

Practice Tips

'Googling' your client and your cases

By Christopher B. Hopkins

According to the media, we have a new verb: "Googling." *Newsweek* and others have acknowledged the term, referring to use of the Internet search engine, Google.com.¹ Among the host of search engines, Google.com has emerged as the most-preferred Internet research tool, performing over 200 million searches per day.² While Google has been used to investigate everything from prospective dates to vacation plans, it is also a discovery tool which can reveal a great deal of information about clients, litigants, witnesses, and even opposing counsel.

While millions have used the "basic" Google search, the site provides a number of services beyond merely the command-line request. Imagine finding an e-mail from a litigant who posted to the Internet a "candid" history of events. Consider the impact of finding, prior to a deposition, an e-mail from a former employee criticizing a defendant employer. This type of information exists and Google can find it.

More routinely, Google can locate current addresses of witnesses, help determine if a party has been in the news, and it can even define abbreviations in the medical records. This article will help Internet-savvy lawyers successfully use Google to search the Usenet, current events, glossary, phone listing, maps, images, and government services. As an added benefit, using another site, this article will detail how to obtain free overhead pictures of roads/intersections,³ suitable for automobile accident cases.

Google Lawyering

A recent syndicated newspaper column regarding social ethics noted that it was acceptable to "Google" acquaintances and friends in order to learn more about that person before developing a relationship (known as "Google dating").⁴ Attorneys should consider "Google lawyering" to research clients, parties, witnesses, experts, lawyers⁵ as well as items and locations relevant to your case. A quick Westlaw search for "google" revealed over 30 published opinions where experts and/or the court relied on information retrieved from Google.com.⁶

Technically speaking, Google uses algorithms, Web-crawling "bots," and literally thousands of servers to scour nearly every Web page on the Internet.⁶ Practically speaking, your research will yield dozens of results in less than a second.

The primary use of Google is to research a topic, individual or business by keywords (e.g., "realtor West Palm Beach" or "mechanic Sarasota").⁷ It is recommended that you take greater control over your searches by using the "advanced search" functions at www.google.com/advanced_search. By tabbing through fields, you can quickly search the Web for exact phrases, specific words, or sites "without" certain words. Searches should be limited to keywords without extraneous terms; you can put a plus sign in front of an important word ("lawyer") to put the most favorable results at the top. Unfortunately, Google does not recognize wildcards (e.g., "Goog*") so you may want to try searching for singular and plural nouns as well as conjugated verbs.

For plaintiff's counsel, a background search on all prospective clients is costly and time-consuming; however, a "basic" Google search as part of the retention process may be enlightening. For defense and corporate counsel, it is important to quickly grasp a new client's services and determine what opposing counsel can learn about your client without formal discovery (e.g., mission statements, corporate pledges, names of directors, financial status).

Google News, Glossary, and Usenet

Google also compiles current news stories from around the nation which can be searched at www.news.google.com. As an example, simply typing in "nursing homes" will reveal a wealth of recent developments in long-term care across the nation while a search for "nursing homes Palm Beach" will provide local news stories, possibly about your client. This is an excellent method to determine if a client, lawyer, party, expert, or other involved person has been recently in the news. Of note, a "regular" Google search may not pick up the same news sto-

ries as a Google News query, so it is important to perform both searches.

Google is also developing a glossary research tool which provides definitions to words, acronyms, and phrases. Despite being in the development stage, the Google Glossary is available to the public at www.labs.google.com/glossary. We tested the system with medical terms like UTI, CVA, CBC, MRSA, and BKA to find that the Google Glossary provided accurate definitions each time. This service should be extremely helpful for clarifying nursing and medical abbreviations in subpoenaed records.

This article previously mentioned the discovery of an e-mail from a litigant describing his case and a former employee who posted a criticizing e-mail. With a few keywords, Google was able to locate some potentially valuable postings about parties and witnesses. In the first instance, a plaintiff posted a message about their wrongful death claim, describing the facts and naming the defendant. In another e-mail, a litigant described her experience at a specific nursing home in detail and sought advice. This can be accomplished by searching Google Groups, which scours the message board "groups" area of the Internet.

The Usenet is a portion of the Internet providing discussion groups on literally hundreds of thousands of topics. On any number of topics, people turn to these groups to post messages asking for advice and information. The Usenet can be researched through Google Groups at www.groups.google.com/advanced_group_search. Type in the name of a party, lawyer, witness, physician or expert and you may be surprised to find an unmoderated discussion involving your subject. Once you obtain someone's e-mail address, you can sharpen your search of the Usenet to search both by a person's name and their e-mail address. Be warned, however, the Usenet is "unverifiable" at best and includes a great deal of misinformation, possible libel, and rumors.

Current and former employees of companies post to the Internet everything from their resume to complaints. In one instance, where the last known address of a school teacher was outdated, Google was able to find her name on the Usenet and then obtain her current address through her personal Web page. In another email, a former employee criticized a defendant by name. A quick search in Google Groups can reveal surprising results. Another e-mailer, purporting to be a former employee, criticized a defendant by name: "I remember a [nursing home] in [city] that cut seven CNA's on day shift to 3-4..." Pursuing this kind of testimonial, without the expense of an investigator, could have a significant impact on a case and provide useful cross-examination material. Doing a search for a witness' name and their employer in Google, Google News, and Google Groups can yield different results. Moreover, it is a good idea to include requests for e-mail addresses in discovery and perform all of the Google searches using both names and e-mail addresses.

Addresses, Phone Numbers, Maps, Uncle Sam, & Streets

Google's main search engine also has intuitive features that allow you to map an address and research a phone number or address. Type in any address and Google will provide you with any available information, including a map of the location. You can research a person's home address by searching for [first name or initial], [last name], [city or state or zip code] (example: "George, Bush, Washington" or "George, Bush, 20550"). This can be extremely helpful in finding witnesses or former employees and far less time-consuming than trying multiple sites or hiring an investigator. You can even type in a phone number and it will provide the address and the name of who has that number (useful to research caller ID information or mysterious faxes).

On Google's main search page, click "Images" and you can research digital images on the Internet which you can use as demonstrative aids at trial or mediation. Companies often include their advertisements and logos on the Internet, which may be relevant to your case or will make a de-

monstrative aid more visually appealing (note any copyrights).

Since the U.S. government has a host of various Internet resources, Google is developing a government-specific research tool which helps you find public domain government documents and Web sites (www.google.com/unclesam).

Finally, for lawyers who handle auto accident cases, the traditional method of obtaining overhead images of roads and intersections is expensive and time-consuming. Without cost, there are surprisingly clear (and close up) satellite images available on the Internet which can provide an overhead view of streets (images are not dated, which is a drawback). See www.mapquest.com and, after you search an address or intersection, click on the "aerial photo" tab just above the picture — you can zoom, re-center, as well as save the photo.

Google is not the only Internet search engine and, if it does not yield the results you desire, consider Altavista, Alltheweb, Hotbot, Lycos, Northern Light and even SearchEngines.com. Other cutting edge sites for consideration are Wisenut.com (which boasts 1 billion indexed Web pages), and kartoo.com ("metasearcher" which employs other search engines simultaneously).⁸

¹ Steven Levy, *The World According to Google*, NEWSWEEK, Vol. 120, No. 51, December 16, 2002; Randy Cohen, *Is It Ethical to Google—After a Blind Date?* *Everyday Ethics*, NEW YORK TIMES, December 21, 2002 (syndicated).

² *Google Tops Best Web site List*, BBC NEWS, December 31, 2002; *Best of 2003*, PC WORLD, June 2003; Scarlet Pruitt, *Google to Deliver Targeted Ads*, IDG NEWS SERVICE, March 4, 2003; see www.webbyawards.com (International Academy of Digital Arts & Science 2003 "Webby" award for best News and Technical Achievement).

³ Randy Cohen, *Is It Ethical to Google After a Blind Date? Everyday Ethics*, NEW YORK TIMES, December 21, 2002 (syndicated).

Labor and Employment Law Section works to better serve its members

After a decade of rapid membership growth, the Labor and Employment Law Section is looking for new ways to serve members, and working to help members cope with changes in employment law.

"We have revised our committee structure to provide better service to members," said section Chair Cathy Beveridge.

The section is examining all of its operations and CLE courses, she said, and that includes beginning a new membership directory.

The council has also arranged to have all of its meetings right before CLE courses, with a reception after the seminar as a way to welcome members and get them involved in section activities.

On CLE courses, Beveridge said the

⁴ For an interesting discussion of ethics and lawyer advertisements on Google, see Molly McDonough, *Getting Googled: Lawyers Use Metatags to Help Their Web Sites Pop Up on Internet Searches*, ABA JOURNAL E-REPORT, 2 NO. 12 A.B.A.J. E-REPORT 7 (MARCH 28, 2003).

⁵ References to Google in court opinions arise in many contexts, but most frequently in decisions regarding intellectual property rights to certain terms or phrases. Interesting examples of cases citing Google include: *Coe v. Franco*, 2003 WL 21326968 (Mass. Super. May 2003) (in a case against a state Sex Offender Registry Board, plaintiff's counsel submitted an affidavit that Google located online information about alleged sex offenders that the board claimed was not available); *J&J Snack Foods, Corp. v. Earthgrains Co.*, 220 F.Supp.2d 358 (D. NJ 2002) (holder of trademark argued that "break & bake" was a unique, descriptive mark as evidenced by their expert, who found only a few vague "hits" on Google referencing the term).

⁶ Readers interested in the competing methodology of search engines should access SearchEngineDictionary.com, SearchEngineShowdown, and SearchEngineWatch.com. See also Tom Mighell, *Find the Search Engine of Your Dreams*, TEXAS BAR JOURNAL, 66 TEX. B.J. 387 (May 2003).

⁷ Google's value as a search tool is apparently so treasured that an advertising company sued Google, claiming a loss of business because Google changed its "ranking" system, allegedly leading to financial losses because the company's Web site was not listed high enough in responses to relevant Google searches. Scarlet Pruitt, *Google Fights Lawsuit Over Search Results*, IDG NEWS SERVICE, January 14, 2003.

⁸ Mike Tonsing, *Search Engines You May Not Have Used Yet*, FEDERAL LAWYER, 50-APR Fed. Law. 14 (March/April 2003).

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