



School of Law  
UNIVERSITY OF GEORGIA

Prepare.  
Connect.  
Lead.

University of Georgia School of Law  
Digital Commons @ University of  
Georgia School of Law

---

Continuing Legal Education Presentations

February 21, 2019

---

Feb 21st, 2:45 PM - 3:45 PM

## Public Records Searching

Margaret Butler

*Georgia State University College of Law*

Follow this and additional works at: <https://digitalcommons.law.uga.edu/cle>



Part of the [Information Literacy Commons](#), [Law Librarianship Commons](#), [Legal Writing and Research Commons](#), and the [Public Law and Legal Theory Commons](#)

---

Butler, Margaret, "Public Records Searching" (2019). *Continuing Legal Education Presentations*. 6.  
<https://digitalcommons.law.uga.edu/cle/2019/Schedule/6>

This Event is brought to you for free and open access by the Alexander Campbell King Law Library at Digital Commons @ University of Georgia School of Law. It has been accepted for inclusion in Continuing Legal Education Presentations by an authorized administrator of Digital Commons @ University of Georgia School of Law. [Please share how you have benefited from this access](#) For more information, please contact [tstriepe@uga.edu](mailto:tstriepe@uga.edu).

2:45

**SESSION 6 – PUBLIC RECORDS SEARCHING**

*Margaret Butler*, Associate Director for Public Services, Georgia State University College of Law, Atlanta

# Public Record Searching

Margaret (Meg) Butler

Georgia State University College of Law Library

Atlanta, Georgia

## CONTENTS

---

1	Preliminary Concerns.....	1
1.1	Ethical Concerns .....	1
1.2	Algorithmic Search Control.....	2
1.3	Database Cost .....	3
2	Search Construction Review .....	3
2.1	Goal Oriented .....	3
2.2	Understand the Search Options/Functions .....	3
2.3	Track Yourself .....	5
3	Public Record Sources.....	5
3.1	Life and Death.....	6
3.1.1	Birth records .....	6
3.1.2	Death records .....	6
3.1.3	Marriage records .....	6
3.1.4	Divorce Records .....	6
3.2	Business Records .....	6
3.2.1	Business Search ( <a href="https://ecorp.sos.ga.gov/BusinessSearch">https://ecorp.sos.ga.gov/BusinessSearch</a> ).....	6
3.2.2	Trademark and Service Mark Database.....	6
3.2.3	Restaurant, Pool, and Hotel Inspections.....	7
3.2.4	UCC Index.....	7
3.2.5	Licensing and Permits .....	7
3.2.6	Residential and General Contractors.....	7
3.2.7	EDGAR.....	7
3.3	Real Property .....	7
3.3.1	Liens.....	7

3.3.2	Real Property Searching.....	8
3.3.3	Plat Index.....	8
3.3.4	Carbon Registry Index.....	8
3.3.5	Building Permits.....	8
3.4	Property Tax Records.....	8
3.5	Criminal Records.....	9
3.5.1	Georgia Inmate Search.....	9
3.5.2	Pardon or Parole Search.....	9
3.5.3	Georgia Sex Offender Registry.....	9
3.5.4	VINELink.....	9
3.6	Election Records.....	9
3.7	State of Georgia Information.....	9
3.7.1	Team Georgia Directory.....	9
3.7.2	Open Georgia.....	10
3.7.3	Georgia.gov.....	10
3.7.4	Court Dockets.....	10
3.7.5	Agency Decisions.....	10
3.7.6	Georgia Tax Tribunal.....	10
3.7.7	Open Record Requests.....	10
3.8	Historic Information.....	10
3.8.1	Legal Newspapers.....	11
3.8.2	The Way-Back-Machine.....	11
3.8.3	Google Cache Pages.....	11
4	Annotated Bibliography.....	11

# 1 PRELIMINARY CONCERNS

---

Public record searching is an important skill for attorneys to possess. In addition to using public record search results to identify or evaluate potential clients, attorneys commonly may conduct public record searching to assist in preparing for litigation or resolution of a client’s legal issue. Investigation may also be done to learn more about witnesses or jurors. Keep in mind that the term “factual research” is often used to describe public record searching.<sup>1</sup> The research portion of this presentation focuses on public records in the strictest definition—government maintained records regarding people and transactions. However, there are other sources of publicly available information, such as social media, and I will touch at points on issues related to that information as well.

When contemplating public records searching, there are several preliminary concerns that should be addressed. Ethical questions, governing law regarding privacy, and efficiency should be considered before conducting any searches.

## 1.1 ETHICAL CONCERNS

Of course, as attorneys we all are careful to follow the ethical requirements applicable in their jurisdictions. Speaking generally, attorneys are under an obligation to refrain from dishonest conduct, fraud, deceit, or misrepresentation. ABA Model Rules of Professional Conduct Rule 8.4(c). Put another way, attorneys are expected to be truthful in dealings with others, including making no knowing “false statements of material law or fact.”<sup>2</sup> Also, ABA Model Rule 1.2 bars a lawyer from knowingly counseling or assisting a client in committing a crime or fraud.<sup>3</sup> Remember also that any investigator searching on behalf of an attorney should also stay within legal boundaries.<sup>4</sup> Under Model Rule 5.3, a lawyer is accountable for the conduct of nonlawyers they employ or retain.<sup>5</sup>

With these considerations in mind, following are a list of potential issues and related recommendations.

---

<sup>1</sup> [https://guides.library.harvard.edu/law/public\\_records](https://guides.library.harvard.edu/law/public_records)

<sup>2</sup> ABA Model Rules of Professional Conduct, Rule 4.1, available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_4\\_1\\_truthfulness\\_in\\_statements\\_to\\_others/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_1_truthfulness_in_statements_to_others/).

<sup>3</sup> ABA Model Rules of Professional Conduct, Rule 1.2(d), available at [https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_1\\_2\\_scope\\_of\\_representation\\_allocation\\_of\\_authority\\_between\\_client\\_lawyer/](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_2_scope_of_representation_allocation_of_authority_between_client_lawyer/).

<sup>4</sup> “The long and short of it is that attorneys will need to have a documented conversation with their investigators to ensure that ethical and legal boundaries will not be transgressed,” Hoofnagle said. ABA/BNA Lawyers' Manual on Professional Conduct, Current Reports™ October 18, 2006 When Using Investigators, Lawyers Must Set Boundaries of Permissible Conduct, page 7.

<sup>5</sup> October 18, 2006 When Using Investigators, Lawyers Must Set Boundaries of Permissible Conduct, page 8, citing to Model Rule 5.3(b).

1. Pretexting happens when a person pretends to be another person in order to gain access to information. This may be a violation of law, a de facto ethical violation. Even if it does not violate the law, it may be an ethical violation. A noteworthy of a pretexting scandal is the Hewlett-Packard Company scandal in which pretexting was part of an internal corporate investigation. House Hearing on the Hewlett-Packard Pretexting Scandal, House Committee on Energy and Commerce : Subcommittee on Oversight an Investigations Holds a Hearing on the Hewlett-Packard Pretexting Scandal, Sept. 28, 2006, available at [http://www.washingtonpost.com/wp-srv/business/documents/HP\\_hearing09282006.html](http://www.washingtonpost.com/wp-srv/business/documents/HP_hearing09282006.html).
2. Electronic social media presents a number of possible issues. Information gathered by 'friending' somebody may violate rules regarding communication with represented parties. Further, research using electronic social media tools including sources such as LinkedIn may inadvertently disclose information. Klinefelter, Anne, "When to Research is to Reveal: The Growing Threat to Attorney and Client Confidentiality from Online Tracking," 16 *Va. J.L. & Tech.* 1 (2011). When searching, it is advisable to be certain that one is completely logged out of one's own electronic social media accounts, to make sure that the information viewed is actually publicly available.  
Another issue associated with electronic social media is the risk of not searching, and therefore failing to zealously represent one's client or to demonstrate required levels of technological competency. A "duty to Google" has been suggested, at least in contexts involving locating parties. Browning, John G., "Facebook, Twitter, and LinkedIn—Oh My! The ABA Ethics 20/20 Commission and Evolving Ethical Issues in the Use of Social Media," 40 *N. Ky. L. Rev.* 255, 261 (2013).
3. Laws limit access to some information. There are laws that specifically limit how information may be used. These include the federal Drivers Privacy Protection Act, 18 U.S.C. 2721, the Gramm-Leach Bliley Act, 15 U.S.C. 6801 to 6809, the Telephone Records and Privacy Protection Act, 18 U.S.C. 1039, etc.
4. Asking or paying a friend or source with access to information that would not otherwise be public is likely an ethical problem. If the friend or source is prohibited by law from accessing the information without a legitimate work reason, the person may be violating the law in accessing and sharing the data.
5. Investigators actions may subject attorneys to liability. An investigator or paralegal must follow the same practices as an attorney doing the research. In other words, if the attorney should not pretext, neither should the paralegal or investigator. The attorney is responsible for the actions of the others, and they all must "observe legal constraints on intrusion of privacy." American Law Institute, *Restatement (Third) of the Law Governing Lawyers*, Comment b to Section 106 (2000).

## 1.2 ALGORITHMIC SEARCH CONTROL

When you search the web, you are relying upon the algorithms of the search provider (Google, Bing, DuckDuckGo, etc.) that runs behind the scenes. Those search providers invest heavily in generating effective algorithms, it is true. But those algorithms also reflect the biases and expectations of the

programmers who develop the algorithms. Nevelow Mart, Susan, “The Algorithm as a Human Artifact: Implications for Legal [Re]Search,” 109 *Law Library Journal* 387, 420 (2017).

Because web search engines have different algorithms, it is beneficial to search using more than one platform. This is akin to the advice to check both Lexis and Westlaw, assuming cost is not an issue. Check Bing and Google, if you are looking for information and you want a more complete report.

In some search systems, you may be able to use an “advanced” search that gives the researcher a little more control over the search that is run. In others, the user has no idea of how the search is operating, what is being reviewed, etc. When possible explore a site’s search instructions/help guidance. It will improve the efficacy and results of searching.

### 1.3 DATABASE COST

When searching for public records, it is worthwhile to evaluate the cost of searching on your own as compared with paying a service to run the search. Sometimes it is more efficient to pay a search provider for a report on an individual.

## 2 Search Construction Review

---

### 2.1 GOAL ORIENTED

Search is most effective when the researcher has an idea of what is needed or wanted. By being goal oriented, the researcher is able to make choices that improve the efficiency of the search. A property record search is not the most efficient way to gather information about business’s role in food borne illness outbreaks.

### 2.2 UNDERSTAND THE SEARCH OPTIONS/FUNCTIONS

When you are searching for public records, you are hopefully able to search a database that is maintained by a government agency. The database behind the scenes is that allows the user to ask for items that include particular information, such as searching for all items that include a person’s name.

If you do not understand how the search systems work, however, you will be frustrated in your search. Government databases do not always include clear instructions or explanation of how they work. For example, the DeKalb Property Tax Assessor database indicates that you can search by “Partial Owner Name (e.g. last name)”. However, the database appears to index (treat as a search term) only the first owner’s name—not the name of a co-owner. In other words, searching for the co-owner (second listed name) will not retrieve any results under that name. The tricky thing for researchers is that the instructions for the search do not provide that information.

\*\*\* Only One Item Needed For Search \*\*\*

Parcel ID	<input type="text"/>	?
	Real Estate = 12 123 12 123	
PIN	<input type="text"/>	?
	Personal Property = 1234567	
Address	<input type="text"/>	
	Address = 123 Main (No St., Dr., Rd.,etc.)	
Partial Parcel ID	<input type="text"/>	
	Real Estate = 12 123	
Partial Street Name	<input type="text"/>	
Partial Owner Name	<input type="text" value="lee"/>	

Insert **Either** a :

- Parcel ID,
- PIN # , or Partial Parcel ID
- Address (eg. **123 main**) ,
- Partial Street Name, or (eg. **main**)
- Partial Owner Name (eg. **last name**)

to perform a search on Property Information within DeKalb County.

Some databases require particular information in order to function properly. To that end, it may be necessary to start in one place to get a piece of information necessary to search effectively in another. Remember that public records research may require a series of steps in different databases to get to the end information goal.



**DEKALB COUNTY**  
**Board of Health**

DeKalb County Board of Health  
**Environmental Health**  
Inspection Scores

Home Recent Inspections Violation Reference Understanding Scores Signup Help

**HOW TO USE THIS SITE**  
Go to the Establishment Search area of this web page  
Select what type inspection you wish to research  
Restaurant  
Swimming Pool  
Hotel / Motel  
Decide on your search method  
BY: Establishment Name or  
Address or  
Street Name or  
City or  
ZipCode or  
Search All Criteria  
Score / Score Range  
Based on your selected search method, under Keyword(s) type in part or all of the information you are searching for in the blank box and hit the Search button or the Enter key on your computer.  
If you need more help try these Examples:  
1. Select Establishment Name from the drop down and then type BURGER in the blank box. All establishments with the word burger in their name are listed. Click on each one you want to see (one at a time). You can view as many as you want by simply hitting the back arrow to return to the list after each one.  
2. Select Establishment Name again and type in Marriott. All establishments with Marriott in the name are listed. You will notice that some facility locations are listed several times. Those receive food service inspections and/or swimming pool inspections and/or hotel inspections all at the same location.  
3. Now select ZipCode from the drop down and then type 30002 in the blank box. All establishments with 30002 as the ZipCode are listed.  
4. Finally, select the letter "O" from the rows of boxes. All establishments whose names begin with the letter "O" are listed for you.

**Establishment Search**  
Select criteria below to find the most recent Health Inspection for your favorite establishment.  
Select Inspection Type:  
All Types  
Keyword(s):  
Establishment Name Search  
AND / OR  
**Search by Score or Score Range**  
to Search  
**Search by First Letter of Name**  
Click on a letter below to view a list of local establishments whose name begins with that letter.  
1 2 3 4 5 6 9 A B C  
D E F G H I J K L M  
N O P Q R S T U V W  
X Y Z  
[How to use this site >>](#)

The DeKalb County Board of Health Environmental Health Inspection Scores site, for example, provides “How To Use This Site” information that makes it easier to understand and use the search tool and results.

### 2.3 TRACK YOURSELF

To maximize research efficiency, keep track of the searches you try and the relevant results. If you have the address of a property and a person’s name, the DeKalb County Property Information database issues can be resolved by searching by address.

Tracking your research will also help you avoid duplication in case you are interrupted.

## 3 Public Record Sources

### 3.1 LIFE AND DEATH

Following is a list of official sources for vital records. Remember that newspapers, particularly local newspapers, may also include birth, death, and wedding announcements.

#### 3.1.1 Birth records

Birth certificates are available to applicants who have “a direct and tangible interest, primary immediate family members, or legal representatives of the family.” Georgia Department of Public Health, “Birth Records,” <https://dph.georgia.gov/birth-records>. There is an application form and a fee. Records from prior to January 1919 may be available instead at county Vital Records offices.

#### 3.1.2 Death records

These are available for deaths occurring in Georgia from January 1919 to present from the Vital Records. There is an application form and a fee. For earlier death records, some may available through County Vital Records Offices. Also, the Georgia Archives has available Georgia Death Certificates from 1919 through 1927. There are select certificates available from 1914-1918 as well. Georgia Archives “Georgia Death Certificates” <http://vault.georgiaarchives.org/cdm/landingpage/collection/gadeaths>.

#### 3.1.3 Marriage records

Marriage certificates (certified copies) are available to the public through the State Office of Vital Records if the marriage was recorded from June 1952 to August 1996. Records of marriages before or after that range of time are available from the county Probate Court where the license was issued. There is an application form and a fee. “Marriage Records” <https://dph.georgia.gov/marriage-records>.

#### 3.1.4 Divorce Records

The state Office of Vital Records can provide divorce verifications for the time from June 1952 to August 1996. Prior to that range of time, verifications must be sought from the Clerk of the Superior Court in the county granting the divorce. There is an application form and a fee. “Divorce Records” <https://dph.georgia.gov/divorce-records-0>

### 3.2 BUSINESS RECORDS

The Georgia Corporations Division of the Secretary of State Office is a source for a variety of business records in Georgia.

#### 3.2.1 Business Search (<https://ecorp.sos.ga.gov/BusinessSearch>)

Allows a researcher to search by business name, agent name, officer name, or control number. The information searched is based on the entity’s information on file with the Secretary of State. If you follow the links available from the business search, you can identify the filing information (date, time, type of filing, effective date, etc.). TIF files (picture images) of underlying filings are available. Available filings may include certificates of filing, certificates of amendment, and annual registration documents.

#### 3.2.2 Trademark and Service Mark Database

This database contains trademarks that are registered in Georgia, which means that it will not include any federal, foreign, or common law trademarks.

### 3.2.3 Restaurant, Pool, and Hotel Inspections

The Georgia Department of Public Health “Environmental Health Inspections,” <https://dph.georgia.gov/environmental-health-inspections>, site is the jumping off point for searching. A list of counties that post their own searchable results is available, as well as a link to a search page for all the rest of Georgia.

### 3.2.4 UCC Index

The Uniform Commercial Code (UCC) filings are lien notices representing security agreements between the parties. The Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA) maintains a searchable index for Georgia UCC filings. [http://search.gsccca.org/UCC\\_Search/search.asp?searchtype=Article9](http://search.gsccca.org/UCC_Search/search.asp?searchtype=Article9) A helpful explanation of how the search works is available on their site ([http://search.gsccca.org/UCC\\_Search/files/UCC\\_Search\\_Logic.pdf](http://search.gsccca.org/UCC_Search/files/UCC_Search_Logic.pdf)).

### 3.2.5 Licensing and Permits

Licensing information is available from a variety of sources. For some professions, such as attorneys, licensing information is available through the professional board or organization. However, the Secretary of State supervises the Professional Licensing Boards Division, which provides administrative support to 41 licensing boards. Information regarding those licenses from those 41 boards is available through the Secretary of State’s Licensing site, <http://sos.ga.gov/index.php/licensing>. To verify one individual, select the licensure search option. Information available will indicate whether the individual’s registration is active or lapsed, provide contact information, etc. If the individual has been subject to public orders by the licensing board, those may also be available.

### 3.2.6 Residential and General Contractors

Contractor information may be searched at the Georgia Board of Residential and General Contractor, <http://sos.ga.gov/index.php/licensing/plb/46>, which is hosted by the Secretary of State. A check of the licensing information will include license status, dates of issuance and expiration, as well as any public orders related to the licensee.

### 3.2.7 EDGAR

Though not a Georgia resource, EDGAR (Electronic Data Gathering Analysis and Retrieval) is a resource for Securities Exchange Commission filings.

## 3.3 REAL PROPERTY

### 3.3.1 Liens

The Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA) maintains a searchable system for property liens (real or personal, other than UCC transactions) in Georgia. You can search the Georgia Consolidated Lien Index to locate liens that are filed in all counties since 1/1/2004. The underlying documents are filed in individual counties and indexed. Search options include name or county book and page. Filters include date range, party type, lien instrument type, etc. Images of the documents are available to view and print. Also included are state revenue department pending liens, though this information is not uniformly available for all counties. <https://www.gsccca.org/learn/search->

[systems/lien-index](#). To search the database, a user must create an account, although the database may be accessed freely at any Georgia Superior Court Clerk's office.

### 3.3.2 Real Property Searching

Reliable information for real property may be obtained using Google maps for street view or satellite view of a location. Also, information and sometimes photos may be available through sales websites such as Realtor.com, Zillow.com, or Redfin.com.

### 3.3.3 Plat Index

Maintained by the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), the plat index system helps users locate copies of subdivision plats, lots, surrounding lots, plat covenants or restrictions, right of way easements, condominium building and grounds architectural plans, etc. The service may be accessed remotely and searched by name or county book and page. Index data includes the plat caption name, location of the property, and the book and page where the map is filed. Images of plat pages are available for printing. <https://www.gsccca.org/learn/search-systems/plat-index>

### 3.3.4 Carbon Registry Index

A not-for-profit program that is managed jointly by the Georgia Forestry Commission and the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), the index contains carbon sequestration registrations from all counties and is searchable by county, participant name, and date. Can also be searched here: <http://www.gacarbon.org/search.aspx>. Registration is voluntary.

### 3.3.5 Building Permits

Permits are issued by counties. Each county has its own system of record availability, and the search functionality varies from county to county. Some counties, such as DeKalb, publish monthly lists of Planning and Sustainability Permits issued, though permit applicant may login online to see status. Others, such as Cobb, require users to create an ID to search a database of permit applications or schedule an inspection.

To locate permits, find the county office issuing permits and investigate the individual county website. Keep in mind that there are 159 counties in Georgia, some of which may also have municipal permit issuing authorities.

## 3.4 PROPERTY TAX RECORDS

The Department of Revenue provides a list and links to the Georgia counties that maintain property records online and allow for payment and searching of those records. <https://dor.georgia.gov/property-records-online>

It may be worth checking both the Assessor's office and the Tax Commissioner's office for property records. The information contained on each site may be duplicative, but the Assessor will likely include a link to recent tax notices.

### 3.5 CRIMINAL RECORDS

#### 3.5.1 Georgia Inmate Search

There is no cost to search the Georgia Inmate Search (offender) database, but there is a prominent disclaimer agreement requiring acknowledgement that information obtained online should be verified through the Inmate Records and Information office through written correspondence. Georgia Department of Corrections, "GDC Internet Services Disclaimer Agreement," <http://www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp>.

#### 3.5.2 Pardon or Parole Search

To search for information regarding a parole, check with the State Board of Pardons and Paroles, "Parole Search," <https://papapps.pap.state.ga.us/parolesearch/search/searchPage>. The search will function if you use a partial name, and it includes additional fields if you have more information. Results include photos, physical description, parole duration, and contact information for the parole office.

#### 3.5.3 Georgia Sex Offender Registry

Maintained by the Georgia Bureau of Investigation, <https://gbi.georgia.gov/georgia-sex-offender-registry>, users must agree to Conditions of Use prior to searching. The search options include searching by name, by address, and distance from an address. Results include offender photographs.

#### 3.5.4 VINELink

An online service provides updates to individuals who register to receive information about offenders. The service is available in a few Georgia counties including Cherokee, Clarke, Cobb, DeKalb, Forsyth, Fulton, and Gwinnett. Vine, "Georgia Vine," <https://vinelink.com/#/home/site/11059>.

### 3.6 ELECTION RECORDS

Voter History Files are available from the Secretary of State, though for some specific elections the county or municipality conducting the election is the better source. Elections Division, "Voter History Files," <http://elections.sos.ga.gov/Elections/voterhistory.do>. A separate request must be made for Voter Registration List and Files in order to associate voting records with particular voters. Voter registration lists include name, residential address, race, gender, registration date, and last voting date.

### 3.7 STATE OF GEORGIA INFORMATION

#### 3.7.1 Team Georgia Directory

Described as an index of Georgia's state leadership, the directory is organized by office or unit and includes employee names, titles, phone numbers, and email addresses. The website and street address is also available for each office or unit. <http://directory.doas.ga.gov/>. The site also offers an employee name search. A person working for a unit that is not included, such as the University System of Georgia, will not appear in the directory. Those individuals must be searched elsewhere.

### 3.7.2 Open Georgia

This resource by the State of Georgia provides information regarding the State's spending. The salaries and travel reimbursements page will provide information about income, while other reports include records of state organization spending, budget records, and evaluations of state programs.

### 3.7.3 Georgia.gov

Directory information, including contact information, phone numbers, addresses, web sites, etc., is available for state agencies, cities, and counties. Further, there is historical information and information about elected officials.

### 3.7.4 Court Dockets

Dockets are an incredibly useful source of information. In addition to the obvious—who is representing who, in what court, on what matter types, and how the matter is proceeding—dockets may provide additional assistance. Dockets can be a source of address information. Dockets can provide access to information about experts and other matters in which they have testified. Dockets may also provide researchers with access to a variety of sample motions, affidavits, etc.

Georgia Superior Court dockets vary greatly in terms of their online usability. Some counties have very minimal search functionality and none of the underlying documents/filings are available online. Other counties offer more options in terms of document availability online. If you want to review a case file in person, be sure to check whether the file is available onsite, or if it has been moved to off-site storage due to its age.

### 3.7.5 Agency Decisions

Decisions of agencies of the State of Georgia may be available online through the agency website. For example, appeals of decisions made by local school boards are heard by the State Board of Education, and they are available online. Georgia Department of Education, "State Board Decisions," <http://www.gadoe.org/External-Affairs-and-Policy/State-Board-of-Education/Pages/PEABoardDecisions.aspx>.

### 3.7.6 Georgia Tax Tribunal

With jurisdiction over matters involving final assessments and executions of the Georgia Department of Revenue, the Georgia Tax Tribunal has opinions from January 2013 to August 2017 available on its site. <https://gataxtribunal.georgia.gov/documents/decisions>

### 3.7.7 Open Record Requests

Records that are not otherwise available may be requested from Georgia agencies by filing an Open Records request. The Attorney General provides a form and information about filing requests. Office of Attorney General Chris Carr, "How to Make an Open Records Request," <https://law.georgia.gov/how-make-open-records-request>.

## 3.8 HISTORIC INFORMATION

Sometimes researchers are looking for old information, in print or online.



### 3.8.1 Legal Newspapers

The legal newspaper of record may be searched for old notices, such as required notice for a father of an adoption, though this may involve consulting microfilm or microfiche.

### 3.8.2 The Way-Back-Machine

The web is constantly changing. Archive.org contains prior versions of websites. If you want to see what a website looked like five years ago, it is easy to go back in time and view the prior version. Not all sub-pages of a site may be included, but it is worth checking.

### 3.8.3 Google Cache Pages

Sometimes a website has updated recently, and information available has changed, or perhaps the page is just temporarily unavailable. A Google search for the page will offer the option of reviewing the cached version of the page, a snapshot of the page the last time that Google's web crawlers visited the site.

## 4 ANNOTATED BIBLIOGRAPHY

---

The articles identified below raise interesting questions related to public records, fact research, and ethical responsibilities of attorneys conducting factual and public records research.

Grayson Barber, Personal Information in Government Records: Protecting the Public Interest in Privacy, 25 St. Louis U. Pub. L. Rev. 63-121 (2006).

Attorney Barber advocates that state governments have a duty to prevent unnecessary disclosure of confidential personal information. Barber describes the types of personal information gathered, stored, and disclosed by government entities. Further, he raises questions regarding the role of and right to privacy in the digital age.

John G. Browning, Facebook, Twitter, and LinkedIn - Oh My! The ABA Ethics 20/20 Commission and Evolving Ethical Issues in the Use of Social Media, 40 N. Ky. L. Rev. 255 (2013).

Following the issuance of the ABA Ethics 20/20 Commission report, Attorney Browning considers social media products including Facebook, LinkedIn, and Twitter and how their use relates to the Rules of Professional Responsibility. Browning's analysis includes examples of rule changes and scenarios or case studies from around the United States. Particular attention is paid to the duty of competent representation, confidentiality, client development, and use of technology.

Scott Carlson, E-Jury Consultant Powered by Ibm Watson, Voltaire Gives Lawyers Real-Time Predictions on How Potential Jurors Might Vote, ABA J., November 2017, at 32 and following.

Carlson briefly introduces Voltaire, a IBM Watson powered service that can provide information about prospective jurors. Voltaire CEO Basit Musttafa arrived at the idea of using technology to assist in the repetitive and menial tasks associated with jury selection. The Voltaire software uses analysis based on deep psycholinguistic and behavioral analysis in determining predictions for prospective juror votes.

Michael D. Cicchini, On the Absurdity of Model Rule 1.9, 40 Vt. L. Rev. 69-104 (2015).

Attorney Cicchini analyzes ABA Model Rule 1.9 regarding the use and revelation of information relating to representation. Under Rule 1.9, all information related to representation is protected from revelation, even information that neither came from the client nor was about the client, such as public statements in court, pleadings, etc. Extensively considering Model Rules 1.9 and 1.6, as well as other sources, Cicchini calls for reform of Rule 1.9 to better define what is generally known when publicly available and consider client expectations and the legal profession's legitimate interests in revelation.

Jennifer A. Conta, How to Manage the Investigative Function in Evaluating Expert Witnesses, Orange County Law., May 2010, at 10 and following.

Investigation of expert witnesses may be valuable in litigating an issue requiring expert testimony. Investigation may direct an attorney's preparation in cross-examination question, and investigation must comply with the duties of competency and supervision. Basic online searching can identify expert names and addresses, ensuring that all appropriate jurisdictions are researched. Steps may include verifying credentials, identifying publications, and reviewing social media and business networking tools.

David J. Cook, TMI: Online Tools for the Digital Trial Attorney, Orange County Law., June 2011, at 30 and following.

Attorney Cook provides suggestions of sources of digital information that will fulfill attorney needs. Examples include a party's own website as a party admission or for other secondary information; the secretary of state's records of incorporation; property filings; professional license records; *alcohol beverage control*; *state board of equalization*; public utility commissions; government regulators, such as in copyright or trademark; and courts. Though this article is written using California-specific examples, the suggestions remain relevant.

Claudia Cuador, From Street Photography to Face Recognition: Distinguishing Between the Right to Be Seen and the Right to Be Recognized, 41 Nova L. Rev. 237-264 Note and Comment (2017).

The rationale that one has no reasonable expectation of privacy in a public setting such as a street comes under fire from Cuador. She notes that facial recognition software relies not only on plainly visible information but also on data points created through image analysis. The author questions whether privacy rights are implicated on the basis of the biometric data that is collected and concludes with recommendations requiring express consent for facial-recognition technology.



Ryan C. Fairchild, [Giving Away the Playbook: How North Carolina's Public Records Law Can Be Used to Harass, Intimidate, and Spy](#), 91 N.C. L. Rev. 2117-2178 (2013)

Fairchild's comment describes the evolution of the law regarding access to public records, focusing on North Carolina. He raises concerns about the ways in which public records laws, including freedom of information laws, are or can be used to harass, intimidate, and spy on state actors. Recognizing the need to balance access to records with intellectual freedom for public universities, Fairchild calls for the creation of specific statutory exemptions from freedom of information laws including for student information, professor communications and research, and legal clinics.

Walker C. Friedman & George Parker Young, [Preparing to Take Depositions](#), 28 The Advoc. (Texas) 13-19 (2004).

Preparation for a deposition is critical, according to Friedman. Among the resources recommended in preparation are database and internet searches. These can help locate depositions taken by prior experts or witnesses. Other recommended search sources include publicdata.com, a subscription service that provides very cheap searches, hoover.com for the basic free company information, freedgar.com for free SEC filings, and others.

Stephanie M. Ibarra, [Welcome to the Age of Voir-Google: Harmonizing Attorney Ethical Obligations, the Internet, and the Voir Dire Process in Texas](#), 17 Tex. Tech Admin. L.J. 129-150 (2015).

In this comment, Ibarra recognizes the complications arising from ethical obligations, such as the duty of competency, which may be construed as requiring attorneys to engage in social media searching regarding potential jurors to competently complete voir dire. Based on examples from other states, Ibarra advocates that, should the Texas State Bar interpret ethical rules as requiring attorneys to search social media, additional guidance delineating expectations should be included to assure that attorneys are able to perform effectively. Practice tips offered include using search engines and proper search operators, setting up alerts to monitor searches, log out of personal profiles when searching to avoid inadvertent ex parte communications, and browse anonymously.

Anne Klinefelter, [When to Research Is to Reveal: The Growing Threat to Attorney and Client Confidentiality from Online Tracking](#), 16 Va. J.L. & Tech. 1-41 (2011)

Klinefelter describes the loss of confidentiality that may arise from commercial tracking of online research. Best practices to prevent tracking, such as mastering privacy settings on web browsers or using encrypted tools for legal research, are suggested. Klinefelter further calls for legislation that would protect online privacy.

Cynthia W. Lewis, J.D., M.S.L.I.S., Cybersleuthing A Guide to Improving Your Research Skills, Vt. B.J., Fall 2009, at 67 and following.

This review of *The Cybersleuth Guide to the Internet: Conducting Effective Investigative and Legal Research on the Web* suggests that the title, though almost immediately out of date, provides useful tips for searching for information available through searchable databases on the internet. This information is invisible, until a researcher identifies and searches the database. Reviewer Lewis notes the authors encourage searchers to add the word “database” to a Google search to identify searchable databases that may contain the sought information.

Kirsten Martin, Helen Nissenbaum, Privacy Interests in Public Records: An Empirical Investigation, 31 Harv. J.L. & Tech. 111-143 (2017).

The authors, supported in part by the National Science Foundation, conducted a study of 992 respondents to evaluate whether information type, source, and context affect determinations of whether access and use of data is appropriate, whether age and gender affect those determinations, and whether the difficulty of accessing public records affects those determinations. The authors advocate for a “reexamination of policies surrounding public records and open data initiatives” based on their research. The study is important as popular opinion may inform the legal concept of legitimate or reasonable privacy expectations.

Zachary Mesenbourg, Voir Dire in the #lol Society: Jury Selection Needs Drastic Updates to Remain Relevant in the Digital Age, 47 J. Marshall L. Rev. 459-486 (2013).

In this comment, Mesenbourg describes briefly the history of voir dire and the increasing use of social media searching as a voir dire tool. After noting that there is little appellate guidance regarding the use of social media searching in voir dire, Mesenbourg suggests new formulaic rules to assure compliance. The proposed rules would restrict jurors from accessing mobile electronic devices during the trial and allow lawyers to conduct Internet research into prospective jurors’ social media profiles.

Forrest Plesko, Esq., On the Ethical Use of Private Investigators, 92 Denv. U.L. Rev. Online 157-169 (2015).

Plesko notes that attorneys must be careful to assure that their private investigators’ actions do not cause the attorney to violate the Model Rules of Professional conduct. Rules potentially implicated by an investigator’s actions include Model Rules 4.1 (no knowing false statements of material law or fact), 5.3 (attorney shall supervise and is responsible for employees), and 8.4 (prohibiting an attorney from inducing another to violate the Rules). Plesko describes investigative techniques including surveillance videos, pretexting, social media use, and GPS tracking, concluding that they may cause problems under the Model Rules. Plesko suggests solutions for attorneys including due diligence in hiring investigators, setting “rules of engagement” that set limitations on investigator action, and having zero tolerance for investigator bad actions.

Theodore Rostow, What Happens When an Acquaintance Buys Your Data?: A New Privacy Harm in the Age of Data Brokers, 34 Yale J. on Reg. 667-707 (2017).

Author Rostow posits the privacy harm of “relational control” arising “when individuals acquire the private data of those in their social or professional networks,” leading to harms not currently recognized in privacy scholarship (673). The note describes the frequency and ease of data transactions as well as the gaps in existing commercial privacy law.

Robert Sprague & Corey Ciocchetti, Preserving Identities: Protecting Personal Identifying Information Through Enhanced Privacy Policies and Laws, 19 Alb. L.J. Sci. & Tech. 91-141 (2009).

Personally identifying information, including Social Security numbers or other information that may become available through internet data mining, is collected, stored, and transferred electronically. The authors advocate for stronger laws to protect individuals’ personal identifying information, addressing in particular laws governing data breaches and identity theft. They offer a federal model law that addresses privacy policies of companies, including drafting suggestions and recommended practices to both protect from data breaches and penalties for noncompliance.

Ruth S. Stevens, Print and Online Resources for Factual Investigation in Connection with Real-Estate Transactions, Mich. B.J., November 2007, at 54 and following.

Focusing on the role of attorney in real estate transactions, including the requirement that the attorney complete due diligence checks, librarian Stevens focuses on Michigan and federal laws that have affected due diligence processes. For example Agency and Compliance Hple the Sarbanes-Oxley Act has increased the disclosures available that should/could be checked. Mentioned are the Environmental Protection Agency Enforcement and Compliance History Online (ECHO) database for environmental issues. Also mentioned are EDGAR for corporate disclosures, NETR Online for identifying the county in which a city is located, and other resources specific for Michigan.

**Margaret (Meg) Butler**  
**Professional Profile**

Meg Butler is the Associate Director for Public Services at the Georgia State University College of Law Library. She received her undergraduate and law degrees from the University of Oregon and her M.L.S. from Queens College and M.Ed. from Brooklyn College. Meg provides reference assistance and teaches a section of Research Methods in Law, a required first year law school class. She also teaches legal research to the students in the foreign-trained lawyer program at GSU. Meg is active in professional organization, serving in a variety of leadership roles.