

Cybersleuthing for People Who Can't Set the Clock on Their VCR



"First, they do an on-line search."

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It seems not a day goes by without a sensational news story on how the Internet compromises our personal privacy. A new movie cliché is the Hacker-with-a-Heart-of-Gold, a computer geek who can tap a few keys and access any database of personal information from one's shoe size to medical history to credit card usage. The good-guy hacker is often matching wits with his corrupt counterpart in the S.G.A. (*Shady Government Agency*), a twisted cyber whiz who can instantly tap any phone or re-task a surveillance satellite. This is cybersleuthing Hollywood style. . It's mostly fantasy because much of the techno wizardry is not currently possible, at least not as depicted; but it's also spooky because cybersleuthing already is far more invasive, revealing, and downright easy than you might expect. Nowadays, erstwhile Sherlocks can slake their thirst for detective work by getting the goods on their Moriartys online.

What is this Thing Called Cybersleuthing?

Okay, you caught me, I coined the word a long time ago, but it's using the power of the Internet to gather revealing information on people and to skip trace (track someone down. For lawyers, the web is a broad avenue for informal discovery, allowing litigators to test a witness' candor and probe a litigant's background and resources.

"You have zero privacy
[on the Internet] anyway.
Get over it."
--Scott McNealy
CEO of Sun Microsystems

Who Do You Trust?

Like salespeople, politicians and escort services, lawyers are in the persuasion business. Trial lawyers must persuade juries that their client's interests should prevail. Jury persuasion can be based on trust or education, but most often it requires a measure of both.

Needing to build or shake trust doesn't start and stop with the jury. The hearts and minds of the witnesses, the court, opposing counsel and those holding the purse strings are won or lost according to whom they trust and distrust.

How do you gain someone's trust? How do you throw an opponent off-balance? How do you show that opponents or witnesses are not to be trusted? A nugget of information obtained by cybersleuthing can go a long way to accomplishing all of these tasks. Trial work entails taking sworn testimony by deposition, and not everyone honors a sworn oath. Witnesses' willingness to tell the truth is tied to their perception of the risk they will be caught in a lie. If I know something about a witness that I'm not supposed to know—something trivial, strange or obscure that didn't emerge from the formal discovery process--the witness can't be sure what else I know and will be less likely to stray from the truth.

The Hearing is in the Telling

Don't wait for jury selection to start the persuasion engine. Facts may be facts, but the hearing is in the telling. Because most of what we communicate in person is conveyed non-verbally, what witnesses feel about the questioner is as much a part of the message as their words. Cybersleuthing can turn up tidbits about the witness' background that can be parlayed into rapport. For example, if a witness grew up in a small town in western Pennsylvania. I go online to find out what her folks did for a living, what schools she attended, where the local kids hung out, and so on. If the opportunity arises, I can ask, "Did you hang out at the Dairy King on Sycamore Street?" or "Weren't they the big rivals with Central High's football team?" and forge an instant connection with her. Obviously, this technique has to be used with discretion or you might seem more stalker than confidant.

Consider the Source

Anyone can post anything on the web, so be skeptical of information derived from all but the most trustworthy online sources until it's verified. Uncorroborated Internet data should never play a decisive role in critical decisions like hiring, firing or leveling accusations. The sheer volume of online records, data entry errors and identity theft can lead to misidentification. I learned that lesson the hard way several years ago during a cybersleuthing presentation to a group of local businessmen. The group asked me to demonstrate Internet information gathering by assembling data about members of the audience, so I pulled up the marriage license record of the daughter of a gentleman in the front row and congratulated him on his daughter's recent nuptials. The trouble was he had no idea that his daughter was married! His daughter had an uncommon name and her birth date was a match. I was embarrassed and confused, but you can imagine how he felt! A trip to the County Clerks' office to obtain a copy of the actual document revealed that, lo and behold, there was another woman in town with the exact same name and birth date. What are the odds?! Consider the source, cross check and be careful.

Skip Tracing

For tracking down witnesses, defendants, agents for service and the occasional wayward client, the Internet's speed and affordability can't be beat. One hitch is that online resources primarily track middle-class and affluent Americans. Aside from convicted criminals, the Internet is not very good at finding people who actively conceal their identity, live outside the United States or cannot afford or eschew credit and other mainstream connections like driver's licenses, real estate or vehicle ownership, utility service, voter registration, web surfing and bank accounts. In

"Certainly there is no hunting like the hunting of man and those who have hunted ... men long enough and liked it, never really care for anything else thereafter."
—Ernest Hemingway

that event, the best approach is to identify persons who know the subject and talk to them—people rarely sever all ties with family and friends.

As you assemble information, make note of vital statistics and other data concerning the subject's spouse, children, siblings, parents, close friends, employers, employees, roommates, business partners, parole officers, neighbors, assumed names, etc. These collateral subjects may be easier to track and help point you to the subject.

Building on the Basics

The four primary information items for skip tracing are full name, date of birth, social security number and driver's license number. Having the subject's name and one of the other three items will almost always suffice to secure the other two. Because people are usually capable of estimating a subject's age (at least within a range) and because it's easier to come by than a social security or driver's license number, I find knowing a subject's date of birth to be especially useful in differentiating among online records. Birth dates can be found using a variety of online sources, including school and alumni association websites, professional directories, genealogy references, driver's license and voter records, licensure agency databases, newspaper archives, criminal records, Usenet posts, website guest books or, my favorite, a free database called **www.anybirthday.com**.

Anybirthday.com claims to have over 135 million birth dates online, indexed for free searches by name and zip code. Conducting a birthday search on the site is easy, but culling through the results can be challenging, or downright maddening if your subject has a common name. The search interface supports both partial names and partial zip codes, so if you're not sure the subject goes by Mary or Martha, you can search for all first names beginning "Mar." Likewise, if you know a subject's general vicinity, you can furnish just the first two or three numbers of a zip code. For example, typing 77 in the zip code search field will focus on the entire Houston metropolitan region, including nearby counties, while 770 will restrict the focus to the central city. Although the database returns middle initials, the search engine does not permit the use of middle initials as search criteria. (The birth date search is free, but the address service costs \$39—pricey when weighed against alternatives.)

Search Engines

The web is a library with no official card catalogue and stacks of books piled to the ceiling in no particular order. Maybe that's why we call our Internet software a "browser" and not a "finder." But, don't despair! By now most people at least somewhat conversant with computers know help is available in the form of free indexing services called search engines. Search engines permit you to search large chunks of online information by keywords or subject areas. The best search engine is **Google**, and the best-known, **YAHOO**, a friendly starting point for Internet research. Others are **Lycos**, **Overture**, **AlltheWeb**, **Alta Vista**,

IXQuick and the inelegantly named **Dogpile**. A reliable search engine makes an excellent start page for your browser. No matter how extensive, no search engine is exhaustive, and you may want to run some searches on several. The search engines listed above are free.

A free, quick and convenient way to access all of the major search engines is to use **Craig Ball's Search Central**, found at www.craigball.com/search/. By entering your search once, you can run your search many times through each search engine.

Googlizing

No discussion of search engines would be complete without the incomparable **Google.com**. Google is so good at what it does that cybersleuths have turned it into a term for running a broad Internet search: "to Googlize." With access to 3 billion web documents, its data include web pages, images, and newsgroup messages. It's the biggest, it's the best, and it's free, but even Google has limitations: The most effective online skip tracing tools (voter, driver's license, and criminal records, to name a few) aren't indexed by Google but reside on the "hidden" web, online databases that require specific searches

Getting the Goods with Google

Using a search engine is simple and intuitive. Some, like Google, present you with a search form (often just a blank entry box) and produce a cornucopia of sites that contain the words you specify. Others, like Yahoo, offer a brief description of Web sites using a successively narrower subject index.

To run a Google search, simply type in your search terms (*e.g.*, a name or concept) and click the Google Search button (the order of the terms will affect the search results). Narrowing the search is as simple as adding additional words to the search terms and relicking the button. (Common words such as "and" and "the" are unnecessary. If a common word is essential to the results, force its use by adding the "+" symbol before it.) Putting quotation marks around two or more words or names will narrow the search to only those words in sequence. The most common mistake with using search engines is launching a phrase without first reading the instructions particular to that engine. (This is usually called the "help page" or "FAQ" (frequently asked questions).

Since a web document may include the names "James" and "Smith" without meaning "James Smith," searching for a person is best accomplished with a phrase search; that is, putting quotation marks around two or more words or names. Try using phrase variations, such as "James Smith," "James E. Smith," "James Edward Smith" and "Smith, James."

Google searches are not case sensitive. All letters, regardless of how you type them, will be understood as lower case. For example, searches for "james smith", "James Smith", and "jAmEs sMiTh" will all return the same results.

Mastering a search engine's syntax makes all the difference in the time it takes to ferret out relevant information from the thousands of references a search may return. Use the search engine's advanced search capabilities, which allow a user to more precisely control the query, filter the results and avoid digital dead ends.

Phone Directories

A decade ago, skip tracing might have entailed days poring over dozens of phone books and reverse directories at a big-city public library. Now, the Internet makes it possible to check nearly every phone book in the nation in seconds, at no cost. Sites like **Switchboard.com**, **WhoWhere.com**, **AnyWho.com** and several others link to millions of listed numbers and cross-link to maps, physical addresses, e-mail addresses and a mix of other free and for-fee services. A powerful feature of some online white pages is the ability to reverse search by phone number or address to find the name of the holder. Reverse searching supports skip tracing by identifying neighbors (or former neighbors) of the subject who may know whereabouts.

You can simply access all the major telephone databases via **Craig's Phone Finder** at www.craigball.com/phone.

Real Property Records

Counties from coast-to-coast have rapidly made their real property and appraisal district records accessible via the Internet. In addition to identifying assets that may be subject to execution, these records may locate family members or identify a subject's landlord or former landlord (who may be able to furnish a forwarding address). Real property records also offer insight into financial, marital and family relationships. Although no site has emerged as the definitive source for free online real property and appraisal records, two sites are good starting points: www.netronline.com and www.real-estate-public-records.com.

Genealogy and Death Records

Genealogy databases are fertile sources of skip trace data. Birth, marital, divorce and death records are all to be found on the major sites. There are dozens of

The Cousin Dewayne Factor

Perhaps you believe you are guarding against an accumulation of personal data about you on the web. You don't give out your social security number or participate in online forums, own a house, or even have a driver's license. But never underestimate the Cousin Dewayne factor. You remember your second cousin Dewayne, don't you? The one with that unfortunate hygiene problem and the lazy eye? Well Cousin Dewayne is now a genealogy buff, seated at his computer putting every detail of your life—along with those of your siblings, wife, and kids—into an Internet family tree database for the entire world to see. You think your mother's maiden name is a big secret? Cousin Dewayne makes sure it's not!

such sites; however, the premier, largely free, genealogy sites are **www.ancestry.com** and **www.rootsweb.com**. The former is the best for death records because it includes the entire **Social Security Death Index**. The latter offers an excellent metasearch that combs all manner of family records to produce a list of hits. A third site, **www.Familysearch.com**, is a searchable database of 400 million names maintained by the Mormons. Finally, try **www.legacy.com** to search over 1,000 newspapers' obituary records. When Grandma shuffles off this mortal coil, even the most private person ends up listed as a survivor in the obituary, often with the name of the place they currently reside and the names of their siblings, spouse and children.

Criminal Records

The ultimate source of criminal records, the FBI's database called the **National Crime Information Center**, is off limits to all but law enforcement personnel. It's the closest thing to a nationwide criminal records database as exists, but even this definitive resource doesn't contain complete records for all 50 states. Furthermore, while law enforcement officers have been known to run the occasional search of the NCIC as a favor for a friend, strict penalties apply for unauthorized access, and trafficking in illegally obtained data. As a result, gathering criminal convictions data on a nationwide basis can be tough. Some criminal records are available online without charge. These records are linked at the excellent **Search Systems** site (**www.searchsystems.net/**). Many fee-based criminal records search services have sprung up, including a few operated by law enforcement agencies. Charges for criminal records searches vary widely; one of the best is **www.choicepoint.com**, an expensive resource geared to lawyers, collection agencies, and other investigative professionals.

Commercial Providers

Literally hundreds of data brokers sell their services online, from law-abiding corporate behemoths like Choicepoint and Experian to fly-by-night outfits on both sides of the law. Data brokerage is not a venue where you necessarily get what you pay for. Some companies charge big bucks for data available online for free, while reputable firms like Accurint, KnowX, or USSearch offer their services at very reasonable prices. Choose your suppliers wisely because recent changes to the law impose criminal penalties upon not only those who perform certain illegal searches but also those who purchase them. Be wary of providers who promise to furnish current bank or brokerage account balances—such information is available for sale, but it almost certainly was acquired in violation of the anti-pretexting provisions of the **Gramm-Leach-Bliley Act**, 15 U.S.C.A. Section 6801 et seq. (2000)

Here's the lowdown on several commercial providers trading online:

Accurint: www accurint.com

What sets Accurint apart is the high quality of its data and its prices, which are just dirt cheap. Accurint can find your subject for a quarter--yes, just twenty-five

cents--and will deliver a neat little dossier of addresses, relatives, neighbors and more in seconds, for under five bucks. The interface is intuitive and intelligent, and the system allows users to track usage by account or client number and authorize use by others within an account. The owner of the account can set additional user IDs and passwords, as well as program access limits for authorized sub-users. In addition to its focus on skip tracing, UCC filings and phone numbers, Accurint has added drivers' license, court and criminal records. On a scale from one to wow, Accurint is a WOW!

ChoicePoint: www.choicepointonline.com

No private web resource approaches ChoicePoint's data muscle of over ten billion public records. ChoicePoint sells to sectors--including the legal profession--willing to pay its prices and jump through the hoops of its registration process. ChoicePoint is not cheap, entailing a monthly subscription fee in addition to hefty search charges, but it's probably the best resource for background personal data and online public records. Let's put it this way: the U.S. Government buys data from ChoicePoint! (Some users report the subscription fee is negotiable, so be sure to ask).

KnowX: www.knowx.com

KnowX might fairly be called "the poor man's ChoicePoint;" (it's owned by them). KnowX sells to anyone and heavily markets its wares through Internet banner ads and strategic partnerships with search engines and portal sites. There's no subscription fee and search prices range from free to \$29.95. Its free "Ultimate People Finder" is hard to beat and works well for skip tracing a name to a locality.

Locate Fast: www.loc8fast.com

Locate Fast is a mix of search-it-yourself resources and assisted search options. Prices are modest, ranging from \$5.00 for a simple people finder to \$20.00 for a Wants and Warrants search. One jarring note is its attempt to charge for database services (like the death or licensed pilot indices) that are available without charge everywhere else.

Public Data: www.publicdata.com

This inexpensive database contains records of licensed drivers, sex offenders, voters, vehicle license tags, criminal records (31 states) and voter rolls. It offers motor vehicle and/or drivers' license data for Florida, Idaho, Iowa, Maine, Minnesota, Mississippi, Missouri, Ohio, Oregon, South Dakota, Texas, Utah, Wisconsin and Wyoming. Publicdata.com is a bargain. A month's subscription at \$9.95 entitles you to 200 searches; a year of access and 250 searches costs just \$25.

USSearch: www.ussearch.com

If you are uncomfortable doing searches yourself, or if your time is better spent elsewhere, USSearch may be the resource for you. Although you can do the searches on your own using their database, for an added fee, USSearch will do

the work and e-mail the results. Standard turnaround time is under 24 hours, but they usually beat that. The “Expert Assisted People Locate” costs about \$60 and includes address history, possible aliases, names of relatives and neighbors, bankruptcies, tax liens, real property ownership, and more.

FlatRateInfo: www.flatrateinfo.com:

With annual subscription rates starting at \$1,400.00, the service makes sense only for who conduct thousands of searches per year. . FlatRateInfo.com offers unlimited access to credit headers, property ownership, phone numbers, and the like for a flat fee. If you have the budget and the volume, this is a great tool.

TrialSmith: www.trialsmith.com

Founded as **DepoConnect.com**, and exclusively for use by plaintiffs’ trial lawyers, TrialSmith puts the full text of over 100,000 depositions—nearly ten million pages of testimony—at your fingertips. Member trial lawyers can search at no charge and purchase information only as needed. Additional services and lower deposition costs are available by subscription. There is nothing else like this out there, and it is an extremely well crafted resource.

Credit Reports

A credit report can be very revealing. Typically, a credit report will include five primary categories of information: personal data, credit history, public records entries, inquiries and credit score. These five categories include information as follows:

Personal Data:

- Name
- Current and previous addresses
- Social Security number
- Telephone number
- Date of birth
- Current and previous employers

Credit History:

Lists the status of the subject’s credit accounts for the preceding ten years, including:

- Retail credit cards
- Bank loans
- Finance company loans
- Mortgages
- Bank credit cards

The credit history section reveals how the subject has managed his or her finances. Each entry in this section includes:

- Account number
- Creditor's name

- Amount borrowed
- Amount owed
- Credit limit
- Dates when the account was opened, updated, or closed
- Timeliness of payments

Public Records Entries:

A credit report's public records section includes:

- Tax liens
- Bankruptcies
- Court judgments (including child support judgments)

Inquiries:

A credit report's inquiries section includes a listing of all parties who have requested a copy of the subject's credit report. Some may be other than "official" business inquiries, such as screenings for promotional offers and account management inquiries from past creditors.

Credit Score:

Credit scores are one of the primary tools a creditor uses to decide whether or not to make a loan, how much credit to offer and at what rate. Because most credit decisions are made quickly—one might say "hastily"—and a credit score is ostensibly an objective summary of the credit report, it is frequently decisive. Thousands of score models used in the credit industry consider different variables for different types of credit and credit bureaus offer several different scores in their various products.

Experian: www.experian.com

Equifax: www.equifax.com

TransUnion: www.transunion.com

Experian, Equifax, and TransUnion are the big three consumer reporting agencies and control virtually all of the nation's consumer credit data. Because an unfavorable credit report, can wreck havoc on an individual's financial life, these reports were the first electronic data closely regulated by federal legislation. While each credit reporting agency will happily sell you a copy of your own credit report for less than ten dollars, gaining access to their massive database of details about another's identity and creditworthiness is a more challenging and costly undertaking. **The Fair Credit Reporting Act (FCRA)** affords consumers certain rights designed to promote the accuracy and ensure the privacy of information contained in credit reports. In theory, only a person with a legitimate business need as recognized by the FCRA or one with express permission from the subject can get a copy of another person's credit report. In practice, the lack of any meaningful oversight of the sale of credit data means that almost anyone willing to pay for it can get a copy of your credit report. Sadly, the FCRA is observed mostly in the breach. The big three are not the

primary culprits in this regard, as the transgressions are largely confined to rogue data brokers--who are more likely than not customers of the big three.

Public Records: www.searchsystems.net

A broad sweep of public records is freely accessible via a variety of governmental and private databases. You truly never know what you might find. Resources vary from state-to-state but include the following records: court records, judgments and liens, marriage and divorce, birth and death, professional licensure and discipline, motor vehicle and driver's license, incorporations, limited partnerships, registered agents, assumed names, UCC security filings, property tax appraisal, watercraft and airplane ownership, political contributions, voter registration, bankruptcy, probate, personal property and ad valorem taxes, fishing and hunting licensure, building permits, pet registration, military service, outstanding warrant lists, abandoned bank account lists, sex offenders, criminal offense and inmates, and many more.

The most comprehensive free list of such resources can be found at **www.searchsystems.net**. It is extraordinarily complete and well worth checking early in the cybersleuthing process. Another stellar site for access to all manner of U.S. Government records is **www.firstgov.gov**, which accesses more than 50 million government documents.

Two free public records resources deserve special mention: **FECInfo**, contains records of political contributions made to candidates for federal office, at **www.tray.com**. **Landings.com**, affords free access to a database of aircraft ownership and those holding pilots' licenses.

Ball's List: www.craigball.com/links

I'd like to believe that no article on cybersleuthing would be complete without some passing mention to my own modest contribution, **Craig Ball's Sampler of Informal Discovery Links**. This eclectic compendium of investigative resources was created to assist lawyers in gathering revealing information on persons, companies and products involved in litigation. I hope it proves useful to the reader as well.

Appendix A: Limiting Online Access Not the Answer to Identity Fraud

Identity fraud is the world's fastest growing crime. Although there are no reliable measures of the prevalence or cost of identity fraud, the U.S. General Accounting Office puts the year 2000 domestic loss to MasterCard and Visa alone at one billion dollars. Because dates of birth, social security numbers, drivers' license data and other public and online records have been used in identity fraud, some want to outlaw the release or sale of these identifiers. The problem with this approach is that not only is the responsibility misplaced; worse, the proposed solution simply won't work.

If a door can be opened by slipping a library card against the latch, fault the shoddy lockset, not the library. Responsibility for the increased incidence of identity fraud, and for its prevention, must be laid at the feet of the banks, credit card issuers, brokerage houses, retailers and others who have failed to adopt improved methods of authentication. Our financial security is anything but secure so long as financial institutions rely on flawed authenticators, like "mother's maiden name" or the "last four digits of your Social Security number."

Will limiting access to public records and outlawing sale of personal data solve the identity fraud problem? No, the cows are long gone from that barn and outlawing online public data will only make it harder to collect debts, screen employees and locate witnesses. According to credit information giant Transunion, the leading source of identity fraud is stolen employer records, followed by credit card cloning and mail theft. Instead of buying information from data brokers, identity thieves rifle through our trash ("dumpster diving"), "shoulder surf" behind us in the check-out line and "skim" encoded data from our credit cards at the local cafe.

Automatic teller machines use a mix of hardware (ATM card) and software (PIN) for authentication. Other financial transactions should employ both to guard against fraud. To combat identity theft, regulators should require banks and other financial institutions, retailers and all entities to which we entrust our savings and credit reputation to employ authentication procedures better suited to a wired and impersonal world. Inexpensive biometric devices, password protection and digital keys, to name just a few alternatives, are a quantum leap toward more secure transactions.

Appendix B

Balancing Private Interests and Public Data

A recent study by the Pew Research Center found that two out of three Americans expect to be able to find government information on the Net, and that one of three Internet users expects to be able to locate and gather reliable information about people online. Why, then, are so many who expect to find online public records and personal data about others dismayed to find the same information is available about them? A concerted effort by government to make public records available online has run up against contradictory expectations and a backlash of misdirected legislation.

Public access to government records is a cornerstone of good governance. Anyone who wishes to do so is free to visit the courthouse and pore through the records. The inconvenience and expense of a trip to the hall of records operated, as a practical matter, to restrict access to the press, commercial users and those with a compelling desire justifying the time and expense. The “practical obscurity” of public records afforded the public a false sense of privacy.

As government embraces the efficiencies and openness afforded by online access, practical obscurity gives way to frictionless access to all manner of personal, though not private, information. Open and less-costly governance, along with improved services, come at the expense of our neighbors’ ability to see how much our home is worth for tax purposes, who holds the note on our car and perhaps even the grounds plead by our ex in that messy divorce. Though potentially embarrassing and subject to misuse, such personal public data has always been available; but, the ease with which it can now be downloaded and aggregated has triggered efforts to restrict access. Security concerns following the tragedies of 9/11 act as a tailwind for such initiatives, at the expense of open government and personal freedom.

Often, notions of privacy are put forward as a surrogate for what people really want: *crime control*. To guard against identity fraud, some seek to characterize identifiers like Social Security or drivers’ license numbers as “private” when they’re not. Instead of trying in vain to suppress access to such information, it would be wiser to blunt their usefulness in criminal activity. Knowing someone’s Social Security number shouldn’t make it easier to access their bank account or secure a credit card in their name.

We live in an information economy. Personal information about us is a commodity that has long been aggregated, analyzed, traded and exploited. Mostly, we benefit from this activity when it engenders lower prices and targeted advertising. When abuses occur, there are a host of legal protections already in place supporting prosecution and compensation. Though the United States has no omnibus legislation covering private use and collection of personal information, a patchwork of laws regulates different types of information. There

are statutes covering consumer credit, educational records, videotape rentals, cable TV viewing, electronic communications, motor vehicle records, drivers' license records and web surfing by minors. In addition to possible violation of laws prohibiting eavesdropping devices, publicizing private matters, publicizing in a false light, or appropriating a person's name or likeness for commercial purposes, cybersleuths can run afoul of state law and federal statutes, new and old, chief among them:

The Fair Credit Reporting Act (FCRA) – Limiting access to credit information, including the locator data contained in so-called “credit headers.” The FCRA establishes a narrow range of permissible purposes for which such information can be obtained and used.

Gramm-Leach-Bliley Act of 1999 (GLB): Regulating the release and sharing of customer data by financial institutions and prohibiting the use of pretext methods (i.e., misdirection) to gain access to financial data. For most consumers, GLB was an incomprehensible blizzard of densely-worded notices accompanied by no discernable benefit.

The Driver's Privacy Protection Act (DPPA): Although riddled with exceptions, the DPPA governs public access to state motor vehicle registration records and driver's license records, limits how recipients of such records may share them and requires the state agency to tell the person whose information is being requested about the request and secure their permission before sharing the information.

Perhaps one lesson of September 11 is that, where privacy is concerned, rights are not absolute. We see trade offs between privacy and national security, privacy and market efficiency, privacy and convenience and privacy and societal interaction. But in balancing private interests and public data, we shouldn't let the bogeyman of criminal abuse scare away the real and significant benefits that flow from online access.

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Chairman: Technology Advisory Committee, 2000-02; CLE Committee 2000-02; Civil Pattern Jury Charge Committee, 1983-94; Council Member, Computer and Technology Section.

CLE Course Director: "Advanced Evidence and Discovery Course 2003;" "Advanced In-House Counsel Course," 2002; "Enron—The Legal Issues," 2002 (Selected as Best CLE of the Year by the Association for Continuing Legal Education); "Internet and Computers for Lawyers," 2001-02; "Advanced Personal Injury Law Course," 1999, 2000; "Preparing, Trying and Settling Auto Collision Cases," 1998;

CLE Planning Committees: "Pretrial Tactics and Techniques for the Experienced Litigator," 1986; "Preparation and Trial of the Automobile Collision

Case," 1988; "Jury Charges - Under Amended Rule 277," an Institute Series, 1989; Advanced Civil Trial Course, 1997.
SBOT President's "Vision Council" on Technology, 1999-2000; Strategic Planning Committee Liaison, 2001-02; Corporate Counsel Task Force 2001-02

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SELECTED LAW RELATED PUBLICATIONS AND PRESENTATIONS

Mr. Ball is a prolific contributor to continuing legal and professional education programs throughout Texas and the United States, as well as to legal publications. He has delivered over 250 CLE presentations and papers, including:

Author: Chapter, "Jury Selection in Construction Site Injury Cases," John Wiley & Sons, 1987; "Bad Faith and D.T.P.A. Claims," 1987, State Bar of Texas; "IT@ The State Bar of Texas," Law Technology News, July 2001; "XP—One Hardy Freight Train," Law Technology News, March 2002.

Author and Speaker: "Closing Argument," 1997; "Offering and Excluding Evidence," 1994, "Jury Charges in Products & Premises Liability Cases," 1989; "Crashworthiness," 1988; "Evaluating and Settling Insurance Claims," 1987; "Computerized Litigation Support," 1996; "Negligence Overview," 1996; "Demonstrative Evidence," 1997-2002; "Internet Discovery/CyberSleuthing," 1999-2001; MYTexasBar, 2001-02; Computer Forensics, 2003; State Bar of Texas, Continuing Legal Education Programs. "Demonstrative Evidence," Personal Injury Paralegal Seminar, 1994 & 1995; "Texas Insurance Bad Faith: First Party Actions," 1994-95; Professional Education Systems, Inc.; "The DTPA in Insurance Litigation," 1989; "Suing and Defending Insurers under the Texas DTPA and Insurance Code," 1990-91; "Presentation of Evidence in Medical Malpractice Actions," 1991; "Causation in Products' Cases," 1991; "Using the Texas D.T.P.A and Insurance Code in Litigation with Insurance Companies," 1992-97; "Demonstrative Evidence: Fresh and Affordable Approaches," 1994-95; "Demonstrative Evidence on a Budget," 1994; "Surprise, We Settled Your Case-- Ethical and Malpractice Considerations in Insurance Settlements," 1995-99, 2003; University of Houston Law Foundation Continuing Legal Education Program. "Demonstrative Evidence in Automobile Injury Cases," South Texas College of Law Continuing Legal Education Program, 1995-96. "Internet 101: Just WHAT is All the Fuss About?," Texas Trial Lawyers Association Technology Conference, 1996. "The Internet for Lawyers Who Can't Set the Clock on their

VCR,” Texas Trial Lawyers Association Technology Conference, 1997. “Informal Discovery Using the Internet,” 1997-99; “MYTexasBar,” 2001; “Top Ten Internet Sites for Litigators,” 2002; University of Texas School of Law Continuing Legal Education Program. “The Internet for People Who Can’t Set the Clock on their VCR,” North Dallas Chamber of Commerce, 1997 and Texas Savings and Community Bankers Association, 1997; also presented to the American Bar Association (1999, 2000), Rotary Club of Houston (1998), the Breakfast Club of Houston (1998), the Texas Society of Certified Public Accountants Financial Institutions Conference (1998, 1999), the County and District Clerks’ Association of Texas (1999, 2000, 2001), the American Bar Association Section of Litigation Annual Meeting (1999), ABA TechShow 2000 and 2003 (Chicago) and LegalWorks 2000, 2001, 2003 (San Francisco), LegalWorks 2000, 2001 (Los Angeles). Demonstrative Evidence; Houston Bar Association program (1999); Demonstrative Evidence; Houston Young Lawyers Association program (2001); PowerPoint 2000, Beyond Bullet Points, Houston Trial Lawyers Association (2000). Cybersleuthing: over fifty presentations nationally, including ABA TechShow 2000, 2002 (Chicago), LegalTech New York 2002, LegalWorks San Francisco 2000-2002, Oklahoma Bar Association 2000, State Bar of Texas Annual Meeting 2001 and Houston Bar Association Appellate Practice Section 2002; Security Considerations for Online Banking Customers; Texas Savings and Community Bankers Association, 2001. Five speeches and papers presented at the Wisconsin Law and Technology Conference 2003 (Milwaukee) and three papers and presentations delivered at the 2002 annual retreat of the Family Law Section of the Florida Bar (Williamsburg, VA). Paper and presentation on “Litigation Technology: Tools, Traps and Tactics” at the Texas Insurance Law Symposium for the South Texas College of Law 2003 (Houston). Paper and presentation on Computer Forensics Electronic Discovery and E-Document Destruction in Complex Litigation for the ABA Section of Litigation Mid-Year Meeting 2003 (Houston).

GENERAL BIOGRAPHICAL INFORMATION:

Craig Ball is the principal in the Houston and Montgomery County law firm of Craig D. Ball, P.C. Mr. Ball is a Board Certified specialist in personal injury trial law and works exclusively on behalf of injured persons and their families. Mr. Ball is nationally recognized as a legal technologist and for his trial work. After completing three majors at Rice University, Mr. Ball graduated with honors from the University of Texas School Of Law. He frequently publishes and speaks about ethics, tort law, technology, trial advocacy techniques, computer forensics and the Internet. Mr. Ball is Immediate Past President of the Houston Trial Lawyers Foundation, Past President of the Houston Trial Lawyers Association and Immediate Past Chairman of the State Bar of Texas’ Technology Advisory Committee. He is a Director of the Texas Trial Lawyers Association. He previously served for eleven years as a member of the State Bar of Texas committee that creates the pattern jury submissions for cases involving products liability, medical malpractice and dangerous premises and currently serves on

the State Bar's Continuing Legal Education Committee and the Council of the Computer and Technology Section of the State Bar of Texas. Craig Ball chaired the Texas Trial Lawyers Association Technology Task Force and served as Webmaster of that organization's first Web site (ttla.com). Mr. Ball is the architect of the State Bar of Texas' trail blazing "MYTexasBar" web portal, the first in the nation to offer a comprehensive set of fully customizable web tools and online legal research, all for free.

Currently, Mr. Ball is serving as a consulting expert for lead plaintiffs' counsel in the Enron/Andersen litigation on matters of computer forensics and data restoration, as well as assisting bar associations in the creation of portal resources to enhance member services.

Mr. Ball's wife, Diana, is also his law partner. They have two children: Elizabeth, 12 and Madison, 10. Mr. Ball has been active in variety of community and public service projects, including Habitat for Humanity, Camp for All, LegalLines, Rice-Cambridge Exchange Program, Harris County Civil Justice Center design team, Rice University Alumni Association, Briargrove Elementary PTO and Dads Club and as a volunteer instructor in web site development for the Montgomery Independent School District. An avid Internet web surfer and technology advocate, Mr. Ball can be contacted via e-mail as craig@ball.net.