

INTERNET AND SOCIAL MEDIA RESOURCES FOR A ROBUST PROBATE PRACTICE

Use of Internet Resources in a Modern Probate Practice

As the Internet pervades every nook and cranny of our lives, professionally and personally, there are important resources now available on the Internet that are transforming the practice of law. In the Wills, Probate and Estate Planning area of modern practice, there are many resources to facilitate growing your practice, cutting time spent in research and in particular, helping the “connected” lawyer find and contact heirs, research Judges, local counsel and local rules. The following comprises some resources, currently available, that will help the internet savvy lawyer day in and day out.

Internet Search Engines and Indexes

[Yahoo](#) and [Altavista](#) were two of the earliest attempts to create a “jumping off” spot for the “interconnected web” back in the mid-1990s. Prior to the popularity of the Internet, most people who used a commercial online service used CompuServe, and later America Online in the 1980s and early 1990s. Yahoo was started in early 1994, initially as an internet portal, or doorway to the Internet. Altavista claims to be the first “fully text searchable” database on the Internet, indexing web pages as early as late 1994. [Google](#) has practically taken over the entirety of Internet search, started by two Ph.D. students at Stanford in 1997. Microsoft of course has [Bing](#), which is a robust search engine that very few use. Google is probably the first research site that should be used by anyone conducting Internet research. Google is so ubiquitous, it has even become a verb (“to google” something.)

If you need to search archives, you can start with Google, however there is another interesting resource available that will let you

go back in time, even without a Delorean and Doc Brown. The Way Back Machine www.Archive.org/web/ will give you snapshots of web pages from their earliest incarnations. For example, Google was in beta (i.e. test mode) in November 1998 in one of the earliest WebArchive pages. In some instances, the webpage is operational, allowing searches within the page or access to multiple pages. One might use this site in commercial litigation to see older versions of a company’s webpage, officers or principals, addresses, phone numbers, etc.

[Internet Sleuth](#) and [Virtual Gumshoe](#) are two sites that index a compendium of other web pages that are resources for free governmental and business records. These sites point the user to a multitude of Internet databases for tons of information on individuals and businesses.

Internet Databases

The ability to search databases of information for people, phone numbers, addresses, licenses, etc. have been around for some time, and is a perfect capability for computers and internet searches. The best of these have modest surcharges, though some are quite expensive. Of the more expensive resources, Lexis/Nexis owned [Accurint.com](#) claims to access 37 billion current public records. At one time they charged “per search,” however more recently they have imposed a monthly access fee, whether one utilizes their search service or not, making the service hard to justify for a small practice.

[PublicData.com](#) offers a limited search capability for different states for DMV and Drivers License information (8 states including Texas), voter registration (13 states), unclaimed property (15 states), criminal and registered sex offenders (50 states), Property

Tax records (36 states) and several other categories.

For research into telephone numbers, including cellular telephone numbers, there are several sites which offer those kinds of records. NewUltimates.com is one of several telephone databases that are often hit or miss. WhitePages.com has been useful in the past, then not as much, and more recently potentially useful again. Intelius.com offers research from a variety of public records for a small fee (usually less than \$10 per name).

For genealogical research, including descendants and heirs, Ancestry.com is hard to beat. At \$149/year, this resource is invaluable, as it leverages the research work done by other members to jumpstart any search you may undertake. It's resources include Census Data back to 1840s/1850s for some states, death and burial records, military service, marital and divorce records, as well as resources from other members' photos, family bibles, etc. It has an easy to use interface, along with tutorials and video to aid research and searches. One of Ancestry.com's resources is FindAGrave.com, which has a wealth of information, including actual pictures of many graves. Dates of birth and death can be verified from the comfort of your own computer, alleviating the need to "weed through" records of similar sounding names and relatives. FamilySearch.com offers free genealogical research, as an outreach program of the Mormon church.

"Founded in 1998, Legacy.com collaborates with more than 1,500 newspapers in the U.S., Canada, Australia, New Zealand, U.K. and Europe to provide ways for readers to express condolences and share remembrances of loved ones." This is the go-to website for obituaries, with online records going back for fifteen to twenty years, and in some case much earlier. These obituaries can be very helpful in locating spouses and other heirs,

date of death and often includes pictures of the decedent.

Social Media

The rise of social media pages probably began in the United States with MySpace.com, though it is essentially moribund and passé now. From 2005 until 2008, Myspace was the largest social networking site in the world, and in June 2006 surpassed Google as the most visited website in the United States. Twitter was created in March 2006, and is somewhat unique in that it allows posting of thoughts, quotes and other musings, limited to 140 characters at a time. In April 2008, Myspace was overtaken by Facebook in the number of unique worldwide visitors, and was surpassed in the number of unique U.S. visitors in May 2009. It is THE largest social media company in the world, expanding it's lead by a strong referral network of active users (1.8 billion as of 8/15) and acquisitions of smaller companies that it folds into Facebook (i.e. WhatsApp, an international messaging service, which was acquired by Facebook along with it's 900M users in early 2014 for \$16B). Google+, a social platform started by Google has struggled to achieve any kind of traction, and is not widely used at all in late 2015.

Governmental Resources

The federal government offers a number of database indexes and portal websites which facilitate research into statutes, case filings, pleadings, and general information on a multitude of topics. For federal court cases, the PACER system is a fantastic resource. PACER is an acronym for "Public Access to Court Electronic Records," and it is aptly named. There are minimal costs and one must set up an account with login credentials and a payment source to fully utilize the resources. The [Federal Census Bureau](http://FederalCensusBureau) maintains a portal with a wealth of information at census.gov, which can be used to research all manner of demographic statistics for the United States

populace. The [Social Security Administration](#) maintains a site at SSA.gov with access to forms, contact information for local offices and their hours and FAQs (frequently asked questions with answers) for many commonly searched issues.

[The National Archives](#) maintains an excellent portal at Archives.gov that allows research into archival databases on genealogy, military personnel, business, books, photographs, wars or even centuries. This is easily the most dangerous website for curious minds, as one can spend minutes or days crawling through virtual blackholes of information.

On the state side of government, District Clerks' offices throughout each state provide access to pending cases. The [Harris County District Clerk](#), Chris Daniel maintains an excellent site for research on pending and archived cases going back at least twenty years. Corporate and business information is usually filed with the Secretary of State for each state where a business entity is registered to do business. In Texas, [SOS Direct](#) maintains an excellent fee-based site for research into corporate filings, assumed names and other business entities chartered or registered to do business in Texas.

For states other than Texas, the National Association of Secretaries of State ([NASS.org](#)) provides similar information to SOS Direct, most of which is free. When suing corporate defendants, the SOS sites will provide correct legal names and registered agents for service of process.

Finally, the various state Boards of Medical Examiners/Nursing provide information on registered physicians and other healthcare providers, useful in obtaining medical records, disciplinary history and other information for suing and serving medical professionals. In Texas, the [Texas Board of Medical Examiners](#) allows research into specific doctors, acupuncturists and physicians assistant. The Texas Board of Nursing maintains a separate

site for similar information at [BON.Texas.gov](#).

How-to Sites

If you have ever wanted to learn how to do *anything*, there are now several internet resources that will practically spoon-feed you, step-by-step the skills you will need to master all kinds of tasks and hobbies. [Lynda.com](#) and [YouTube](#) are the best of these sites. Guitar and piano lessons abound, but there are also tutorials for building your own website, making a PowerPoint presentation, setting up your own home network and if you are brave enough, setting up a computer server to serve files, movies or music to all of the computers on your computer network. Lynda.com specializes in, but is not limited to technological skills. As an example, Lynda lists 1,374 courses and nearly 54,000 video tutorials under the business courses heading. These listings include courses in Business Skills, Career Development, Communication, Productivity and Leadership. Under this same heading, it lists fifty-four courses in word processing. In similar manner, YouTube offers video tutorials in thousands of skills, from repairing a toilet to SCUBA diving to performing the lead guitar solo in Van Halen's "Eruption," note-by-note.

Lawyer and Probate Resources

For anything and everything relating to lawyers, [Lawyerist.com](#) offers articles on various subjects, including trends in law school admissions, website makeovers and practice management. There are podcasts and web tutorials on technological topics, ethics, and even how to install browser extensions in your favorite Internet browser.

For probate lawyers in Texas, there is no better resource than [TexasProbate.com](#). This site, maintained for many years by Austin probate lawyer Glenn Karisch, is not only a good source for changes in Texas probate law, but also offers forms, best practices in

drafting and execution of Texas probate documents. When the Texas legislature makes changes to statutory language which touch or concern probate or estate planning, this site offers updated forms with the new language, clearly labeled and available in Microsoft Word and Adobe Acrobat formats.

[Avvo](#) and Martindale-Hubbell offer portals which facilitate searching for and finding qualified probate lawyers. Avvo and [Lawyers.com](#) (which is owned by Martindale-Hubbell) offers users the ability to post questions and have lawyers provide answers. From their Wikipedia site, “In October 2013, Reed Elsevier entered into a joint venture with Internet Brands, LLC, which was completed in March 2014, resulting in the combination of Martindale-Hubbell, Lawyers.com and Internet Brand’s Nolo legal division to create the largest online legal network. The joint venture operates under the name of Martindale-Hubbell.”

The Avvo site is particularly slick and easy to use. Both Avvo and Martindale-Hubbell provide reviews and ratings for lawyers as well, which *may* provide some guidance for engaging a qualified probate attorney.

Ethics in Use of Private and Public Information

Finally, once you have read the paper, watched the PowerPoint and picked up a new skill at a video tutorial site (Van Halen, anyone?), the question may turn to exactly what you can or should do with the information obtained online. Online access of information that is often kept private does not mean that you cannot use the information in your law practice. Having said that, some private information is protected by statute, and some sites, in particular PublicData.com will limit the scope of information that it will disclose depending on the purpose of your search. Oftentimes however such limited information may be available under a different

search engine without such restrictions. Though sometimes helpful, the disclaimers that often accompany some websites do not necessarily limit or license the commercial use of the information found on the website. More importantly, the careful practitioner will follow the guidance of his Disciplinary Rules and if necessary, consult with a State Bar staff attorney on questionable uses of information obtained online. Though difficult and expensive to bring, libel causes of action still exist under Texas law, so be careful out there.



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Byron is a trial attorney admitted to the State Bar of Texas in 1990. He is also admitted to practice before the Fifth Circuit United States Court of Appeals and the United States District Courts for the Northern, Southern, Eastern, and Western Districts of Texas. He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization, and has served as a Director for the Houston Trial Lawyers Association and a member of the Association of Trial Lawyers of America, the Texas Trial Lawyers Association, the College of the State Bar of Texas and the Houston Bar Association.

Byron has been a published contributor to *The National Law Journal*, *Texas Lawyer* and other publications regarding personal injury, medical malpractice and computer litigation. His firm, THE BARCLAY LAW FIRM, has successfully represented many clients in personal injury and commercial litigation matters. Byron has been married to his wife, Rhonda Guest Barclay, for the past twenty-eight years. They have three

children, Meaghan Alice (23), Brooks McKeithen (21) and Anderson Elizabeth (16). Byron and Rhonda are both 1986 graduates of Texas A&M University. Byron is a member of the Sigma Chi (ΣX) fraternity. Byron graduated from South Texas College of Law in 1990. They are members of St. Luke's United Methodist Church, where Byron was a member of the Board of Stewards and a founder and leader of the St. Luke's Legal Fellowship.

Because Byron took the Bar exam in February, prior to graduating from law school in May, his law license admitting him to the State Bar is dated one day prior to his diploma from South Texas College of Law, proving that for him, he was a licensed lawyer prior to his graduation from law school.