

Using The Internet As A Discovery Tool

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Why wait for information when it's instantly available online?

THE INTERNET can be an incredibly powerful tool in the discovery process. It can free you of the need to wait for (or rely upon) an opposing party's answers to interrogatories or responses to requests for production of documents. You can get valuable information about an opposing party and other key issues at the outset of the case. In a matter of minutes, you can gather

enough information to dramatically affect the strategy, the focus, and even the theme of the case. This article identifies several web sites which can provide valuable information about opposing counsel, corporate defendants, government agencies, products, medical personnel, general medical information, general news, and court information.

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OPPOSING COUNSEL • One of the first things we do after receiving a case assignment is to use the Internet to attempt to locate information regarding the opposing counsel. Most law firms today have their own web sites which contain detailed biographies of the members of the firm. This is one of the best ways to quickly and easily find out the perceived strengths of an opponent. These web sites often also contain trial results, and a review of the web site can provide a fairly detailed picture of an opponent's trial history. If counsel does not have a personal web site, there are a number of other places one can look on the Internet for information about opposing counsel. Such sites include:

- <http://www.martindale.com>. The Martindale-Hubbell web site allows one to locate lawyers across the country;
- <http://www.thefederation.org>. The web site of the Federation of Defense and Corporate Counsel contains an index of lawyers who belong to this defense organization;
- <http://www.dri.org>. The Defense Research Institute's web site contains a searchable database of its members;
- <http://www.atlanet.org>. Like the Defense Research Institute, the American Trial Lawyers Association web site contains a searchable database of its members, who are predominantly connected with the plaintiffs' bar.

CORPORATIONS • The Internet also contains a wealth of information regarding corporate entities. It is a rare corporation today that does not maintain and host a web site devoted to providing the public with information concerning the company. The type of information which can often be found on corporate web sites ranges from the mundane, including the names, addresses and telephone numbers of the corporate officers and directors, registered agents, and other managerial employees, to the vitally important, including information regarding the

corporate books and records. On two separate occasions the authors have obtained financial information which helped to minimize or defeat the plaintiff's damages claim on the plaintiff corporation's own web site.

Basic Initial Search

Whenever you are involved in a case involving either a corporate plaintiff or corporate defendant, the first thing to do is log on to the Internet and type the name of the company into one of the many search engines which are available. Some of the largest general search engines and meta-search engines include:

- <http://www.altavista.com>;
- <http://www.alltheweb.com>;
- <http://www.google.com>;
- <http://www.hotbot.com>;
- <http://www.dogpile.com>;
- <http://www.search.com>;
- <http://www.metacrawler.com>; and
- <http://www.yahoo.com>.

This type of initial search will often result in a treasure trove of information regarding the corporate structure, the history of the firm, the identity of the main corporate players, the types of products and services provided by the company, and the fiscal overview of the corporation. All of this information can and should be used as background for preparing written discovery addressed to the corporate party.

Digging A Little Deeper

If you are having trouble locating the corporate entity that is either bringing suit or defending against a claim using general search engines, all is not lost. There are a number of specific web sites which are devoted to providing up-to-date corporate information. Some of the better sites include the following:

- <http://adp.infousa.com>. This directory, created by Database America, can be used to find people and businesses. It contains a link to the yellow pages and for a small fee one can order business information on any company in the yellow pages, including sale and credit information, the identity of decision makers and other significant data;
- <http://www.bigfoot.com>. This directory contains over 100 million listings of addresses, telephone numbers, and e-mail addresses;
- <http://www.switchboard.com>. The Switchboard directory contains 93 million business listings;
- <http://www.knowx.com>. The Knowx site can help one locate both people and businesses. For a reasonable price, usually under five dollars, one can search lawsuits, judgments, assets, and other detailed financial information;
- <http://www.hoovers.com>. This site provides access to information on thousands of companies with links to their web sites. Detailed corporate analyses are available for a fee;
- <http://www.corporateinformation.com>. This site, as the name implies, provides corporation information concerning domestic corporations;
- <http://www.sec.gov/edgar.shtml>. This site provides free access to all SEC filings and allows one to subscribe to a free e-mail service that notifies the subscriber when companies the subscriber identifies make a filing;
- <http://www.thomasregister.com>. This site provides comprehensive information about product manufacturers;
- <http://www.cio.com>. This index provides an alphabetical listing of corporate web pages;
- <http://www.llc-usa.com>. This site provides information about limited liability companies.

Also keep in mind that web sites maintained by the various Secretaries of State can provide important information regarding corporate history, corporate structures, registered agents, corporate licensing, officer identities, and whether the corporation is in good standing. Most states have a Secretary of State web site (the one for Illinois is found at <http://www.sos.state.il.us/>), which can usually be located through one of the general search engines listed above.

GOVERNMENT AGENCIES • The Internet can also be a terribly effective discovery tool in those cases which involve government agencies. For example, the Federal Environmental Protection Agency web site (located at <http://www.epa.gov>) can be a tremendous source of information concerning polluters, clean-up efforts, and remediation of chemically hazardous sites. The EPA site contains a map and index interface which allows the user to jump to the web sites of individual regions of the EPA and provides links to state environmental agencies and entities concerning other environmental topics. The web site provided by the U.S. Department of Labor (<http://www.dol.gov>) provides insightful information regarding claims of employment discrimination, harassment, or wrongful termination. It also contains links to Department of Labor agencies, statutes and executive orders, as well as listings of employment related laws and regulations. The web site of the National Labor Relations Board (<http://www.nlr.gov>) describes the power and function of the NLRB, provides a weekly summary of NLRB cases, and contains the rules, regulations, decisions, and orders of the Board.

Other particularly valuable governmental web sites include:

- <http://www.osha.gov>. The web site of the Occupational Safety and Health Administration contains standards applicable to employers and job sites, illness statistics, information concern-

ing investigations, the Jobsite Safety Handbook, and other resources;

- <http://www.nts.gov>. This is the web site of the National Transportation Safety Board and contains information regarding aviation, highway, marine, pipeline, and railroad organizations, as well as some information regarding hazardous materials;
- <http://www.dot.gov>. This is the web site of the Department of Transportation and contains information concerning the federal transportation organizations, such as the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, U.S. Coast Guard and others;
- <http://www.faa.gov>. The Federal Aviation Administration web site contains information regarding air safety, air traffic control, airport standards and accident investigation;
- <http://www.usda.gov>. The web site of the U.S. Department of Agriculture contains agricultural information, USDA new releases, data and statistics, and studies;
- <http://www.fda.gov>. The web site of the Food & Drug Administration contains information concerning products regulated by the FDA, FDA organization, safety alerts, and product approvals;
- <http://www.cdc.gov>. This web site, sponsored by the Centers for Disease Control, contains health information, data and statistics;
- <http://www.fedstats.gov/key.html>. This web site contains key statistics from over 60 federal agencies with links to each. This site can be used to find information concerning, among other topics, tax returns, life expectancy, aviation and highway safety statistics, earnings rates, and foreign exchange rates;
- <http://www.bls.gov>. The Bureau of Labor Statistics web site contains an enormous amount of economic data;

- <http://www.nhtsa.dot.gov>. The web site of the National Highway Traffic Safety Administration contains topical information regarding air bags, child safety seats, NHTSA regulations, and automotive recalls;
- <http://www.fjc.gov>. This site contains basic and contact information concerning the Federal Judicial Center and provides information concerning the purchase of publications provided to federal judges, including case studies of mass tort class actions, trends in asbestos litigation, and the Reference Manual on Scientific Evidence.

PRODUCTS • One of the best places to find information regarding a particular product which may be at issue in a products liability action is on the Internet. Product manufacturers often maintain their own web sites, which provide detailed information regarding the history of the corporation, the development, manufacture and sale of various products or product lines, and, sometimes, information regarding products that have either been recalled or are the subject of either governmental or corporate review. In addition, the web site maintained by the Consumer Products Safety Commission (<http://www.cpsc.gov>) often contains a wealth of information regarding products that have either been recalled or are being studied by the Consumer Products Safety Commission for potential hazards to the consuming public. Information accessible on the Consumer Products Safety Commission's web site includes regulations, detailed recall notices, reporting forms, remediation plans, and general investigative information concerning the nature and extent of the problem associated with the product at issue.

Other particularly helpful sites concerning product information include:

- <http://www.nsc.org>. The web site, sponsored by the National Safety Council, provides

access to Material Safety Data Sheets, as well as information about cumulative trauma, pesticides, and other products. The site also has a searchable library of 26,000 research papers;

- <http://www.productslaw.com>. This web site provides information regarding a large number of products, including tobacco, breast implants, heart valves, and Agent Orange;
- <http://www.toxlaw.com>. This site contains a useful search interface that allows one to search for information by chemical through the CDC and to search for Chemical Health & Safety Data Sheets;
- <http://www.csb.gov>. This site, sponsored by the U.S. Chemical Safety & Hazard Investigation Board, allows users to review CSB incident investigations online;
- <http://www.msdssearch.com>. This site provides access to over 2,500,000 Material Safety Data Sheets;
- http://www.epa.gov/enviro/html/emci/chemref/complete_index.html. This is the site of the Envirofacts Warehouse Chemical Reference Complete Index. It provides data, including hazard information, for hundreds of chemicals.

MEDICAL PERSONNEL • The Internet can also be a very good place to obtain information concerning medical personnel who may be involved in a case, either as a defendant, treating physician, or expert witness. The American Medical Association database, located at <http://www.ama-assn.org>, contains a list of all accredited physicians in the U.S., including their name, address, telephone number, specialty, education, and where they served their residency. A search of the web sites of the relevant professional medical societies can provide information concerning who serves on professional advisory boards or otherwise fills leadership roles in the society at issue. Likewise, a

search of the web sites of nonprofit medical foundations for the diseases or injuries at issue in a case can reveal the identity of medical professionals who are well credentialed in the field and volunteer their time to treating and investigating the disease or injury in question. In addition, a review of relevant medical journals online can allow counsel to identify the physicians who serve on the editorial boards of the journals and which ones have authored papers or conducted studies on the issues involved in your case.

GENERAL MEDICAL INFORMATION •

Not only can the Internet provide a great deal of useful information regarding individuals who may be involved in a given case, it can serve as a never-ending source of general medical information. Some of the more helpful medical sites include:

- <http://www.nlm.nih.gov>. This free online site allows counsel to search for medical and scientific articles published by the U.S. National Library of Medicine;
- <http://www.medlineplus.gov>. This service of the U.S. National Library of Medicine and the National Institutes of Health includes drug information, a medical encyclopedia, a medical dictionary, health topics, health news, and directories to find doctors, dentists, and hospitals;
- <http://www.medscape.com>. This site contains a wide variety of medical abstracts and articles;
- <http://www.mayohealth.org>. The Mayo Clinic web Site is a great point to start any medical research;
- <http://www.merck.com>. The full text of the Merck Manual, which contains brief descriptions of medical diagnoses, is available online at no charge;
- <http://www.innerbody.com/html/body.html>. This site includes animations, images, and

descriptions relating to almost every part of the anatomy;

- <http://www.martindalecenter.com/MedicalAnatomy.html>. This site has links to online medical dictionaries, medical abbreviations, anatomy atlases and anatomy images.

GENERAL NEWS • In addition to all of the foregoing, the Internet can be a great source of information regarding general news, including reports of product recalls, accident investigations, corporate wrongdoing, medical research, and so on. Some of the better sources for general news stories include:

- <http://www.cnn.com>;
- <http://www.ap.org>;
- <http://www.reuters.com>;
- <http://www.chicagotribune.com>;
- <http://www.nytimes.com>;
- <http://www.newsweek.com>;
- <http://www.usnews.com>; and
- <http://www.newspaperlinks.com>.

This last site provides links to thousands of U.S. daily and weekly newspaper home pages and sections, as well as Canadian and international daily newspapers.

COURT INFORMATION • One last point deserves mention. The Internet can be one of the quickest and most efficient ways to obtain general court information and specific information about a case, including docketing statements, copies of orders, and scheduling information. Some of the court-related web sites that should be placed in the bookmark folder of counsel's personal computer include:

- <http://www.courts.net>. This site is a directory which provides access to web sites maintained by courts nationwide;

- <http://www.washlaw.edu>. This site includes comprehensive state and federal law links covering the United States;

- <http://www.ncsconline.org>. This site of the National Center for State Courts contains state court structure charts and state court caseload statistics;

- <http://www.supremecourtus.gov>. This is the web site of the U.S. Supreme Court;

- <http://www.state.il.us/court>. This is the official site of the Illinois Courts. This site includes the latest Annual Report of the Illinois Courts, including the Statistical Summary, which is often useful in preparing motions to dismiss based on the doctrine of forum non conveniens. This site also includes the Illinois Supreme Court Rules;

- <http://www.ilnd.uscourts.gov>. This is the web site of the United States District Court for the Northern District of Illinois;

- <http://www.ilga.gov>. Through this web site of the Illinois General Assembly, Illinois legislative history can be accessed pertaining to the 90th through 93rd Illinois General Assemblies;

- <http://www.fedstats.gov>. This site includes official statistical information available to the public from the Federal Government including statistical profiles of states, counties, cities, Congressional Districts, and Federal Judicial Districts.

CONCLUSION • In the world of litigation, an attorney without information is as effective as a carpenter without a hammer. We live today in an age of instant communication and rapid access to global information. Any lawyer who fails to use the Internet to obtain pertinent information about all aspects of his case is doing both himself and his client a real disservice.