DOSSIER

vacai n home

Credit history

wife and kids

portfolio

lawsuits

cars and boats

neighbors

social security number

Internet maven Alex Kozinski volunteers his

The Annotated Annotated Alex

identity to test personal information databases.

Internet databases are fast becoming this country's fear of the month, the subject of scare stories in the *New York Times* and concerned punditry by university professors. Consumer dossiers constructed from the information are viewed either as a means of mass social control or just an irritating side effect of electronic global democracy.

For lawyers, however, the databases can be awfully useful for electron performing basic discovery, conducting due diligence, checking enterpolated performing basic discovery, conducting due diligence, checking enterpolated performance with the properties of the phone link. Some information providers charge nominal gatekeeper fees. Others will conduct customized electron electron performing basic discovery, conducting the provider of the phone link. Some information providers charge nominal gatekeeper fees. Others will conduct customized online searches for attorneys who provide bar numbers and, in the provider of the phone link.

some cases, sign up for membership.

The key questions for any would-be investigator is what personal information is available and how reliable is it. To find out, we recruited a volunteer subject: Alex Kozinski—Ninth U.S. Circuit Court of Appeals judge, CALIFORNIA LAWYER advisory board member, and Internet aficionado. Waiving his right to privacy under the state Constitution, Kozinski permitted us to compile an electronic dossier, primarily by combing Internet databases.

James Evans, our Legal Sites columnist and also a reporter at the San Francisco Daily Journal, first located data that was available for free. He then requested additional information from gatekeeper services, paying nominal fees. Finally, CALIFORNIA LAWYER ordered complete database searches from two major firms.

We then showed Kozinski a printout of the dossier for his reaction. Would he be horrified at the amount of personal information

available, or pleased at how much of his life was still private? Was the electronic dossier current and accurate, or littered with old and false information? His response is on page 37.

What follows is the Annotated Alex, complete with Internet addresses of the services that provided the information (we've obscured or merely named the kind of data for some of the information retrieved, for obvious reasons). But be forewarned. We called a sampling of Northern California's best private investigators for their assessment of our findings. Though obviously arguing from economic self-interest, the PIs were generally unimpressed with our results.

"We use proprietary databases but never use the Internet," says Jack Palladino of San Francisco's Palladino & Sutherland. "Much of what you get online is junk-I've often found the information is out of date and contains errors. It's even hard to tell if you have the right subject. The most useful thing [public access searches] can do is lead you to the person who can help you. There is no substitute for shoe leather."

"Investigating someone online is fraught with hazard," adds David B. Fechheimer of San Francisco. "It's a little like being lost in the woods. Without a reference point you go in circleswhich is often what happens to people working at a keyboard."

And Josiah "Tink" Thompson of San Francisco comments, "The stuff you have is pretty elementary. For what you provided, I would charge \$150-and I don't do 150-buck investigations. The first rule of record search is to know exactly what you have searched—name of the database, time period of the data. It's difficult to get those sorts of things online."

Indeed, the categories of missing information from Kozinski's electronic dossier are staggering: no financial records or credit history, tax records, driving records, or voter registration data. Two old civil suits noted on the public databases fail to include updates on the status or resolution of the cases.

State and federal privacy laws account for many of the gaps. Much of the retrievable data comes from local governments, which are unimpeded by privacy laws and gladly sell information to commercial vendors. The dossier, however, includes nothing about Kozinski's well-known idiosyncracies—his notoriety as a Nintendo game reviewer, his interest in bungee jumping, his avocation as a magician, even his second career as a Wall Street Journal columnist. The result is at most the bare outline of a profile, a connect-thedots sketch that could be seriously distorted by variations in the age and accuracy of the information points.

Nevertheless, Thompson says database searches can be a quick and inexpensive way to begin a profile. "You can do a lot without leaving your office," he says. "And that creates all sorts of efficiencies for routine investigations such as background checks for employment. Ultimately, though, you're back to where you were 50 years ago. You have to go out and talk to people."

—Thomas Brom and Michele Marcucci



I. Internet Databases: Open Access, No Charge

KOZINSKI, ALEX

DOB: September 23, 1950

SEX: Unknown RACE: Unknown **HEIGHT:** Unknown WEIGHT: Unknown DRV LIC: Unknown

Residential address:

Beverly Hills 90209, 90210

Moonridge

Big Bear Lake, CA 92315

Phone:

Internet addresses:

kozinski@mizar.usc.edu kozinski@bcf.usc.edu LQND10A@prodigy.com

Current organization: U.S. Court of Appeals for the Ninth Circuit High school: Baltimore Polytechnic Institute; John Marshall High School, L.A.

The Residence of Property of

College/university: UCLA, B.A. Economics, 1972; UCLA School of Law, 1975

Biographical sketch: Judge Kozinski was appointed U.S. Circuit Judge for the Ninth Circuit on November 7, 1985. Prior to his appointment to the appellate court, Judge Kozinski served as chief judge of the U.S. Claims Court, 1982-1985; special counsel, Merit Systems Protection Board, 1981-1982; assistant counsel, Office of Counsel to the President, 1981; deputy legal counsel, Office of President-Elect Reagan, 1980-1981; attorney, Covington & Burling, 1979-1981; attorney, Forry Golbert Singer & Gelles, 1977-1979; law clerk to Chief Justice Warren E. Burger, 1976-1977; and law clerk to Circuit Judge Anthony M. Kennedy (now a U.S. Supreme Court Justice), 1975-1976. He received both his A.B. degree (1972) and J.D. degree (1975) from UCLA, where he graduated first in his law class of 300. He served as managing editor of the UCLA Law Review. With his parents, Alex Kozinski at age eleven emigrated from Romania to the United States in 1961. In his adopted country he was captivated by American television and the opportunities afforded through Western capitalism.

Above data compiled from the following Web-based locator search engines:

National Address Server, U.S. Postal Service

(http://www.cedar.buffalo.edu/adserv.html)

Excite People Finder

(http://www.excite.com/Reference/people.html?a-k-t)

Four 11 (http://www.Four11.com/)



Switchboard

(http://www.switchboard.com/bin/cgiqa.dll?MG=)

Internet Address Finder

(http://www.iaf.net/)

Alta Vista

(http://www.altavista.com)

HotBot

(http://www.hotbot.com)

Internet Law

(http://www.internetlaw.org/kozinksi.htm) [sic]

Federal Election Commission

(http://www.tray.com/fecinfo/zip.htm)

EDGAR Database

(http://www.sec.gov/edgarhp.htm)

(http://gsionline.com)

(http://edgar.disclosure.com/ea/)

DejaNews

(http://www.dejanews.com)

(References to rulings, speeches, media profiles)

II. Internet Information Services: Open Access, **Nominal Fees**

Residential address:

Beverly Hills, CA 90211-1611

Phone:

Office address:

Pasadena, CA 91105

Phone:

Litigation:

Civil case number: WEC 114407, Santa Monica

Filing date: 06-19-87 Los Angeles, CA

Defendant(s): Cantor, Jean Louise

Plaintiff(s): Kozinski, Alex; Tiffany, Marcy

Civil case number: WEC 85592, Santa Monica

Filing date: 03-01-84 Los Angeles, CA

Defendant(s): Barza, Harold A., et al

Stock ownership records: No records found FAA aircraft records: No records found USCG watercraft records: No records found

California bankruptcies, liens, judgments, and notices of

default: No records found

California DBA records: No records found

California vehicle ownership search:

Reg valid from: 12/31/96 to 12/31/97; LIC#: 9718GL YRMD: 79 Make: Westerner BTM: Vessel; VIN: WBCE04280379; Sold: 06/13/94 CLAS: AW; Type: V1: VEH 82; Body: R; Powr: G LOCD: 3; HULM: P PRPL: N FEET: 018 INCH: 00; Owner: ISS: 07/18/95; REG ISS: 11/10/96

County Superior Court criminal filings: No records found

MY DIGITAL EXAM

Waiting for the results of an Internet search is sort of like sitting in a proctologist's waiting room. Sure, I've led a clean and blameless-some might even say dull-life. Sure, I've avoided controversy and eaten my bran every day. And, of course, those FBI guys burrowed into every nook and cranny when I went through my various confirmations. Still, you never know what's out there.

Naturally, I had done my own database search and come up with absolutely nothing. But maybe I had been too restrictive by limiting the search to "Kozinski" w/in 5 of "brilliant" and "Kozinski" w/in 5 of "future Supreme Court Justice." Now the pros would have a go at it and, who knows, maybe they'd find out about that parking ticket I paid late once. Gulp.

But I need not have worried. Not only did the search fail to find anything that wasn't already on public record, it didn't find a lot of things that were—and it even got a few things wrong.

First the omitted stuff. If you look at the portrait of me drawn by the report, you see a most peculiar person: I own a boat (true) but no cars (false, I have two). I am married (true) but have no children (false, false, false). I own four parcels of real estate (true in part-I own three) but have no other assets (false, as a review of my financial disclosure form reveals). According to the reports I have no friends, no past addresses, and belong to no synagogue or clubs, which is surprising since various articles about me in magazines such as George and American Lawyer say that I do.

Second, the wrong stuff. My wife is listed as United States Trustee in Los Angeles, which was her job for many years. However, on September 19, 1997, about a month before the search was done, she left to become general counsel of Hughes Electronics Corporation. No doubt future searches will reflect that, but it's comforting to know the databases don't update all that promptly.

They also got my birthday wrong.

The report did pick up one item that was news to me: I was listed as a defendant in a civil suit filed in Santa Monica in 1984. The name of the plaintiff is not listed, and I have no idea what the case is (was?) about, except that other defendants were members of a law firm where I had been an associate in the late '70s. At the time the case was filed I was living abroad (Washington, D.C.), and perhaps for that reason I was never served.

It's odd that this lawsuit turned up but not the many others where I've been a defendant because of atrocities I've committed on the bench. Maybe it's because all those lawsuits were in federal court.

Finally, of the things the reports discovered, some were uncomfortable: They found my home address and phone number and my mother's phone number (unlisted). They got the names of all my neighbors, most of whom I don't even know myself. Worst of all, they got my Social Security number, which can be a source of real mischief. Fortunately, they didn't get my mother's maiden name. It's Yamaguchi.

-Alex Kozinski