



Eight Tips for Searching Courts' Online Record Databases

1. Be Aware Not All Courts Are Online

A surprising number of courts do not have computerized record keeping. Per the latest statistics taken from the **Public Record Research System** (<https://www.brbpublications.com/products/public-record-research-system>):

- 75% of primary* criminal courts offer online access to the docket index (76% of primary* civil courts offer online access to the docket index and 61% of county/parish city recorder offices provide online access).
- 32 states have a state judicial system that provides online access to the docket index, which accounts for 74% of the online courts.
- 26% (over 1,000 courts) of the online courts provide online access via their own proprietary system or via a contracted vendor.

* **Primary means criminal courts hearing felony and high-end misdemeanor cases or courts hearing civil cases higher than small claims.**

But perhaps the key statistic lies in this statement:

A general rule of thumb used by background screening companies and private investigators is that between 1,500 and 1,800 counties of the approx. 3,142 counties and county-equivalents in the U.S. offer online-onsite equivalent court records.

The bottom line is roughly 1/3 of the court online sites are not online-onsite equivalent (see Tip 8 below).

2. Online Searching is Generally Limited to Docket Sheets

Most courts that offer online access limit the search to the docket sheet data - opposed to displaying case file images. But checking a courthouse's computer online docket index is the quickest way to find if case records exist online. Just be sure to check all name variations and spelling variations.

In general, case document images are rarely online, at least for free. The courts offering case images are usually subscription based and often require e-filing of documents. The reality is to obtain case documents one must go on-site in many jurisdictions.

3. Understand the Search Mechanics

Look for any help screens that may offer advice, such as the use of wildcards. If the search lets you input a partial name this will help you find records that may have name spelling variances. For civil cases, the usual reasonable requirement is a defendant (or plaintiff) name – full name if it is a common name – and the time frame to search – e.g., 2002-2022. For criminal cases, the court may require more identification, such as date of birth (DOB), to ascertain the correct individual.

4. Be Aware of Restricted Records

Certain types of case records, such as juvenile and adoptions, are not released without a court

order. Records may also be sealed from view or expunged. The presiding judge often makes a determination of whether a particular record type is available to the public.

Some criminal court records include the arresting officer's report. In some locations this information is regarded as public record, while in other locations the police report may be sealed.

5. Watch for Multiple Courts as Same Location

Do not assume a search is countywide. When the general jurisdiction and limited jurisdiction courts are in the same building and use the same support staff, yes...chances are the record databases are combined as well. But that does not necessarily mean you will receive a search of both databases. Check it out as you may need to perform multiple searches - such as in Virginia.

6. Watch for Overlapping Jurisdictions on Civil Limits

In many states, the general jurisdiction court and the limited jurisdiction court have overlapping dollar amount limits for civil cases. That means cases filed within a certain dollar (such as between \$15,000 and \$25,000) can be filed in either court. Check both courts; never assume.

7. Look for the Lag Time

Depending on the level of due diligence needed, a good searcher needs to know what the time delay is for posting records. Is it a week or more or 24 hours, or in real time? This is important if the search is conducted in connection with a high due diligence need such as with litigation or hiring matters. This is also a factor in judging Online-Onsite equivalency.

8. The Online-Onsite Equivalency Factor

A common practice today for firms involved in court record searching is to try to save \$\$ and/or find an edge over their competition by using online sources instead of an onsite court-based search. That makes sense if the online source is equivalent to the public terminal at the courthouse. But how do you know if the online system is equivalent? There are a number of comparative factors to consider when comparing the results of an online search versus an onsite search.

- What is the **date range** of the records online – meaning how far back do the records go online? For example, online sources do not necessarily go back the same time frame as the onsite search from the same jurisdiction.
- How reliable is the database in terms of **record completeness and accuracy**? In other words: Are all incidents recorded? Are all dispositions updated and recorded in a timely manner?
- How reliable is the database in terms of **geographic completeness and accuracy**? Does the online site include records from all counties? Or are all courts in a county participating in the online access?
- What **identifiers** are provided? Can you match the subject of the search to the record? For example, do you get the full DOB (or at least a partial) in order to match the subject to the record? Will you need to ask the clerk to price an identifier confirm the identity of the subject?
- How strong is the **disclaimer**? Will an online only search hold up in court as being a primary and thorough search?

These are Questions Your Firm Must Answer

- How Do You Measure the Worthiness?
- Do You Cut Corners?
- Do You Monitor or Evaluate Sites
- How Well Will your Results Hold Up in Court?