Using the Web (Visible, Invisible and Deep) to Investigate Government Experts

The Internet is here to stay, and it is getting bigger and bigger. As of August 8, 2005, Google reported it had indexed over 11.3 billion active pages. At the end of 2010 there were 255 million websites, 21.4 million being new that year. Who used it? Two billion users worldwide with an increase of 14 percent that year alone. An estimated 2.2 billion individuals will access the Internet in 2012.

Through March 2012, there were 901 million active Facebook users, 80 percent of whom were outside the United States. Each day, 526 million users accessed Facebook, resulting in 125 billion friend connections.

By the end of 2012, it is estimated there will be 21 million users in the United States; there are 100 million active Twitter users in the world today.

At the end of 2011, 181 million blogs existed around the world, a significant source of online buzz often overlooked.

Google had an estimated 42 billion indexed pages as of May 20, 2012. But really, how big is the Internet? It is estimated that every hour the Internet is up, enough information is consumed by Internet traffic to fill seven million DVDs. And four years from now, it will be four times larger than that. The numbers are staggering, but the Internet we “see” and have come to know and love can be likened to an iceberg where the majority of its content is “below the surface” in what is called the “invisible” or “deep” Web. What is the deep Web? It is the Internet on steroids.

This article will guide defense counsel through the visible and invisible, or deep, Web and present strategies and sites to help locate information on the expert witness. A few years ago, mere Googling the expert might have sufficed. Today, however, defense attorneys who satisfy themselves with a simple 10-minute Internet search will likely miss the subtle information that can make or break their defense, and thus, their case.

The information gleaned from the Internet sometimes needs more than surface acceptance. The bankruptcy, for example, and the stigma that word embodies. Historically it was the haven of the spendthrift, business mismanagement, and of course extreme necessity. A study by Harvard University found that 62 percent of all bankruptcies were caused by medical expenses. Thus, if a bankruptcy is found when assessing an expert's financial acumen, it is counseled to consider the underlying reason before passing judgment.

Part of the so-called invisible Web is in plain sight, but in the "past tense." Websites come and go, and are revised and updated, but like last year's pocket part, can nevertheless be compared for changes. Perhaps an expert listed a discipline of expertise on a website five years ago and updated the website this year, but now does not list that expertise. What was the old website like in comparison to the current website?
which was co-sponsored by NACDL and the Foundation for Criminal Justice (FCJ). Norman Reimer, NACDL’s executive director, moderated the panel on “Unanticipated Consequences and Enmeshed Penalties: Gideon and Misdemeanors.” And NACDL Indigent Defense Counsel John Gross spoke on the panel, “New Cases and New Tactics: Approaching Gideon Through a Modern Lens.” Scholarship on the topic from the participants is expected to be published by the Washington and Lee Law Review in the summer of 2013.

Experts Discuss Law Enforcement's Use of Drug Detection Dogs

On Oct. 23, NACDL hosted a panel discussion on two pending Supreme Court cases challenging law enforcement's use of drug detection dogs — Florida v. Harris and Florida v. Jardines. Oral argument was held on Oct. 31, 2012. A panel of privacy and Fourth Amendment experts came together to discuss the real-world implications of these cases on the day-to-day lives of Americans. The experts addressed everything from traditional law enforcement use of canines, to use of other enhanced searching technologies, to the Court’s misinformed reasoning in its prior or dog sniff cases. Panelists included Ilya Shapiro, Senior Fellow in Constitutional Studies, Cato Institute; Marc Rotenberg, Executive Director, Electronic Privacy Information Center (EPIC); Danielle Spinelli, Partner and Supreme Court Litigator, WilmerHale; and Jeffrey S. Weiner, Criminal Defense Lawyer and Past President of NACDL (1991-92). NACDL President Steven Benjamin gave introductory remarks, and the panel was moderated by David G. Savage, the Supreme Court Reporter for the Los Angeles Times and Chicago Tribune. The program was broadcast live by C-SPAN; a link is available in the News of Interest section of NACDL’s website. Links to NACDL’s amicus briefs in these cases are available at www.nacdl.org/amicus.

Flawed and Unjust Guantanamo Military Commissions Exposed Again

On Oct. 16, 2012, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit overturned the conviction for material support for terrorism of Salim Ahmed Hamdan, a driver for Osama bin Laden. As explained by the court, “[b]ecause we read the Military Commissions Act not to retroactively punish new crimes, and because material support for terrorism was not a pre-existing war crime under 10 U.S.C. § 821, Hamdan’s conviction for material support for terrorism cannot stand.” This is not the first time a federal appellate court has had to remind the military that there are constitutional limits to its legal authority, even at Guantánamo.

“The National Association of Criminal Defense Lawyers has maintained for over a decade that the Guantánamo military commissions are fundamentally flawed and violate American constitutional principles of fairness and due process. Once again, the commissions have been exposed as vulnerable to government excess and abuse. [The] decision by a panel of the D.C. Circuit Court of Appeals, in its rejection of Hamdan’s conviction, reminds Americans of the value and importance of the rule of law in our society and system of justice,” said NACDL President Steven D. Benjamin.

The panel discussion was followed by a live demonstration with a handler and a trained drug sniffing dog.

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NOVEMBER 2012
Before a Search — Some Cautions

No one needs to know who is searching for information on the Web. Anonymous Web searching is easy. Defense lawyers can conceal their research at DuckDuckGo, 13 Ixquick, 14 VisibleNOT, 15 Proxify, 16 or other anonymous searching services. The computer's IP address is shielded, which prevents online tracking, spam harvesting, hackers, and snoops. Defense lawyers can see out and no one can see in. Before discussing specific searches, it is important to know the basics that will help a researcher navigate and refine Internet searches.

Google Basics17

For the uninitiated, Google and other full-text search engines permit "Boolean" searches.18 There are two basic types of Boolean queries. First, the Boolean AND search locates documents in which all of the words are found. If the search term is "deoxyribonucleic acid," the Boolean AND search will find all documents in which both words are present, regardless of order or location within the document. Second, the Boolean OR search locates documents in which either or both of the words are found. Again, if the query is for "deoxyribonucleic acid," it will find three kinds of documents: (1) documents containing the word "deoxyribonucleic"; (2) documents containing the word "acid"; or (3) documents containing "deoxyribonucleic" and "acid." Google uses the Boolean AND as the default search method. For example, the query beetles larvae "crime scene" (crime scene in quotes) has 5.6 million results. Google assumes defense counsel will want all the words and searches for those documents containing them.

If any of the words is acceptable, change the AND to an OR between the terms. The query beetles OR larvae OR "crime scene" (crime scene in quotes) will provide almost 200 million results.

If there must be one term and one or more additional phrases, the phrases are placed within quotes and parentheses. The query beetles (larvae OR "crime scene") will give 2.1 million results. (Note that a "pipe" substitutes for the word OR. A pipe (|) is the vertical bar symbol found on the keyboard as a shift character.)

Google also allows the use of special syntax forms to refine searches. Use these syntaxes to restrict search results to the title, the URL, etc. Other syntax forms will be provided in the body of this article. Here are some initial syntax forms for consideration: There is no space after the colon in these queries.

define: — Google shows definitions from pages on the Web for the term that follows. For example, maybe a search for a psychologist included the term "psychophysiology." Finding that definition is simple by entering the query as: define:psychophysiology

intitle: — Google restricts results to documents containing that word in the title, e.g., intitle:lee

allintitle: — Google restricts results to those containing all specified query terms within the title, e.g., allintitle:henry lee forensic

inurl: — Google restricts the results to documents containing that word in the URL, e.g., inurl:ballistics

allinurl: — Google restricts results to those containing all specified query terms within the URL, e.g., allinurl:ballistics rifle cartridges

link: — URL shows pages that point to that URL, e.g., link:www.msn.com

network: — Conduct a quick search for social network members with this syntax format: network:FirstName LastName. Here are some examples: facebook:John Smith; plaxo:Paul Johnson; linkedin:Michael Anderson

site: — Google restricts search results to the specified site or domain, e.g., site:www.medicalexperts.com cardiac anesthesiology will find records for the terms "cardiac" and "anesthesiology," but only at the website "www.medicalexperts.com"

For more search operators, navigate to the GoogleGuide and Google's Search Education Evangelism for information on making the most of Google.

The Internet Versus Westlaw® and LexisNexis®

Effective searching for information on an expert is not a competition. The Internet is not a replacement for paid services such as Westlaw® and LexisNexis® or vice versa. Each complements the other's individual strengths. These paid services require an additional subscription or database access charge and may not provide one-stop shopping, hence the Internet.

The discussion that follows involves locating information on a particular expert through the available — and generally free — resource of the Internet.

Locating General Information on the Targeted Expert

What information does defense counsel want to find about the targeted expert? Ideally, the defense wants to find everything there is. Here are a few fertile areas to explore. Five categories form the tip of the informational iceberg.

- Assets
- Business History
- Claimed Education
- Litigation Involvement
- Regulatory Issues
Getting a preview of the targeted expert will help power subsequent searches. ZIGGS is such a site with over 2.5 million indexed professionals. This initial query may result in an address, phone number, and possibly a webpage link.

People Finding and Public Record Sites

A quick check of Wikipedia’s List of People may locate the expert’s reported and noteworthy contributions. When trying to find information about people, one of the first steps should be USA.gov, the official U.S. portal to federal, state, local, tribal, and international government information and services and links.

And then there is Spokeo, which the website says is “[n]ot your grandma’s phone book.” Spokeo parses white pages listings, social information, and other people-related data from public sources. Enter a name and Spokeo begins by presenting a map of the United States with the hits depicted. Defense attorneys can drill down through the results for an overview, and if they want to “see full results,” they can purchase a three- or six-month membership plan for approximately $5 a month.

Public records within the several states can be found at BRB Publications, touted as the “home of public record research.” Records of interest to defense lawyers include corporation records, trade names, business and personal property records, occupational licensing, and other discrete business-related records. These sites are routinely updated weekly.

A newcomer to searching public records online is Pretrieve.com. Though not as comprehensive as some sites, it does provide quick access to public records.

For beyond-the-norm results try plip.com, with its “identity resolution engine” to link seemingly disparate results.

The Educated Expert . . . Not

INFOMINE is a university-built source for “Scholarly Internet Resource Collections” containing over 100,000 links (26,000 librarian-created links and more than 75,000 robot/crawler-created links). If the targeted expert was involved in a scholastically-based conference, this is an excellent place to begin for the foundations of the expert’s work, and whether he or she preaches or professes in his or her field.

An expert’s publications may have an associated copyright registration, and LOCIS can help find it. Copyrighted works since 1978 are searchable on the Internet by entering the targeted expert’s name. The copyright searching system called eCO Search allows keyword searching and the use of a single database for monographs, serials, and recorded documents. All of the approximately 20 million records for registrations and recorded documents in the current system are being migrated to the eCO Search database.

Second to the U.S. Copyright Office is the Library of Congress Online Catalog, where defense counsel can conduct basic searches by title, author or creator, or advanced Boolean and keyword searches. Defense counsel can go more than one step further with the Library of Congress Electronic Resources Pages, where the collection contains over 200 databases that include print journals, newspapers, magazines, books, manuals, and other materials. The range is from indexes and abstracts for magazines and scholarly journals to full text resources. Click on the “Finding Resources” tab to find myriad additional sources on the path to information.

If the expert has testified before Congress, THOMAS can help. Testimony is available within its exhaustive collection of congressional documents, including the full Congressional Record, which defense counsel can search by keyword or phrase.

Curriculum Vitae

The Google query LastName intitle: “curriculum vitae” or FirstName LastName intitle: “curriculum vitae” may very well find the expert’s CV posted for the world to read. Note there is no space after the colon. This example, Matthew Springer intitle: “curriculum vitae” expresses that query syntax form.

False CV claims are the smoking guns of impeachment. The so-called “Shrode Effect” bears this out: in El Paso County, Texas, the Chief Medical Examiner, Paul Shrode, had three conflicting resumes.

Military

Although the Military Valor Roll or Honor Act has been introduced, there is no comprehensive listing of all military medal recipient award entitlements, the exception being the roll of Medal of Honor recipients that can be found online. The Stolen Valor Act for such a false claim was the subject of a case before the U.S. Supreme Court. And after all, “[i]f you do not tell the truth about yourself, you cannot tell it about other people.”

The Expert’s Website Content

Some experts may embed an Excel spreadsheet, Word document or PowerPoint presentation within their websites. Uncovering it is as simple as entering the type of file suspected to be within the website in a Google query. The syntax for this query is filetype:pdf ext:pdf where, for example, the query filetype:pdf drherrylee.com returns over 9,000 results where Dr. Lee’s website (www.drherrylee.com) is found, and the result posted includes an Acrobat .pdf document.

How does the defense attorney find if there is a particular word within the website? The syntax is site:hostname keywords. By running the query site:drherrylee.com Taipei, the word “Taipei” appears in three results.

Another query reveals who links to the expert’s website. The query syntax is link:hostname, thus the query link:drherrylee.com would find 11 results.

More Google operators and special syntax can be found using the GoogleGuide.

Is There a Doctor In the House?

While the absence of certification does not make a physician less credible, the prosecution will emphasize it if present. But is the certification relevant to the testimony to be offered? Knowing about it in advance may help diminish its impact on the jury. The American Board of Medical Specialties (ABMS) provides physician certification information on more than 700,000 specialty physicians representing 36 medical specialties and 88 subspecialties.

Does the case at hand involve addiction and an expert on the subject? Members of the American Society of Addiction Medicine can be verified without charge.

The American Psychological Association is a source for abstracts and entire journals on various psychological topics. The organization generally charges fees for complete journal entries, but abstracts are usually available without charge through the APA PsychNET.
Hitting the Books

One stop for books authored by an expert is the quintessential hardbound *Books in Print*, which unfortunately is out-of-date as of its publishing date. This lag in time between book publishing and the hardbound *Books in Print* is shortened by the online version, but only for subscribers. Where can a defense attorney go for information concerning authorship? Again, the Internet! In addition to published books, the Internet can help identify forthcoming books. No special website is required when a few keystrokes will take defense counsel to Amazon,” Bookfinder,” FetchBookInfo, “Barnes & Noble” and Powell’s. With more than a million new, used and out-of-print books on its Portland, Ore., shelves, Powell’s may even have a prior edition of the target expert’s book. Amazon also has an excellent search feature called Advanced Search. Finally, with just subject or author, defense counsel can try the 1.7 million book index through ISBNdb.com. This website scans libraries across the world for book information, then parses and stores what it finds in a database defense counsel can search and browse.

Patents

Patents are another ripe area to harvest for inventions by engineers, scientists, doctors, or software developers to name a few. The U.S. Patent and Trademark Office website provides patent information from 1790 and updated to within three or four days of defense counsel’s search. Searches are conducted by using the inventor’s name and over 30 other criteria.

Journals and Articles And Books

Where does defense counsel look for journals? Try OJOS3 — “where science meets the Web.” OJOS3 — Online Journal Search Engine — is a free search engine accessing up to 60 different databases. The inquiring defense attorney can find, download or purchase journals, articles, research reports, books, etc., through this site.

The American Psychological Association (APA) has more than 41,000 articles from journals published by the APA, the APA Educational Publishing Foundation, the Canadian Psychological Association, and the Hogrefe Publishing Group from 1985 to the present. Searching for an abstract is free. If a relevant article is found, the full-text article can be purchased.

The National Library of Medicine sponsors PubMed. It contains over 15 million citations from MEDLINE and other life science journals back to the 1950s. If the target expert relied on research for his or her proposed testimony and that research was funded by the National Institutes of Health, the NIH Access Policy assures that the public has access to the results of that published research — MEDLINE. Registration is free.

In the area of forensics and pathology, defense counsel can consult The American Journal of Forensic Medicine and Pathology. It features original articles on new examination and documentation procedures and is the official journal of the National Association of Medical Examiners. Guests can view abstracts for free, but there is an associated fee to download a PDF version of the article.

The largest repository of free full-text life science articles in the world can be found through Stanford University’s HighWire Press, where there are over 15 million articles from over 4,500 PubMed journals, including over 781,000 free full text articles from over 750 HighWire-hosted journals.

Google gets another thumbs up with Google Scholar, where defense counsel can locate journals and other professional literature for the targeted expert’s writings. Google Scholar automatically analyzes and extracts citations and presents them as separate results, even if the document referred to is available. It gathers its content from proprietary databases, covering a range of scholarly and technical disciplines, websites of scholarly and technical publishers, and intranets of research institutions — usually universities. Thus, search results may include citations to older works and seminal articles that appear only in books or other offline publications. The Google Scholar search syntax is *author: lastname “topic”*. The example *author:lee “crime scene”* will draw over 500 results.

The *Journal of Forensic Science* is a leading quarterly publication, permits public searches of authors, titles, and keywords dated between 1972 and 2005.

SCIRUS is touted as the most comprehensive science-specific search engine on the Internet, accessing over 200 million Web pages enabling defense counsel to pinpoint scientific, scholarly, technical and medical data on the Web, as well as the latest reports, peer-reviewed articles, patents, pre-prints, and journals that other search engines miss.

To search over 38 million publications and 19 million authors, defense counsel can also try the Microsoft Academic Search.

The prosecution’s camp is not beyond reach. A search of the National District Attorneys Association may find the targeted expert’s name. Initiating a search from the NDAA website invokes the Google site search engine.

IgentaConnect opens access to some 18 million articles from 28,000 publications, of which 6,100 are online.

FindArticles claims a collection of over five million articles “from leading academic, industry and general interest publications.” Full text and international journal abstracts are also available through FindLaw for Students. FindLaw does not present in-depth data, but a quick review might open a new avenue to search.

Lastly, there’s Questia, and the world’s largest online collection of complete books, journals, and articles.

Daubert

*DaubertTracker* helps check the “gatekeeping history” of experts based on the Supreme Court’s landmark expert admissibility ruling in *Daubert v. Merrell Dow Pharmaceutical Inc.*

Read All About It

They may be abominable and infernal, but newspapers do report crime, trials, and the players in both. When defense counsel has basic information about a targeted expert, such as where he or she has testified, conducts business, or resides, consulting newspapers in the area may find the dirt that helps the defense case. Two excellent sources to obtain the name of local newspapers are Refdesk.com and Online newspapers.com. SHG Resources posts online newspapers, publications, and newspapers by state. Each newspaper listing is linked directly to that paper’s homepage. Most homepages allow keyword searches to narrow searches for local information.

Do not pass up alternative newspapers found in major metropolitan cities. These local papers routinely do in-depth investigative reporting. Major papers in a large city may provide a couple of column-inches of coverage. But if the story is newsworthy (to alternative newspaper standards), alternative newspapers will
often devote two or more pages. NewsLink is a good place to find a state-by-state listing of alternative newspapers.

And when conducting a Google search, include one or more of the following phrases to restrict results to newspapers: Reuters, UPI, Associated Press. (Use the same concept to restrict to the broadcast media, i.e., NBC, ABC, CBS, NPR, PBS, etc.)

If the targeted expert is in a particularly high-profile case, do not forget to check the national magazines like Time and Newsweek. If an expert may be mentioned in less-significant magazines, try MagPortal to find articles on a topic regardless of where they were published. In the same vein, Reftdesk also tracks magazines.

Experts advertise, and legal newspapers provide an excellent means to reach the legal community in a given area. Look to these to see what the targeted expert is holding himself or herself out to be. Kidon Media carries a short list of legal newspapers. Check with the local bar association where the targeted expert lives for additional legal newspapers.

Other news searching sites include News Google, which opens browsing to over 4,500 continuously updated news sources. When a News Google result occurs, a Google Alert can be created to email updates of the latest relevant Google results (Web, news, etc.) based on the query or topic.

School Days

Treatises, articles, and dissertations form a basis of expertise in the targeted expert's vitae. The more articles an expert writes and publishes, the bigger the resume, and the better and more important the expert feels she is. However, some experts generate volume in published resources by publishing to small and sometimes limited peer-group entities. It looks impressive when there are lots of articles, but it may be for effect only. Defense counsel needs to check not only what the article was about, but also the entity that published it.

If the target expert moonlights as an academic, she may have authored articles in the social sciences. Conveniently there is All Academic Search to help define the expert with its collection of peer-reviewed conference proceedings and journal articles. This is a full-text library resource.

It may not, however, be enough. If not, pointing the browser to Infotrieve Online and its "ArticleFinder" is the next step. It is the Web's most powerful fee-based database of scientific, technical, medical, and other scholarly content. Defense counsel can search and choose from 20 million citations and over six million abstracts from over 30,000 journals.

The Education Resources Information Center (ERIC) provides a digital library of 1.4 million bibliographic records with links in many cases to full text. The library includes education-related resources such as journal articles, books, research syntheses, conference papers, and technical reports.

What if the targeted expert did not write the paper he claimed? What if that same expert did not attend the school or receive the degree claimed? Verifying degrees claimed in the targeted expert's curriculum vitae through the National Student Clearinghouse can help. The NCS information is fee-based, but the result may totally discredit the expert. Another third-party service defense counsel can retain to prevent resume fraud is AccuScreen. After all, if the late Florida congressman Claude Pepper could purchase a doctorate to show how easy it was to have him proclaimed as Dr. Pepper, an expert could too. If a congressman can fake it, why not an expert?

Depositions

Most defense attorneys will depose someone someday. A good crib sheet is a prior deposition. In the medical field, try MDex online for a Daubert history of medical testimony that might affect the targeted expert in a trial examination. The cost is $10.00 for a 30-minute access period.

Social and Unsocial Media

Social media has come of age. Everybody's talking, if not about themselves, then about others, and much of this conversation is available. So who's talking? What are they talking about? Defense counsel might find the answers to both questions by navigating to Whos Talkin, a social media search tool that allows users to search for conversations surrounding the topics that they care about most. There's also socialmention.com for monitoring over 100 social media properties including Twitter, Facebook, FriendFeed, YouTube, Digg, Google, and others about what people are saying across the Web's social medial landscape in real-time.

LISTSERV

LISTSERV is an online communication tool that posts ideas, thoughts, or questions to a large number of people simultaneously. A public list is totally open and anyone can join or leave, ask questions, see who is on the list, and search archived messages. A private list generally has controlled access. Still other lists require a subscription when applying for membership, but they are still "public." LISTSERV is always spelled in upper case, and is a registered trademark licensed to L-Soft International, Inc. L-Soft has a large collection of material to help understand functions and procedures, so this article is limited in its scope.

LISTSERV is full-time assistance at its best. While LISTSERV has its advantages, there can be a downside. A popular topic might generate hundreds of postings and a full email box. Witness the Supreme Court's Booker and Crawford opinions and the dialog they occasioned. Niches can be carved out for specific areas of LISTSERV coverage. If a defense attorney has a question about an expert, someone will have an answer, and a LISTSERV is an excellent source to find it.

The simplest way to look for a list is to search the "list of lists" that LISTSERV maintains automatically. Entering a simple term, e.g., "crime," and checking "List Name" will return the names of five lists. Entering "crime" in the "Look for" window will return 15 lists. Google is also a source for locating lists. A Google query might be "criminal law" LISTSERV.

A subscription to LISTSERV will generally be necessary to search its archives.

Newsgroups

A newsgroup is an electronic discussion group or bulletin board devoted to the discussion of a specific topic. They consist of postings, which are messages that have been addressed to the newsgroup rather than a specific individual. Newsgroup postings are uncensored. As a result, some very candid discussions occur, ranging from political arguments, to religious opinions, to very explicit stories. Unlike mailing lists, which send postings directly to subscribers' mailboxes, newsgroup postings are available on Usenet computers and must be accessed by the user. Usenet is the worldwide conferencing system, encompassing thousands of newsgroups.

Google Groups is far and above the easiest way to access this dialog. Its scope and function are best outlined on
Blogs

A blog is a webpage that serves as a publicly accessible personal journal for an individual. Blogs can be either public (similar to a newsgroup) or private, and are updated at the pleasure of the author, often reflecting the author's personality and views. It is a personal perspective opened to the world online. Some people find them too personal and subjective to be of use. On the other hand, it may present a point of view that may succeed in the quest for dirt on an expert — and others about whom information, views, and expressions are important.

Google Reader® provides a way to monitor blogs. It helps find and track interesting stuff, e.g., blogs on/about experts. New blog content comes to the Google Reader when it is posted, so there is no need to visit individual sites.

Access to over one million blogs can be found at Technorati, including almost 2,500 law-related and approximately 370 expert-related posts. Lastly, run, don't walk, to Law.com and its Blog Network, a jump-off point to over 50 blogs.

Twitter

Twitter, according to the founder's definition, is "a short burst of inconsequential information," but the information is not necessarily inconsequential if it applies to an expert in a criminal trial where the client may suffer long-term imprisonment or even death. Defense counsel can tap the latest generation communication form with search tools such as Topsy, twitterment, and tweetscan to search for experts' dialog in the area of their expertise.

Here is a little tip on using Google Reader to monitor Twitter. Many people do not know that every Twitter user's timeline can be converted to an RSS feed that can be searched using the same technique as with blogs. The first step is to find out if the person has a Twitter name. Second, get the RSS feed URL for the Twitter user. Third, enter the RSS feed into Google Reader. And last, search the selected subscriptions.

Podcasts

A podcast is a multimedia digital file made available on the Internet for downloading to a portable media player, computer, etc. Podcasts can speak to myriad topics, or they can satisfy experts' vanity to tell the world what they think about themselves. Experts who wish to create and distribute their podcasts can do so with a minimal financial expenditure of under $250. Downloading a podcast is equally simple. Look for a podcast directory, use the software required to download it (if applicable), and save it to computer media such as Windows Media Player, Quicktime, iTunes, etc. Where is the software? What do we want to download? Go to Google for podcasts.

The Google query "criminology podcast" (with quotes) quickly returns over 50 results while "forensicology podcast" (with quotes) results in almost a thousand podcasts from which to choose. Imagination is defense counsel's guide. Here are some subject podcast queries with results: "coroner podcast," "serology podcast," "lara podcast," "murder podcast," "burglary podcast," "crime scene podcast," or "fraud podcast"
to send out notifications whenever new material is available, almost immediately to feed readers and RSS search engines. RSS feed readers allow subscriptions to relevant feeds and can notify defense counsel whenever new content under the subscription is available. In short, once a useful resource is identified in the RSS feed, searching can be skipped altogether.

Although there are literally thousands of available feeds, locating those that are appealing and relevant is not always easy. So finding relevant feeds, at least for the time being, often remains a hit-or-miss affair. A simple Google query “rss feeds list” (within quotes) will direct defense counsel to the most current RSS feeds.

The Verdict Is In

The MoreLaw115 website can be searched for verdicts and decisions. The search database option allows a state selection, field to search (plaintiff or defendant), and a word/phrase query. The expert witness directory of the National Association of State Jury Verdict Publisher (NASJVP) provides an alphabetical listing of experts who have testified in civil jury trials across the United States.116 To locate an expert, simply browse the directory, then click on that expert’s name, which will refer defense counsel to the NASJVP member that has detailed “cases tested” information on that expert. If several NASJVP members have records regarding an expert, that name will be listed multiple times. This site contains the names of nearly 40,000 experts who have testified in trials reported by NASJVP members.

It’s More Than Just A Business

Defense counsel can download corporate registration statements, periodic reports and other forms filed with the SEC by an expert at no charge through EDGAR.117

A State of Affairs

There are many variations in the way a state (or county within) will designate its official site, but the Internet is very forgiving and a Web address entered one way will often show up in another form in the resulting search. Here are some general guidelines to locate state or county government information: Enter ST as the two-letter state designation and/or COUNTY as the name of the county:

- County Government Websites: www.state.ST.COUNTY/gov
- Corporations: www.corporation.state.ST.us
- “Official” State Government Websites: www.state.ST.us/gov or www.ST.gov
- Regulatory Agencies: www.regulatoryagency.state.ST.us
- Secretary of State: www.sos.state.ST.us
- UCC: www.ucc.state.ST.us

Other Assets Searches

An expert is no different than anyone else in that everyone collects stuff, i.e., assets. But a question about lifestyle “stuff” may give insight about an expert that will help complete the picture of who the expert really is. Do the expert’s assets comport to her status? Does the expert live beyond her means? Are there mansions and boats and planes?

Home, Sweet Home

Where does the expert live? There is no need to engage a realtor to find out when there’s Zillow119 on the Internet. When an address is entered the results will include sales information, generally an aerial view, and other salient facts that obviate the need to tromp to the clerk and recorder’s office. The defense attorney will learn the history and comparables, as well as what is in the house and its layout.

Come Sail Away119

If the target expert has been on a marine vessel and the boat’s name is known, ownership of the boat can be discovered at NOAA.120 Another check is possible through MarineTitle.com,121 “[t]he Internet’s most comprehensive resource for Coast Guard vessel documentation and boat registration.” Googling “boat registration” will lead to individual state boat registration sites.

Come Fly With Me122

Does the expert own an airplane? Find out directly from the FAA.123 Maybe the expert just rents it. That still requires
a license. Once again, consult the FAA. It is easier to learn the ownership/registration of a million dollar airplane than a beat car. Why would defense counsel consider airplane ownership? Does its ownership comport with the expert's perceived income?

Deep, Deep and Deeper Still

Searching the deep Web is not as direct as entering a Google query and then viewing the result. After all, the deep Web is somewhat invisible. The deep or invisible Web can be defined as sourcing a Web page that can be accessed by at least one person, but the page is not indexed in a search engine. Said another way, the invisibility of the Web page might simply be due to the resource not being indexed. Reasons that render a Web page invisible include: (a) search engines that ignore Dynamic URLs; (b) form-controlled entry, non-passworded; (c) password protected access, subscription or non-subscription; (d) a site with time-limited access; (e) the site is relatively new; (f) coding in the website that precludes search robots by telling them not to search the site; (g) non-indexability of text within a Flash presentation; (h) GeoTagging, which is regional blocking by checking the geographic location, via the IP address, of a site visitor's computer and subsequently blocking if within a specified region; and (i) the webpages are hidden with no sequence of hyperlink clicks that could find them. There are ways to make the invisible content visible. FinderSeeker is a search engine finder discrete to a particular topic. To keep on top, defense counsel can try surfing with SurfWax which, among other attributes, allows combing of popular RSS sites.

If the defense attorney knows the subject about which the expert is claiming expertise, relevant databases about a particular topic can be requested through CompletePlanet, where there are over 70,000 searchable databases and specialty search engines.

Medical collections abound in the deep Web. MedNar is the free deep Web search engine to uncover contributions to the world of health and medicine in commercial databases, medical societies, NIH resources, and patents.

There are many excellent starting points before diving into the deep Web. One is Digital Librarian and its potpourri of links.

Another tip is to include the word “database” in the Google query to resolve the query for deep Web search. This is a moderately effective way to find those databases that are not indexed and thus not part of the visible Web. For example, a query for "forensic toxicology database" (with quotes) returns over eight thousand results.

Deep Web Tutorials And Guides

A basic guide to the Internet and its functions is available at InternetTutorials. Marcus Zillman, a nationally-recognized expert on the Internet, offers a wide range of materials relating to searching the visible and invisible Internet.

Conclusion

The Internet is still in its infancy — if billions of pages constitute infancy — so defense counsel needs to be creative. Though young, the Internet is maturing rapidly, with new tools and techniques born almost every day. What one sees in the “visible” Web is truly just the tip of the iceberg of what is available and there for the taking with the application of a conscientious search methodology and a bit of creative thinking. As the saying goes, “You can run, but you can’t hide.” The Internet is proving that.

The Internet is as much a tool as a hammer. A defense attorney may bang her thumbs at first, but as her skill improves, the results do too. And when those skills locate the information needed, the attorney can use that hammer to nail the expert to the ground where she will cover the expert with the dirt unearthed.

Notes

9. Websites come and go on the Internet, thus some of the URLs (Uniform Resource Locators, i.e., Web addresses) listed may “disappear.” Googling similar words may find similar sites.
11. http://govinfo.library.unt.edu/default.htm
17. http://support.google.com/webmasters/bin/answer.py?hl=en&answer=70697
20. http://sites.google.com/site/gwsearcheducation/overview
29. Library of Congress Information System
32. http://catalog.loc.gov/
33. http://www.loc.gov/search/?q=electronic%20resources&fa=digitized:true
40. Virginia Wolf (Born January 25, 1881 - Died March 28, 1941)
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