

# Key Tips in Selecting a Courthouse Researcher:

## *Be Sure to Do Your Research*

By W. Barry Nixon and  
Michael 'Mike' Sankey



## What is a Courthouse Record?

*A courthouse record is a document or set of documents that are resident in in local, state or federal court depository that contains a record of a person's criminal, civil and/ or domestic record that pertains to the individuals legal case(s) that have been handled by the court.*



**W**hile it may be true that the World Wide Web has made it possible for individuals and businesses to conduct their own research on any topic, it is important to remember that more than 25% of state and county government agencies do not provide public records online. In fact, according to BRB Publications, Inc., most free government public record name search sites contain no personal identifiers beyond the name, which can be a problem when researching a common name. In addition, the searchable and viewable information found online is often limited to name indexes and summary data rather than document images. So, what is a business or human resource administrator to do?

They are considered, by some, to be the most critical part of the background check process, often determining true hiring status and serving as the saving grace for avoiding lawsuit. In fact, according to Vince Brodt, Vice President of Client Experience for SJV & Associates, “if the court researcher says something based on what is documented directly at the court, then that is very often viewed as iron-clad and bullet proof.”

Brodt, a 15-year veteran of the background screening industry, has hosted educational sessions on the sole topic of selecting a competent courthouse researcher. SJV; Lighthouse Information Services, Inc.; Innovative Enterprises, Inc.; and Baxter Research all served as panel members during one of these educational sessions. This “Who’s Who” of courthouse researchers revealed valuable insight for buyers in the process of determining who will conduct primary source verification.

A key player in the screening process, Michael Sankey,



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former Director of the Public Record Retriever Network, said the courthouse researcher is often hired to search for or obtain documents for specifically requested categories of public records at local government agencies, such as courts or recorder’s offices. The services of folks in the courthouse researcher profession also are provided for investigation work or assisting with issues involving lending, litigation or legal compliance. Considered a link in the information chain, researchers do more than review or interpret the results of public records. Instead, they return search results or copies of file documents based on instructions from clients, who package this information with other content to create finalized reports or investigations.

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There are a number of research companies that specialize in offering statewide or national coverage, Sankey said. These larger firms often hire local researchers as independent sub-contractors in order to provide this wider network coverage.

But how can one be sure that the courthouse researcher to be hired is competent in the jurisdiction for which assistance is needed?

Brodt recommends focusing on speed, accuracy and cost. “A quality-driven product for court research – and all of background screening – is one that addresses and optimizes this holy trinity of areas,” he said. It is not out of line to ask for data surrounding these points and then pursue further testing to ensure the data holds up prior to assigning a researcher any live work.

Two additional points of emphasis surrounding testing are search scope and reporting guidelines, Brodt added.

“You need to ensure that your preferred search scope – seven years, ten years, unlimited years, etc. – is taken into consideration when evaluating the researcher’s data they provide you prior to testing,” he said. “Also, what search scope will you request of them during testing, versus once they begin processing live work for you? It’s better to align this right away, rather than trying to ‘stump’ the researcher with a limited search scope during testing, only to then turn around and ask them to provide you everything once they pass the initial, limited scope, test.”

Lyndon Wilson, GAPRS, LLC., added several other critical points of emphasis surrounding testing a courthouse researcher; reporting guidelines and which actual courts the researcher is to visit to conduct a search.

It’s important to know and communicate your specific reporting guidelines to the researcher. Besides the question of the time scope (such as seven or ten year scope of work time frames), also of importance is whether in addition to felony and misdemeanor type cases you also want traffic, infractions, or violations to be included, and what minimum number of subject personal identifiers is needed for a



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record match. Also, because criminal records are many times spread among several different levels of courts and locations, it’s imperative to ascertain from the researcher exactly which courts they regularly frequent so as to obtain a true ‘apples to apples’ comparison with your existing test data.

In addition, said Vic Evans, vice president of Crime Finders, Inc., confirming the validity of the prospective vendor to be a wholesaler in the early steps of choosing a researcher will drastically improve on these three important elements in the selection process. A true wholesaler, not a middle man who outsources all of their research to another vendor, he said, will have control of all of the elements.

But first and foremost, said Rachid Zahidi, Sentinel Data Retrieval, LLC, reputation matters.

“In friendships and professional life, it matters who you associate, and are seen with, same principle applies when selecting vendors and partners who will help you best serve your clients,” Zahidi said. “Your vendor needs to have as much skin in the game as you do and should care about their reputation and brand as much as you do about yours.”

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**B**ut in order to ensure all of these key points are in alignment, it is important to ask questions – and lots of them, Sankey said. Confirming the individual’s local experience will help buyers make an informed decision regarding his or her ability to obtain the necessary information from the correct government agencies. The investigator’s relationship with the government agency and the ability to interpret provided data is critical in experiencing a positive experience with any courthouse researcher.

“A competent courthouse researcher will know how long a client’s project will take and if there are any ways to expedite the process, in addition to understanding any pitfalls that may be involved in obtaining the needed information,” Sankey said. “Those who work in the profession should adhere to honest and ethical practices, only conducting searches of records that are legally available and maintaining records in strict confidence.”

It is extremely important for an employer to first understand what it is they are seeking when they are looking to hire a courthouse researcher. This will make it easier to communicate needs and expectations and avoid major misunderstandings between clients and researchers.

Employers should first determine the types of records that need to be searched. Simply requesting a criminal record search does not specify if there is a need for both felony convictions and misdemeanors, which often are located at different courts or even multiple courts around the county.

Brodts considers this one of the top three factors that companies should consider in selecting a courthouse researcher. He recommends asking the following questions prior to sharing information: Is the court researcher simply providing everything the court makes available to them, or are they being asked to apply special filtering



### **Is the court researcher simply providing everything the court makes available to them, or are they being asked to apply special filtering to results on cases?**

to results on cases? Are they being asked to detach certain cases based on their age or sentencing status? Will these guidelines be provided in writing, in a formal contract the court researcher can evaluate and make part of testing to ensure they are meeting expectations?

Brodts added, “Believe it or not, many groups do not make this distinction and it’s the most important item to get clarity on prior to exchanging data.”

But there is one more factor that often gets buyers into trouble when selecting a courthouse researcher. According to Brodts, the top pitfall that companies makes in selecting a researcher is making a buying decision based solely on price, without seeking to gain any insight into data points, such as speed, accuracy, cost, search scope, and reporting guidelines.

“Simply looking at cost per unit, without understanding what each unit represents individually and at scale, is a guaranteed recipe for buyer’s remorse every single time,” he said.

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Whether it's buying a car or selecting a courthouse researcher, surprise fees are never acceptable. Asking for a reasonable estimation of the total fee is not too much to ask for, as those who have had the most experience have a full understanding of the costs associated with copy fees, certification fees and other necessary processes.

James W. Mohrmann, Director of Operations, Mohr Information Services, LLC, warns that cheap is not the way to go when it comes to selecting a courthouse researcher.

“Making a decision based solely on price – a lot of labor goes into researching and reporting court records,” he said. “The lowest price doesn't mean the best product.”

Considering the role of the courthouse researcher is to provide accurate data regarding sensitive topics, it seems to make sense that the research first begins within the business. Understanding the role of the courthouse researcher, documenting the specific needs



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of the business regarding the researcher's role and prompting plenty of questions is the only way to ensure a competent person has been hired for this critical role in the background screening process.

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## About the Authors



**W. Barry Nixon, COO,** PreemploymentDirectory.com, publishes The Background Buzz, The Global Background Screener, Annual Suppliers Buyers Guide, Annual Industry Resource Guide and In Search of Excellence in Background Screening: Best Practice Insights from Accredited Background Screening Firms.



**Michael Sankey** was the founder and former CEO of BRB Publications, Inc. and former Director of the Public Record Retriever Network (PPRN). Michael had more than 40 years of experience in research and public record access. In 2018 he received the initial 'Life Time Achievement' Award from NAPBS.

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To learn more about background screening practices and to find a Courthouse Researcher visit PreemploymentDirectory.com and <http://www.prrn.us/>