

BUSINESS & CAREERS

Use a few keywords to find Internet gold

Ever wonder how easy it is to research people using the Internet?

“Several years ago, default privacy settings on social networking sites were set to no privacy,” says Brian Vail, an Edmonton-based partner at Field Law. “It was a gold mine.”

A gold mine, that is, for litigators who research people involved in their matters. Opposing clients, their own clients, opposing counsel, jurors, witnesses, judges — the Internet can provide invaluable information on them



HI-TECH

**LUIGI
BENETTON**

all to search-savvy lawyers, much of it coming from the subjects themselves and their social network posts.

Omar Ha-Redeye believes researching opposing counsel is becoming the norm. “Every time I open a file, I get hits on my web-

site from the opposing counsel firm’s IP address.”

Try the following tips on searching the web for useful information on people involved in your cases.

Google is still tops for searching. It finds images, news, blogs and other types of online media tagged with a person’s name. Social network postings often rank high in Google results as well.

You may need to tweak searches to elicit better signal-to-noise ratios. For instance, if

you’re looking for John Smith, throw in other search criteria, such as a company name, position or work address.

Once you create an effective search, turn it into a Google Alert to receive e-mails as results appear.

To research opposing counsel and other professionals involved in a matter, join LinkedIn first.

You can expect to find multitudes of lawyers on LinkedIn, the “business” social network. Finding people should be straightforward: LinkedIn enables searches by

name, company and professional interests (via LinkedIn groups) among other criteria.

Once you join, start building your network by connecting to people you know. Ha-Redeye says that between his 3,500 Facebook connections and 2,000 LinkedIn connections, he can get a good sense of social circles, political affiliations, and sometimes even hobbies for most people under 40 in Toronto, just by looking at connections they have in common. “Lawyers who don’t use social media simply will not be able to obtain these insights.

On Facebook, people post vacation photos and share details about their “club life and things they would not share in networks like LinkedIn,” says Monica Goyal, founder and CEO of online service My Legal Briefcase.

Caveat: Stuart Rudner, who works with HR professionals in employment law, advises them to take Facebook findings with a grain of salt. “You don’t always have control over what’s posted about you,” says the Markham, Ont.-based partner in Miller Thomson LLP’s labour and employment group.

Rudner says that, since Twitter is a fairly casual medium, lawyers can glean a tweeter’s family, hobbies, views on politics, business and so forth.

Twitter is not as popular as LinkedIn or Facebook. “There’s a certain class of people who use Twitter: tech people, media people, celebrities, business people,” Goyal says. She also says that tweeters may use aliases on Twitter, which makes their Twitter streams more difficult to find.

WestLaw, CanLII, QuickLaw (owned by LexisNexis, which also owns *The Lawyers Weekly*) — these and other such resources can offer information on people who will participate in litigation. For instance, lawyers can use these resources to learn how certain judges dealt with issues in the past, as well as the expertise and experience opposing counsel bring to the case.

Try online courthouse records, where available. “I had one case where my client rear-ended somebody on a right turn at a particular intersection,” Vail recalls. “The plaintiff here was also the plaintiff in 14 previous cases, all rear-enders, all at that intersection. This suggested that the accident was staged and my client was sucked into it.”

“I encourage my clients to Google themselves before coming to examinations for discovery or court proceedings,” says Eric Magraken, a Victoria-based partner at MacIsaac & Company. “Litigants need to know what people can learn about them

See **Search** Page 22

ANNOUNCEMENTS



Lawyers’ Professional Indemnity Company

The LAWPRO Board of Directors is pleased to announce the appointment of Susan T. McGrath as Chair of the Board.

Since her call to the bar in 1979, Ms. McGrath has been a very active member of the legal community. She has served as president of her local law association, the Ontario Bar Association and the Canadian Bar Association. As well, she has contributed in many capacities on committees and task forces of these and other legal associations.

As a bencher of The Law Society of Upper Canada since 2007, Ms. McGrath has served on numerous Law Society committees dealing with issues such as access to justice, professional development and competence of the profession, government relations, and the Law Society’s compensation fund. She is well-respected for being an advocate for sole practitioners/small firm lawyers and those working in remote areas.

Ms. McGrath currently practises as a sole practitioner based in Iroquois Falls.

LAWPRO provides malpractice insurance and risk and practice management programs to more than 23,500 Ontario lawyers, and title insurance in all Canadian jurisdictions. LAWPRO’s TitlePLUS title insurance program is the only all-Canadian provider of title insurance in the market today.



Daniel E. Pinnington



Raymond G. Leclair

Lawyers’ Professional Indemnity Company

LAWPRO President & CEO Kathleen Waters announces the appointment of Daniel E. Pinnington as Vice-President of LAWPRO’s newly created Claims Prevention and Stakeholder Relations Department and Raymond G. Leclair as LAWPRO’s Vice-President, Public Affairs.

As director of practicePRO for the past 11 years, Mr. Pinnington built LAWPRO’s risk management program into one highly regarded within the legal community in Canada and the U.S.A. He has served in many roles at all levels of the Ontario, Canadian and American bar associations, and is a frequent speaker and writer on risk management, technology and law practice management issues.

Mr. Leclair joined LAWPRO in 2008 as Vice-President, TitlePLUS and in 2011 was appointed LAWPRO’s Vice-President, Public Affairs on an acting basis. He has served in senior capacities with the real property sections of the Ontario and Canadian bar associations, as well as representing the interests of the real estate bar on numerous task forces and working groups.

LAWPRO provides malpractice insurance and risk and practice management programs to more than 23,500 Ontario lawyers, and title insurance in all Canadian jurisdictions. LAWPRO’s TitlePLUS title insurance program is the only all-Canadian provider of title insurance in the market today.

BUSINESS & CAREERS

Ethics still apply online

Search

Continued From Page 21

using a quick Google search.”

Your clients can maximize social network privacy settings and not post anything about their cases. They should not delete postings or deactivate accounts.

If you think opposing clients might remove material from the web, *Sparks v. Dubé* (2011 NBQB 40), a case Vail describes as “probably the bible on this matter,” enables counsel to conscript opposing counsel to ensure preservation.

Archives, such as the Wayback Machine, store much (but not all) of the web’s content and keeps it even after the owner deletes the original version. It’s worth a visit if you suspect information might have been deleted.

If an action isn’t unethical in the “real world,” it’s just as wrong online. However, online behaviour that crosses the line, such as friending an opposing litigant on Facebook, may be very easy to do and difficult to detect.

“Many people accept others as Facebook friends even if they don’t know who they are,” says Vail, author of the report *Stupidity In E-Space: Social Networking Sites And The Law*. “To communicate directly with the opposing client without counsel present is unethical, whether you do it using Facebook or email or just meeting with them.”

Don’t be afraid to ask for help from the search-savvy. Other lawyers have approached Ha-Redeye for advice on online research, and Vail calls on paralegals at his firm. “I’m constantly amazed at what they find,” he says.

Don’t limit searches to just what’s in this article. The web is a huge mine of information, and this article is but an entrance tunnel. If you learn of other promising avenues, try them out.

From YouTube videos showing “mobility-impaired” insurance claimants dancing to Foursquare profiles listing places a person frequents, the edge you seek could be a click away. ■



Job Posting – General Counsel

Trimel Pharmaceuticals Corporation (TSX:TRL) is a unique specialty pharmaceutical company actively developing medications for Men’s Health, Female Sexual Health, and Respiratory Disorders.

Trimel Pharmaceuticals is seeking a Lawyer to join its head office in **Mississauga** as **General Counsel**. Reporting directly to the CEO, you will be responsible for the day-to-day oversight of the company’s legal and compliance responsibilities. As a member of the executive team, you will be involved in the company’s overall governance and strategy and will work closely with senior management and directors of Trimel Pharmaceuticals, its subsidiaries and other stakeholders to fulfill business and corporate objectives.

The ideal candidate will have broad experience encompassing the following areas; **corporate governance of public corporations, securities law, capital markets and corporate financing, intellectual property management, general contract review and negotiation, and management of external counsel**. Experience working in the pharmaceutical industry would also be considered an asset. With a competitive compensation package, this is a very attractive executive-level position with great opportunities for leadership, professional growth, and rewarding new challenges.

hr@trimelpharmaceuticals.com
www.trimelpharmaceuticals.com



Toronto, ON

The Ombudsman is an independent and impartial Officer of Ontario’s Legislature. The Ombudsman investigates the administrative conduct of provincial government organizations. The Ombudsman is also responsible for investigating complaints that the municipal open meetings law has been contravened.

INVESTIGATOR REF# 12/13 - 01 (2 - Twelve Month Contract Positions)

The Ombudsman’s Office is currently seeking applicants for opportunities that are available for the position of **Investigator**. The requirements for this position are:

Education: University degree in a field related to one of the following: law, social science, political science, psychology or public administration or an equivalent combination of education, training and experience.

Experience: Proven and demonstrated recent experience (within last three years) in administrative and similar investigations in an oversight function.

Salary Range: \$73,116 - \$91,396

Please view full position details at www.ombudsman.on.ca (About Us- Careers)

Note: This is a unionized position.

EARLY RESOLUTIONS OFFICER REF# 12/13 - 02 (1 – Six Month Contract Position and 2 – Twelve Month Contract Positions)

The Ombudsman’s Office is currently seeking applicants for opportunities that are available for the position of **Early Resolutions Officer**. The requirements for this position are:

Education: Post secondary education in the social sciences or in a related field or an acceptable combination of education and experience.

Experience: Minimum of 2 years of recent experience in providing intake, complaint handling and resolutions services along with referral information in an Ombudsman or similar type organization.

Salary Range: \$62,971 - \$78,715

Please view full position details at www.ombudsman.on.ca (About Us- Careers)

Note: This is a unionized position. New hires will be paid at the starting rate of \$62,971.

Interested candidates must submit their application outlining how their skills and abilities meet the requirements of the position, along with an up to date resume to:

Office of the Ontario Ombudsman
Human Resources
Bell Trinity Square, 483 Bay Street, 10th Floor, South Tower
Toronto, Ontario M5G 2C9
Fax: (416) 586-3400, Email: careers@ombudsman.on.ca

All applications must be received by June 22, 2012.

Please Note: Only applicants selected for interview will be contacted. Moving expenses will not be paid.

Vice-President, Legal Services & Vice-President, Compliance

OPPORTUNITIES TO MAKE A REAL DIFFERENCE

At **Ontario Lottery and Gaming Corporation**, you will join one of Ontario’s leading crown corporations during an exciting phase in its history. OLG’s lotteries, casinos, slots, and resort casinos generate support for Ontario’s hospitals, amateur sport, recreational and cultural activities as well as communities.

OLG is currently modernizing lottery and gaming in Ontario by becoming more customer-focused; expanding the regulated private sector delivery of lottery and gaming; and renewing OLG’s role in oversight. At the same time, OLG is launching an innovative iGaming (internet gaming) option for Ontarians. Additionally, in communities across Ontario, charitable gaming organizations are also undergoing substantive modernization to make their offering more compelling while raising funds for local community groups. OLG provides world-class entertainment for its customers and is focused on integrity, accountability and social responsibility.

The Corporation is looking for forward-thinking lawyers, inspired by OLG’s emphasis on reasoned and innovative legal oversight and excited by the prospect of participating in organizational transformation. OLG is seeking lawyers who have excelled over the past ten years, have broad legal skills and are intent on making a major strategic contribution to an organization that entertains millions of Ontarians responsibly.



Vice-President, Legal Services

Provide expertise in commercial and regulatory law affecting all lines of business across the organization. Ensure organizational compliance with laws and regulations and protect OLG’s integrity while retaining the trust of the Corporation’s customers. Act as an advisor to senior management related to their particular lines of business and to the Board on governance matters.

Vice-President, Compliance

Plan, develop and implement an overall strategy for OLG’s compliance with necessary regulatory and control requirements. Lead the governance function that manages and measures OLG’s compliance with provincial and federal regulations. Manage internal investigation teams. Oversee the development and implementation of benchmarks and ethical standards to ensure the comprehensiveness and quality of compliance, investigation and surveillance.

To be considered for these engaging positions, submit your resume and related information online at www.odgersberndtson.ca/en/careers/10902 for the Vice-President, Compliance and www.odgersberndtson.ca/en/careers/10914 for the Vice-President, Legal Services. To explore these opportunities further, please contact Tracy Posner in our Toronto office at 416-366-1990 or via email at tracy.posner@odgersberndtson.ca.



ODGERS BERNDTSON

50 Offices in 28 Countries Worldwide

www.odgersberndtson.ca

Executive Search

• Interim Management

• Leadership Assessment