, this search proved that a former employee was in violation of a noncompetition agreement-his new employer had registered a Web site under his name.

Internet News Groups

In addition to hundreds of millions of Web sites, the Internet comprises thousands of newsgroups that cover every imaginable subject. People who surf the Net in search of information on specific topics have found newsgroups a handy resource. Investigators, however, have discovered another use for them. Messages posted to newsgroups are not deleted and are entirely public.

If you know someone's e-mail address-or addresses, as many people use more than one-try running a search at www.deja.com to see if any messages have been posted using that address. If an initial search finds nothing, try a "power search," which checks archived postings. If the e-mail address is unknown, try typing the person's name surrounded by quotation marks. If the search turns up a posting, click on "posting history," which will then display every message posted by this person.

A background investigation of a job applicant using this search procedure uncovered postings indicating that the prospective employee was interested in joining a cult and concocting mind-altering drugs.

Finding People

Investigators are often asked to find people: former employees, potential witnesses, and others. One Web site is particularly helpful for locating individuals: www.peoplesearch.net, which searches all major search engines and even permits reverse-directory searches for telephone numbers, as well as e-mail and street addresses. People Search also offers international search capability in Canada and several European countries.

Voter registration records are another valuable resource for locating people. They can be accessed at www.governmentrecords.com for \$ 11 per search.

Freedom of Information Act

The federal government collects more information than any other entity, public or private. Much of that information can be accessed through the Freedom of Information Act, often at no charge. To make a FOIA request to any government agency, go to the Reporters Committee for Freedom of the Press (www.rcfp.org) and choose "Automatic FOI Letter Generator." This site also has other areas of

great interest to investigators. For state laws regarding access to public records, click on "Tapping Officials' Secrets."

For state and federal laws concerning the legality of taping telephone conversations and the use of hidden cameras, click on "Can We Tape?" The secret to finding what you want on the Internet is knowing where to look for it. That is as true for investigators doing background checks as it is for students researching term papers or shoppers looking for that perfect gift. Although these are just some of the Web sites used by professional investigators-and new sites are springing up every day-they can help get any investigation off to a good start.

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