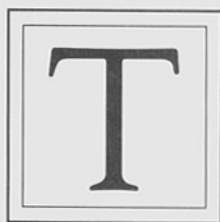


# Background Checking On Board Candidates

*There is no need to rely solely on a candidate's own information or a cursory background check by a search firm.*

*Here are 10 discreet ways to help make an informed decision.*

*by James B. Mintz*



The board's nominating committee has recommended a new director, and has tried to broaden the talent pool by moving outside the usual network of CEOs, other corporate directors, and friends. With the help of a search firm, which has forwarded a resume and the results of cursory reference checks, the committee has identified a strong candidate who is relatively unknown, perhaps younger and with a less established record than usual nominees. It is the board's responsibility to confirm this candidate and, therefore, members must develop enough comfort with the candidate's background to make a reasoned decision about his or her competence, judgment and integrity.

There are, fortunately, a wealth of discreet sources available to board members and the general public that can educate you about a person's background. Most of these sources are no further away than a desktop computer

equipped with a modem. The on-line information world is leaping ahead almost monthly with more comprehensive packages of publicly available information. These can provide a startling amount of material for researchers and others who need to obtain information quickly and discreetly. And off the information superhighway there are a number of stops you can make to gather more information.

As corporate investigators, we are frequently assigned to develop background information on potential hires and appointments, and the following are among the most common questions we assist corporate counsel in answering.

## **Has the Candidate Ever Been Sued?**

Nothing may be more telling in taking the measure of a stranger than a complete understanding of his or her litigation history. An inspection of past lawsuits can provide a good perspective on someone's business character — whether as a plaintiff who has brought actions against partners or other associates, or as a defendant who has been accused of non-payment of debts or fraud. It is not uncommon for these types of claims never to have reached publication.

This is particularly true if a case has been litigated in state courts. Although on-line resources are getting better at reporting state court cases, we rely on *The Sourcebook of Local Court and County Record Retrievers*, a listing of people who can be hired to do local-level courthouse searches (BRB Publications,



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