



Online Background Searching In Colorado—Part I

In certain situations, legal researchers must become detectives to dig up background information about Colorado residents. For example, a practitioner may need to locate contact information for a person who owes money to a client, track down beneficiaries in estate proceedings, investigate a potential witness or expert, research the background of a corporate officer, investigate a potential client, or determine whether a potential opposing party in a civil lawsuit has any assets.

This three-part series will provide a brief guide to some of the most useful online sources for collecting background information on Colorado residents. Parts I and II will provide online sources that can be used to locate information available in public records and other publicly available documents.¹ Part III will provide online sources for obtaining information about a person's court and law enforcement records.² Keep in mind that each state has different laws regarding the accessibility of public records; therefore, the availability of similar records in other states may vary.

Legal Limitations on the Accessibility Of Personal Information

Before beginning a background search, the researcher should have a basic awareness of the types of information that are generally not available to third parties. Contrary to the claims made by some background searching agencies on the Internet, a person's financial information, credit history, and medical records are protected by various federal laws from being disclosed to third parties, except under specific circumstances. Even then, consumers often must be notified of these disclosures.³

Researchers should be aware that background searching agencies that provide these types of information may be engaging in an illegal practice known as "pretexting." This practice

involves representatives using false pretexts to obtain financial or other types of personal information.⁴ For example, a pretexter might call a bank and pretend to be a certain customer to obtain information from the bank about that person's bank account. This practice is illegal under the Gramm-Leach-Bliley Act, which prohibits anyone from using "false, fictitious or fraudulent statements or documents to get customer information from a financial institution or directly from a customer of a financial institution."⁵ According to Howard Beales, director of the Federal Trade Commission's Bureau of Consumer Protection, law firms should be wary of accepting information that has been gained through pretexting "because knowingly obtaining pretexted information is illegal as well."⁶

Despite the legal limitations on the collection of certain types of information, researchers still have access to a significant amount of public information about Colorado residents. Conducting a thorough search of this information can assist practitioners in screening potential clients and gaining knowledge about opposing parties in litigation.

Initial Considerations in Beginning A Background Search

In most cases, the researcher will begin a background search with at least the person's first and last name. If the person's name is common, like John Smith, the researcher probably will need to have additional information, such as a middle name or initial, current or previous address, Social Security number, or birth date. Common names can seriously complicate (and sometimes completely thwart) a researcher's efforts to conduct background searches, which is why it is vital to have additional information that can be matched to information contained in any documents retrieved. This will help the researcher verify that

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the documents pertain to the research subject rather than someone else with the same name.

The number of sources and amount of time needed to conduct a background search vary, depending on the depth of information the researcher is seeking and the availability of that information. Sometimes, the only information the researcher needs is contact information, such as a current telephone number or address, but even this simple task may require a significant amount of time and effort if the person has moved recently or is living with friends or relatives. In other instances, the researcher may need to obtain every available shred of information about a person, but this information may be easily retrievable by searching only a few key sources.

Locating Contact Information

Researchers who are simply looking for contact information should start by entering the person's name into one of the free online telephone directories, such as Qwestdex.com, Switchboard.com, or AnyWho.com. Researchers who have a telephone number and want to verify that it is listed to a particular person can use the reverse lookup function available at AnyWho.com.

If the researcher cannot find the person's telephone number and address through these sources, he or she can try using the files in LexisNexis™ and Westlaw® that are specifically designed to provide contact information. To locate contact information for Colorado residents in LexisNexis, the researcher can try entering the person's name in the Colorado person locator file. If the person's current state of residency is in question, the researcher can try searching the EZFIND file, a combined nationwide person locator file that includes several other person locator files available in LexisNexis, including P-FIND, P-SEEK, and P-TRAK.

To locate contact information in Westlaw, the researcher can try using the Colorado People Finder (PEOPLE-CO) to obtain current addresses and telephone numbers for Colorado residents. For people whose state of residence is in question, the researcher can try searching the People Finder-Person Tracker (PEOPLE-FIND) database, which contains nationwide data.

The people-finding files mentioned above represent only a few of those available in LexisNexis and Westlaw. To learn more about these specific files, researchers should contact the appropriate customer service department.⁷

Although prices for searching LexisNexis and Westlaw may vary depending on an individual law firm's contracts or pricing agreements, it usually costs less to conduct searches in smaller files, such as those that include data for a single state, than it does to conduct searches in larger files that combine data from many states. However, if the researcher has any uncertainty about whether the person is currently a Colorado resident, it is better to start broad by searching in a larger file first, rather than run the risk of having to conduct (and pay for) the search twice.

Solo practitioners and others who do not have access to LexisNexis or Westlaw may want to check into other sources as potentially cheaper alternatives. Two commonly used online sources for locating contact and background information about individuals are Accurint and ChoicePoint.⁸ Some law firms use LexisNexis or Westlaw in conjunction with one of these products, although the public records information offered through these sources may duplicate such information.

"Googling" and News Searching

When beginning a background search for substantive information on a person, the researcher should enter the person's name in Google.com and at least one other search engine, such as AlltheWeb.com, Teoma.com, Yahoo.com, or Lycos.com. If the person's name is common, the researcher may need to include the person's middle initial or state of residence to get any relevant results.

Practitioners should not underestimate the importance of "Googling" a person. Online search engines can provide types of information that almost no other resource can provide. For example, an attorney may learn that a potential client publishes an alien abduction website or that an opposing party in a case publishes a website that provides bomb-making recipes. This kind of information will not turn up in any public records files, but it would be hard to deny that it could significantly impact the practitioner's decisions involving that person.

After running the person's name through Google.com and another search engine, it is a good idea to conduct a search for news articles about the person. Like search engines, newspapers can provide access to information that might not turn up in other public records sources. Researchers who have access to LexisNexis or Westlaw can run the person's name through those files that contain Colorado news sources. If the researcher suspects that the person may have lived or conducted business in additional states, it may be valuable to search for the person's name in the LexisNexis or Westlaw files that contain all news sources.

When performing a terms and connectors search in one of these two databases, be sure to enter the person's name in the following format: John /2 Smith or Harriet /2 Hornblower. This search will retrieve documents in which the person's first name occurs within two terms of his or her last name. Such a search also will provide access to any articles in which the person's name is listed with a middle name or initial. The researcher should try separating the first and last name by three terms if the person could have more than one middle name.

For solo practitioners and others who may not have access to LexisNexis or Westlaw, many Colorado newspapers have searchable websites. For example, the archives of *The Denver Post* (<http://www.denverpost.com>) and *Rocky Mountain News* (<http://www.rockymountainnews.com>) can be searched to get a list of articles mentioning the person in question. The coverage for online archives for *The Denver Post* begins in 1993,⁹ while the coverage for the *Rocky Mountain News* begins in 1989.¹⁰

The researcher can use the search bar on the home page of each website to retrieve articles published within the past two months. To search for older articles, the researcher must click on the "archives" link on each newspaper's home page. Each newspaper charges a small fee for access to full-text versions of articles that are more than two months old.

Practitioners may wonder whether a local public library might have any print resources that could be used to research an individual's background. Because of the online resources that have become available for background searching, the Denver Public Library no longer purchases or retains the print resources that librarians once used for investigating individuals. However, one in-house resource that remains quite useful is the Denver Public Library's collection of local newspapers, which is available on microfiche back to the 1800s.

It is the consensus of the authors, as well as the reference librarians at the Denver Public Library,¹¹ that investigative re-

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search on individuals can be conducted more easily and efficiently by using online sources than print sources. In fact, a researcher may find it difficult to conduct a useful background search using only print sources.

Conclusion

The resources provided in this three-part series are not meant to constitute an exhaustive list. In fact, the authors are interested in learning about other resources that readers may be using to investigate individuals and, if enough responses are received, they will write a Part IV covering those online resources. In the meantime, be sure to watch for Part II of this series in the August 2003 issue, which will provide sources for obtaining additional public records information, such as marriage and divorce information, vital records, and assets.

NOTES

1. Part II will be published in the August 2003 issue.
2. Part III will be published in the November 2003 issue.
3. Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 *et seq.* See "The Gramm-Leach-Bliley Act: Privacy of Consumer Financial Information"

(June 18, 2001), available at <http://www.ftc.gov/privacy/glbact/glboutline.htm>. Health Insurance Portability and Accountability Act, Pub.L. No. 104-191 (1996). See "Health Insurance Portability and Accountability Act ("HIPAA") Project," available at <http://www.cdphs.state.co.us/HIPAA/index.htm>. Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681u. See "A Summary of Your Rights Under the Fair Credit Reporting Act," available at <http://www.ftc.gov/bcp/conline/edcams/fcra/summary.htm>.

4. "Pretexting: Your Personal Information Revealed" (Jan. 2001), available at <http://www.ftc.gov/bcp/conline/pubs/credit/pretext.htm>.

5. "Gramm-Leach-Bliley Act," *supra*, note 3; see also information on pretexting, *supra*, note 4.

6. "Information Brokers Settle FTC Charges" (March 8, 2002), available at <http://www.ftc.gov/opa/2002/03/pretextingsettlements.htm>.

7. LexisNexis: (800) 543-6862; Westlaw: (800) 937-8529.

8. For more information about background searching products available from ChoicePoint and Accurint, visit the following websites: <http://www.choicepointonline.com>; <http://www accurint.com>.

9. For *The Denver Post* archives, see: <http://www.denverpost.com/Stories/0,1413,36%257E25%257E,00.html>.

10. For the *Rocky Mountain News* archives, see: <http://denver.rockymountainnews.com/archive>.

11. Reference interview with Reference Librarian Lisa Flavin and others, Denver Public Library, Denver, CO (Feb. 24, 2003). ■

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