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Cynthia Sharp, Esquire
Business Development Expert

RESEARCH IN THE CYBER WORLD

by Cynthia Sharp, Esq.

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Research in the Cyber World

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Cynthia Sharp

Business development expert and veteran attorney Cynthia Sharp works with motivated lawyers seeking to generate additional revenue for their law firms. Contact her directly at cindy@thesharperlady.com or 609-923-1017.

Millennials will rarely experience the joy of trudging to the law or public library to track down essential resource material, both legal and factual. Because most of the answers can now be found online, we usually “let our fingers do the walking.” If we know *where* to look, the search experience will be more thorough, quicker, and less expensive.

For starters, take a look at the [ABA's Solo and Small Firm Resource Center](#), which continues to enhance its standing as a go-to resource for attorneys practicing in a solo or small firm. The Center's comprehensive inventory includes state-specific forms, marketing and client relationship strategies, as well as access to a Virtual Green Room that features articles, presentations, and reviews of legal tech products by some of the best lawyers in the country. See you in the Green Room!

Social media sites harbor a goldmine of background and other factual information just waiting to be discovered by astute investigative researchers. Certainly your adversaries, colleagues, and competitors are conducting online research. If you haven't bothered to get up to speed, you may be in violation of MRPC 1.1 (competence) if the amended version of the rule has been adopted in your state.

Scanning prospective juror's social media sites for information about viewpoints and inclinations has become commonplace. Sites are even reviewed during the course of trial to determine whether jurors are commenting in cyberspace despite judicial instructions to the contrary. Formal Opinion 466 issued by the ABA Standing Committee on Ethics and Professional Responsibility in April 2014 permits attorneys to conduct such cyber reviews and sets forth specific guidelines. Not surprisingly, the opinion prohibits lawyers from “either personally or through another, send(ing) an access request to a juror's electronic social media.” Furthermore, “if a lawyer discovers evidence of juror or potential juror misconduct that is criminal or fraudulent” (while conducting such a review), the lawyer may be obligated to disclose such evidence to the tribunal.

The increased use of social media by law enforcement agencies is the subject of a study sponsored by [LexisNexis: Social Media Use in Law Enforcement](#). The study verifies a significant use of social media as both a crime-solving and crime-prevention tool. The following example of success was cited by a law enforcement officer: “I was able to identify a drug dealer known only by his street name and physical

description by finding him on another dealer's page. He was showing off his bike and you could see the plate. Got the registration and ID'd him." Yet another reason that criminals should be counseled to stay out of the social media world.

A valid concern expressed by many attorneys is that they will inadvertently violate state ethics rules in the course of social media investigation. As the standards continue to evolve, check in periodically with [Internet for Lawyers](#) for hyperlinks to [Legal Ethics Opinions Related to Attorneys' Use of Social Media Profiles for Investigative and Background Research](#).

Carole Levitt, coauthor of [Internet Research on a Budget](#), relies on the following resources (among many others) as reliable (and mostly free) research tools:

Public library cards: Without leaving your home, you'll have access to a variety of databases and journals that ordinarily charge subscription fees.

Newspaper databases: NewsBank and Newspaper Source databases are Levitt's favorites. She recommends them to lawyers who want to find local background information on clients, adversaries, or witnesses quickly and accurately.

Law reviews and journal articles: [The ABA Legal Technology Resource Center](#) provides a free Google-powered keyword search engine with full-text articles from 400 online law reviews and law journals.

Docket searches: The government's fee-based federal docket database PACER (Public Access to Court Electronic Record) remains popular. The docket site RECAP offers access to millions of federal case dockets for US District Courts and the bankruptcy courts at *no charge*.

Conclusion

Attorneys who fail to take advantage of the infinite online research opportunities will be increasingly out of touch—especially in light of the influx of younger lawyers both comfortable and conversant with the Internet frontier.

My purpose in writing this column is to motivate lawyers to move forward in some fashion. Which of the above resources will you begin using now? I would love to hear from you, and please let me know of other online research tools that are in your legal bag of tricks.