A SYSTEMATIC EXAMINATION OF HANDWRITING

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Your Initial contact with a prospective client.

You are being interviewed by your prospective client.

You are interviewing your potential client to determine if you can assist the client.

What do you need to know about the case?

Case Citation
Name of parties to avoid conflicts.
Name of attorneys
Deadlines for
- Naming an expert
- Providing a report
- Providing exhibits

What is the case about?
Any extenuating circumstances?

Availability of original documents.

Do you have the original documents?
If not, are photographs available?
Do you have a first generation photocopy?

Offer your CV and Fee Agreement to any prospective client.

Include a letter explaining your services.

Letter explaining your services.

Your case will be handled in a timely manner which means we will examine the documents shortly after they arrive in our office and call you as soon as we have had a chance to thoroughly examine them. Cases are handled on an as-need basis. Please indicate if this is a rush case.

Letter explaining your services.

Please do not designate me as your expert until I have agreed to accept your case and you have sent me a retainer fee. Notify me of a court date as soon as possible so that I can set that date aside for you on my court calendar and send me a subpoena so that I can hold that date for you.

Letter explaining your services.

Ideally, we like to work with original documents whenever possible. We can begin our examination with photocopies, preferably a first-generation photocopy, which is one made from the original. If you have a photocopy in your files, make yourself a copy from that and send us the earlier generation.

If you need to locate documents, please contact us and we will send you 101 Places to Look for Documents. We like to have 20 or more signatures or five or six pages of handwriting for comparison purposes.

Letter explaining your services.

We will need comparable material for comparison purposes. Documents similar to the questioned executed during the same time period are ideal. Exemplars must be able to be verified as genuine handwriting samples. Canceled checks and other documents executed in the normal course of business are generally acceptable.

Letter explaining your services.

It may be necessary to take request writing. If so, please contact our office before doing so to get a copy of directions for taking request writing plus our request writing forms.

Maintain Proper Records

Maintain proper records

1. Take notes in a notebook for future reference.
   I use a standard copybook and record the date, name of the party and relevant information.
   Use a log-in sheet to record all your inquiries.
   Use an inquiry sheet to record pertinent information.
   This sheet goes into a file when the case is opened along with a progress sheet, and a time sheet.

The Inquiry Sheet

The Inquiry Sheet lists the date of the initial contact with a prospective client.
This is necessary in some cases in order to be able to testify.
List the law firm, client, opposing attorney, opposing FDE.
List the name of the person whose handwriting is in question.
Check boxes for CV and Fee Agreement Contract sent.
List type of case, background, services requested and availability of original documents.
List deadlines and deposition and court dates.

Progress of Case

Progress of Case includes case caption, work to be done, opinion, request for a letter, an affidavit or a detailed report.
Include deposition and court dates and the location for each.
List the type of court, type of trial, exhibits needed, qualifying questions sent to attorney. List notice of advance fee and when received.
List the judge and whether you testify for the plaintiff and defendant.
List the documents returned and the case closed.

Physical Condition of the Writer

What was the physical condition of the writer when executing the document in question?

1. Did he suffer from any handicaps or long-term illness?
2. Was he addicted to drugs or alcohol?
3. Was there a sudden change in his health?
4. Had he been in an accident or had surgery?
5. Was he intoxicated or suffering from the side effects of drugs or medication?
6. Is he elderly?
7. Was he dying when document was executed?

Mental State

What was his mental state at the time of the writing?

1. Was he angry, upset, depressed?
2. Did psychological factors affect his writing?
3. Were there any neurological disturbances?
4. Was mental illness a factor?
5. Is the writer elderly and/or suffering from dementia?

What part did mechanical and environmental factors play in the formation of his writing?

1. What type of writing instrument & type of paper were used?
2. What type of writing surface was involved?
3. What was the position of the person when writing?
4. Did poor lighting or bad eyesight affect the writing?
5. On what surface was the writing done?

Collect Suitable Exemplars

a) Documents dated around the time of the questioned?
b) Documents similar in type to the questioned?
c) Normal course of business documents
d) Request writing
e) Post Litem Motam

POST LITEM MOTAM

The court can reject the use of request writing from your client as comparable standards. The rule of post litem motam prevents a litigant from creating evidence to support his case after a lawsuit has been initiated. Therefore, non-request writing should always be used for comparison. Writing produced at the request of the opposing party is not considered post litem motam.

Opposing Examiner

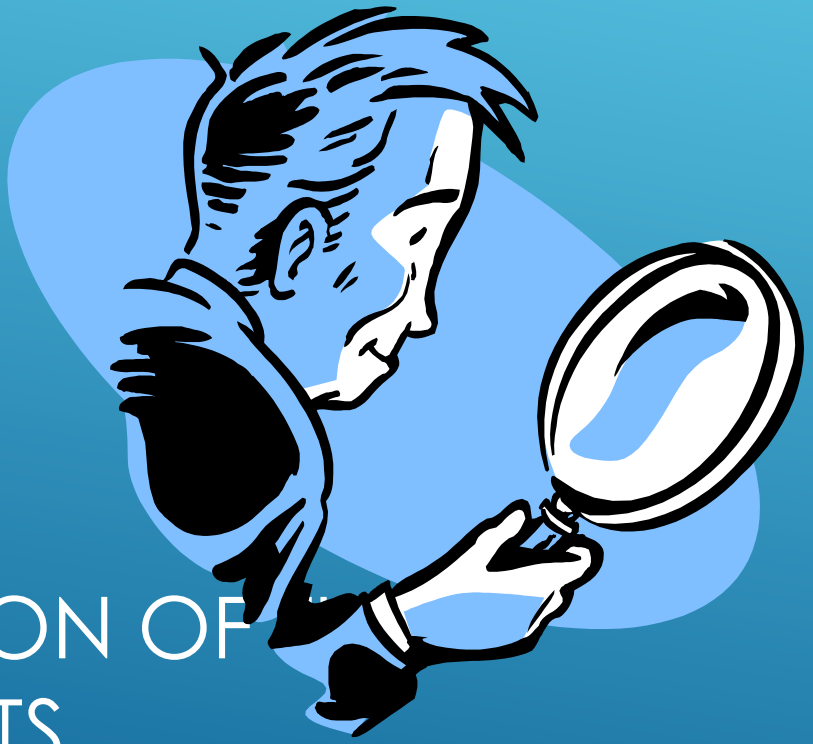
You want information about opposing examiner.

His CV
His report
Copies of all of the documents he examined.
You will probably be asked to critique his report.
You may be asked to prepare questions for the attorney.

Safeguarding the Documents

1. Maintain a chain of custody
List the documents and get signatures from person who receives the document.
2. Keep original documents in a fireproof safe or file cabinet.
3. Do not mark original documents.

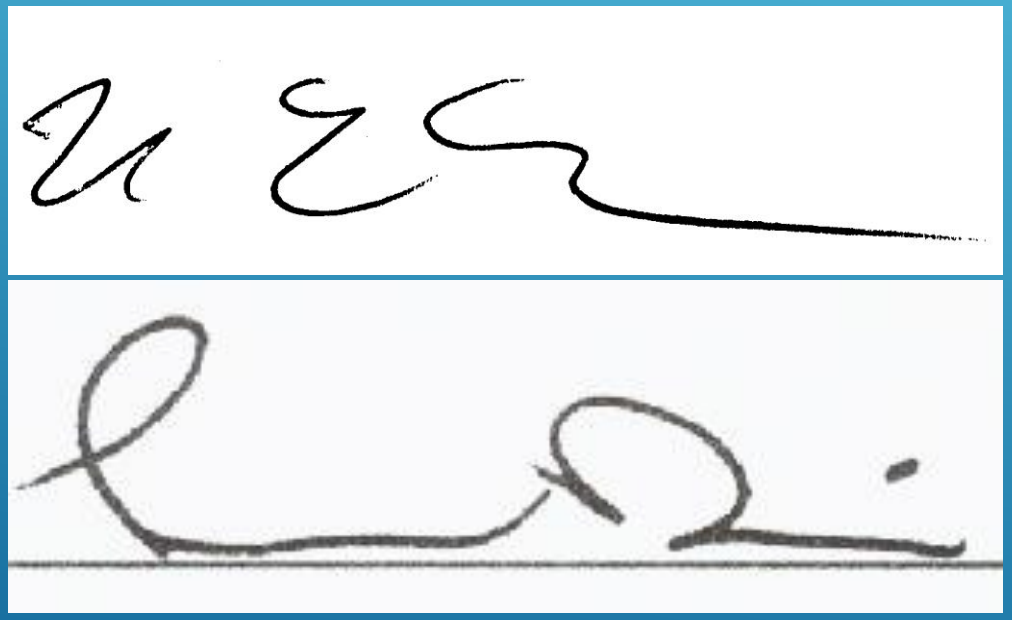
EXAMINATION OF DOCUMENTS



DETERMINE IF THE QUESTIONED MATERIAL CONTAINS ENOUGH CHARACTERISTICS OF HANDWRITING TO BE IDENTIFIABLE

- Sufficient amount
- Sufficient complexity
- Consistent
- Rapidly written
- Skill level
- Sufficient identifying features.

DETERMINE IF THE QUESTIONED MATERIAL CONTAINS ENOUGH CHARACTERISTICS OF HANDWRITING TO BE IDENTIFIABLE



Determine if the questioned material is compatible with the known material.

1. Exemplars should be the same type of handwriting.
2. Exemplars should be from the same time period.
3. Exemplars should be a similar writing style.
4. Exemplars should contain the same letters.
5. Exemplars should be taken with the same writing instrument.

Provenance of the Document

Circumstances under which the document was created.

1. Consistent with the provenance?
2. Plausible history.

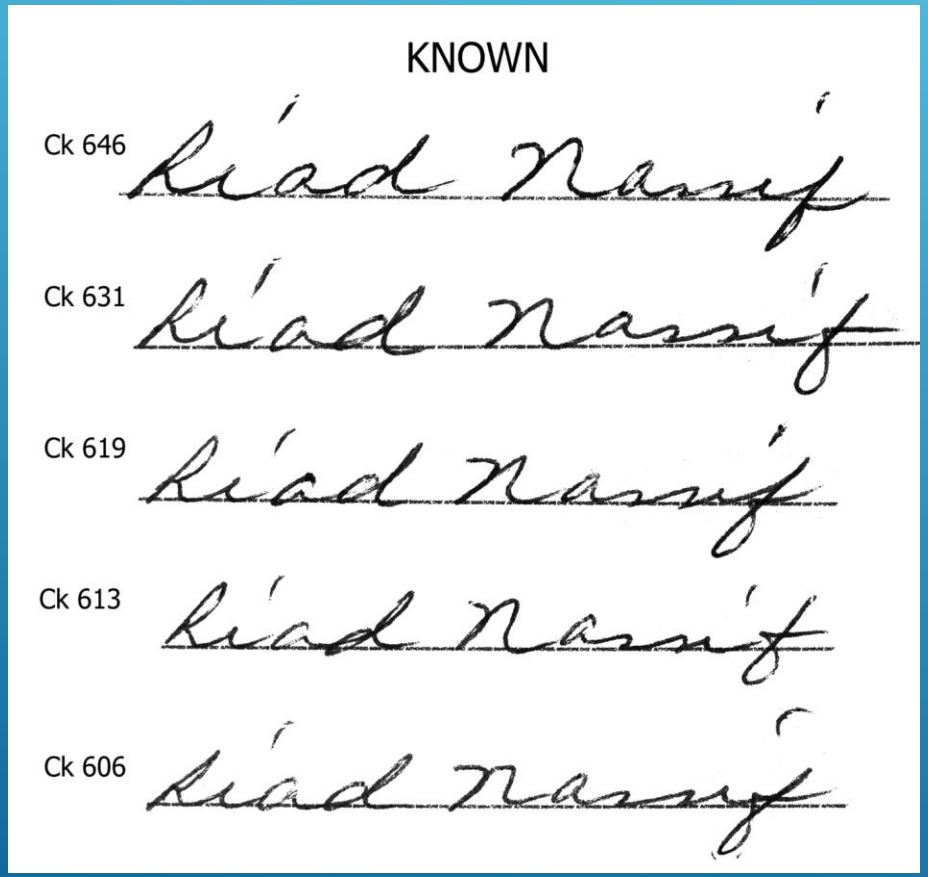
Material used to create the document

1. Type of writing instrument.
2. Type of paper.
3. Stamps and notary seals.

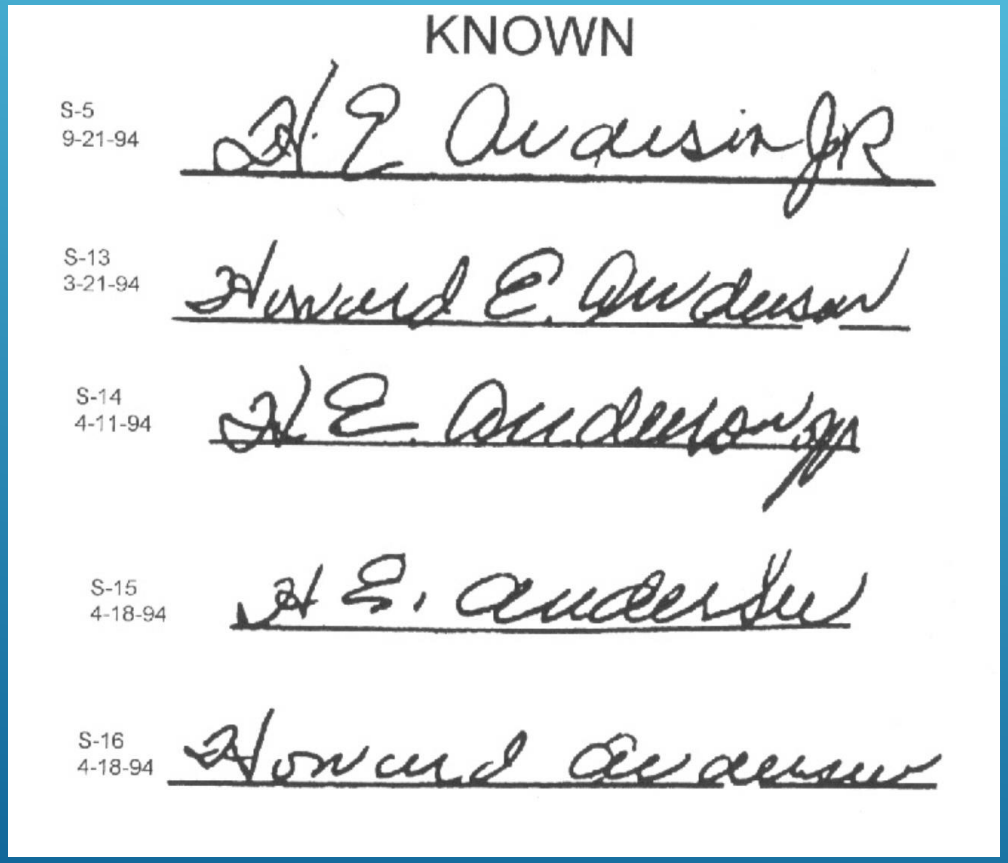
Alterations to the Documents

1. Has the document been altered in any way?
2. Is the document a composite document?
3. Is the signature cut from another document and pasted to this one?
4. Has material been added or deleted?
5. Are there cross-outs, chemical erasures?
6. Are there stains or wrinkles ?
7. Is there feathering of ink?
8. Are there trashmarks on the document?
9. Have pages been substituted?
10. Has material been substituted?

Are the exemplars internally consistent?



Are the exemplars internally consistent?



Determine if all of the exemplars are written by one person when comparing to one writer's questioned writing.

If more than one writer, separate into groups for each writer.

Can exemplars be authenticated in court?

1. Normal course of business documents.
2. Writing recognized by a witness.
3. Witness saw the writer write.

Detailed Examination

- Two handwriting samples are identified as being by the same writer by a combination of a sufficient number of similarities and no fundamental unexplainable differences.

COMPARISON OF CHARACTERISTICS

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- Fundamental differences include differences in line quality, pressure patterns, method of construction, skill level, pen strokes, or subtle subconscious handwriting characteristics.
- Explainable differences can be due to disguise, illness, or stress.

NATURAL WRITING

- Is the writing natural writing?
- 1. Free of distortion
- 2. Rapidly written
- 3. Internally consistent
- 4. Uniformity
- 5. Good rhythm
- 6. Carelessly written
- 7. Lack of attention to the act of writing.

CHARACTERISTICS OF WRITING

- Line quality
- Pressure patterns
- Speed
- Rhythm
- Pressure patterns
- Letter forms
- Slant
- Spacing
- Size and proportions
- Method of construction
- Legibility
- Idiosyncrasies
- Connecting strokes
- Initial, medial or terminal strokes
- Form level
- Pattern recognition
- Line direction
- Penscope
- Regularity

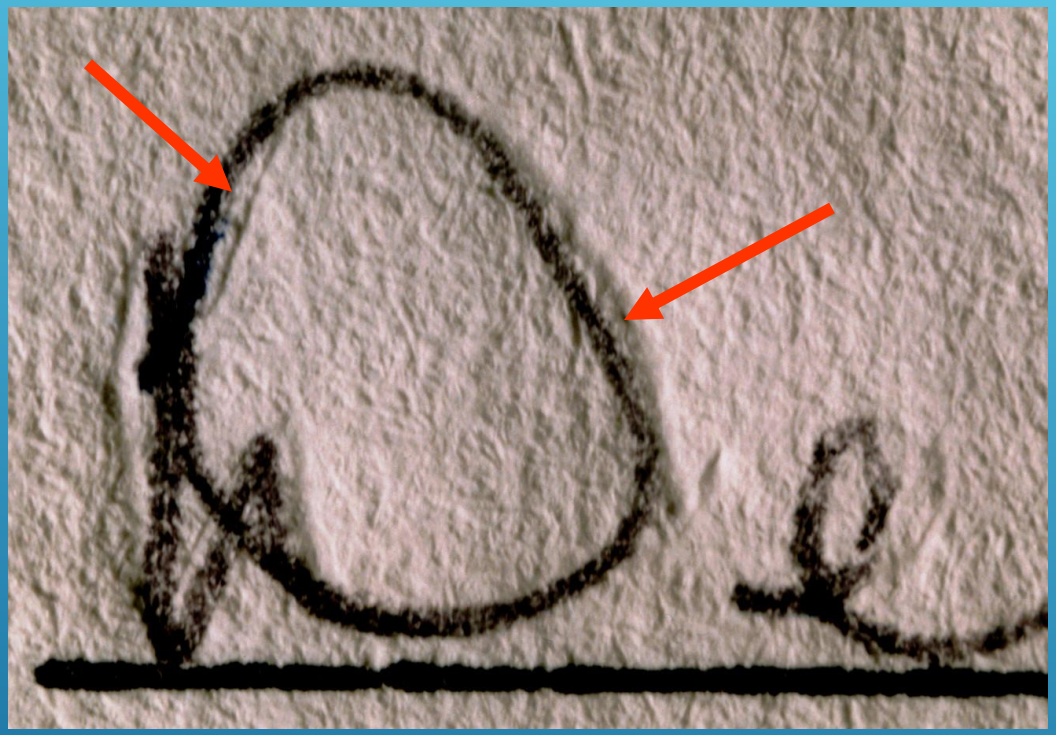
CHARACTERISTICS OF DISGUISE

- **INCONSISTENCIES**
  - Change of slant
  - Change of speed
  - Opposite – hand writing
  - Individual characteristics present
  - Substitution of letter forms
  - Block printing
  - Unnecessarily corrected letterforms.

TRACED FORGERIES

- 1. Exact match or composite?
- 2. Two or more identical signatures.
- 3. Evidence of carbon or indentations along the signature line.

- Evidence of tracing

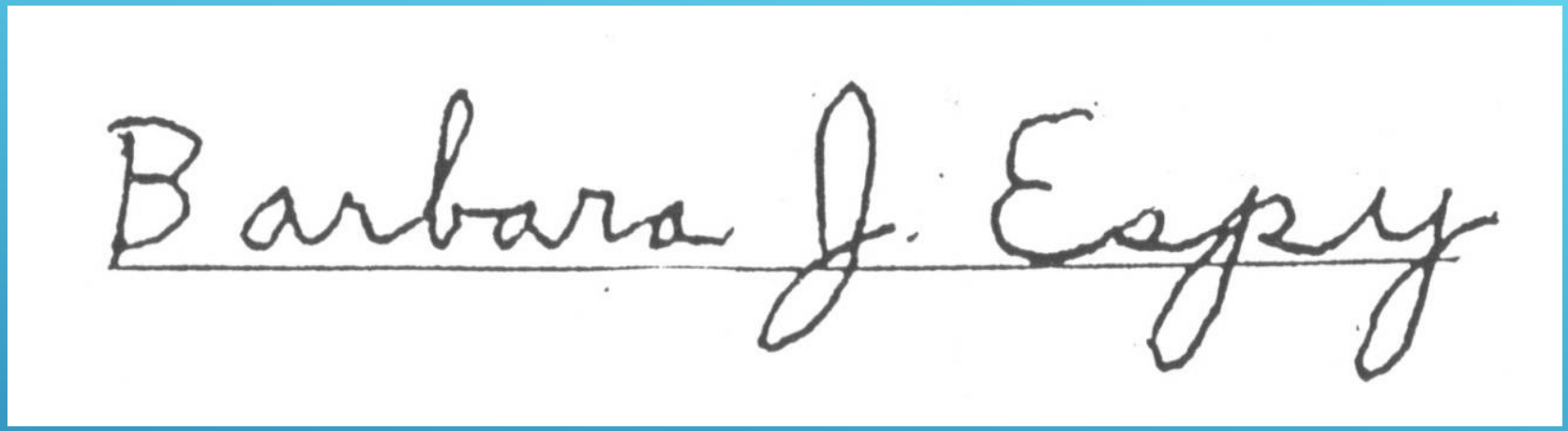


OBVIOUS SIGNS OF FORGERY

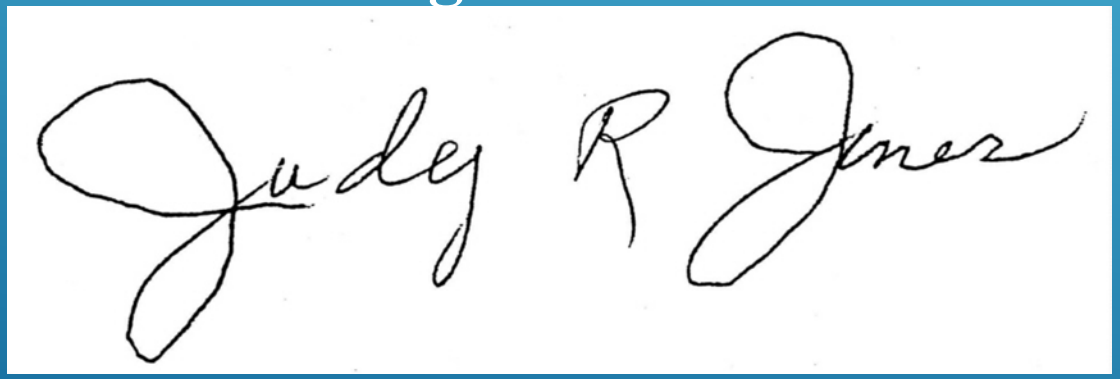
1. Poor line quality
2. Patching
3. Erasures
4. Tremors
5. Blobs of ink
6. Hesitation
7. Misspellings
8. Traces of carbon
9. Indentations or overwrite
10. Even pressure
11. Retracing
12. Penlifts in irregular places
13. Conscious attention to the act of writing.

SIMULATED FORGERIES

- Tremor



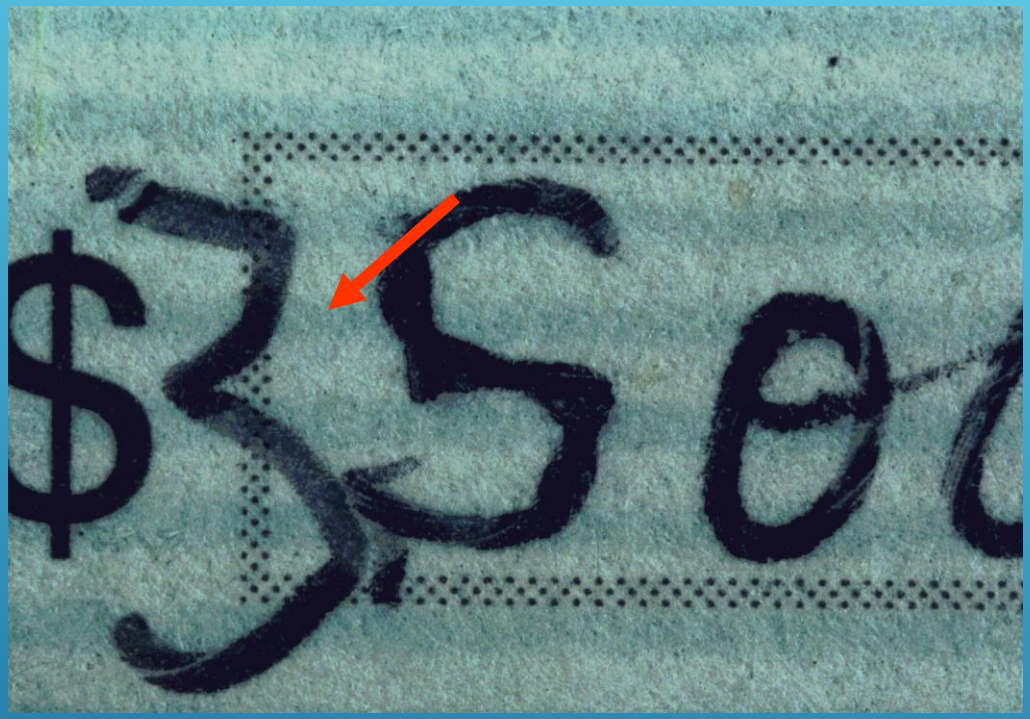
Drawn writing



OBVIOUS SIGNS OF FORGERY

ALTERATIONS

- Insertions



OBVIOUS SIGNS OF FORGERY

- Erasures

OBVIOUS SIGNS OF FORGERY

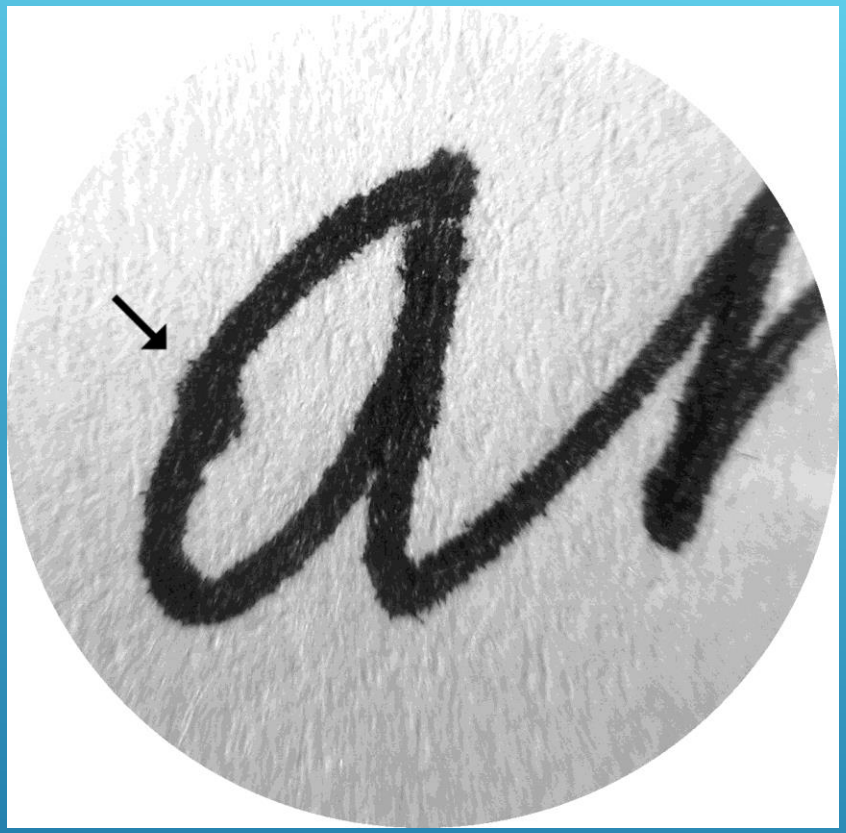
- Patching

ADDITIONAL SIGNS OF FORGERY

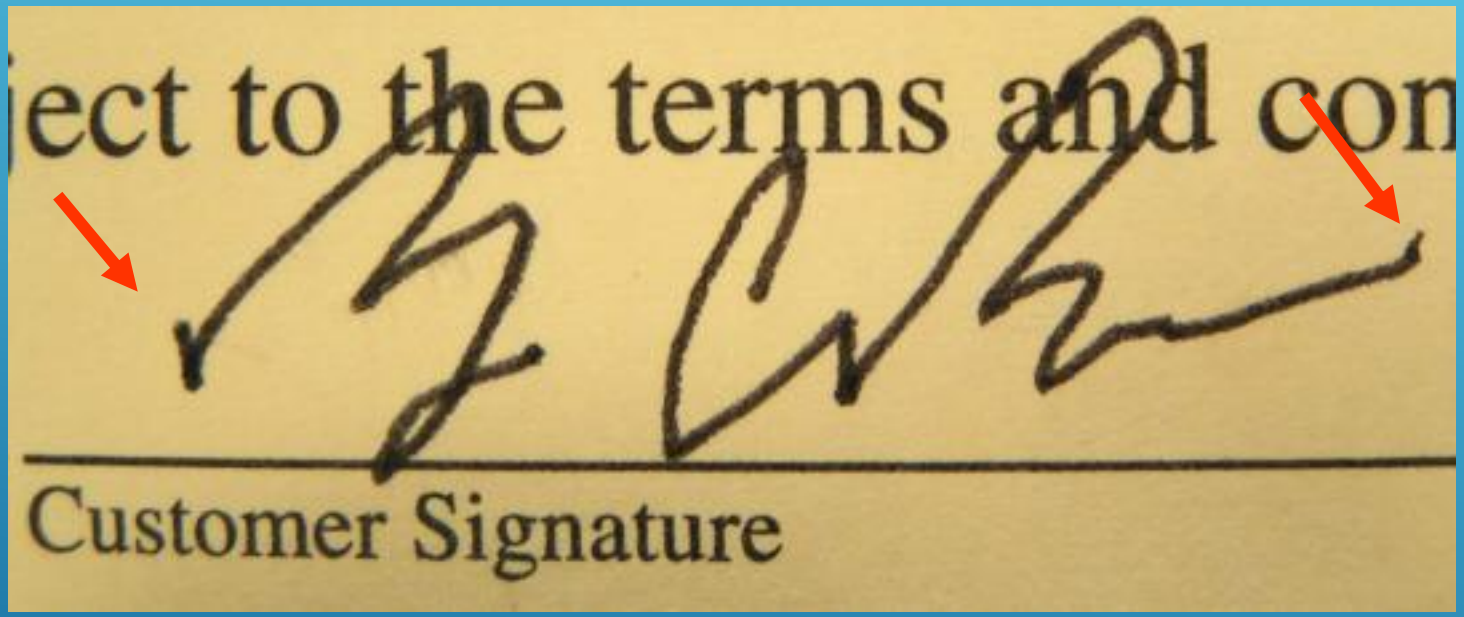
- **Penlifts**

ADDITIONAL SIGNS OF FORGERY

- Blobs of ink

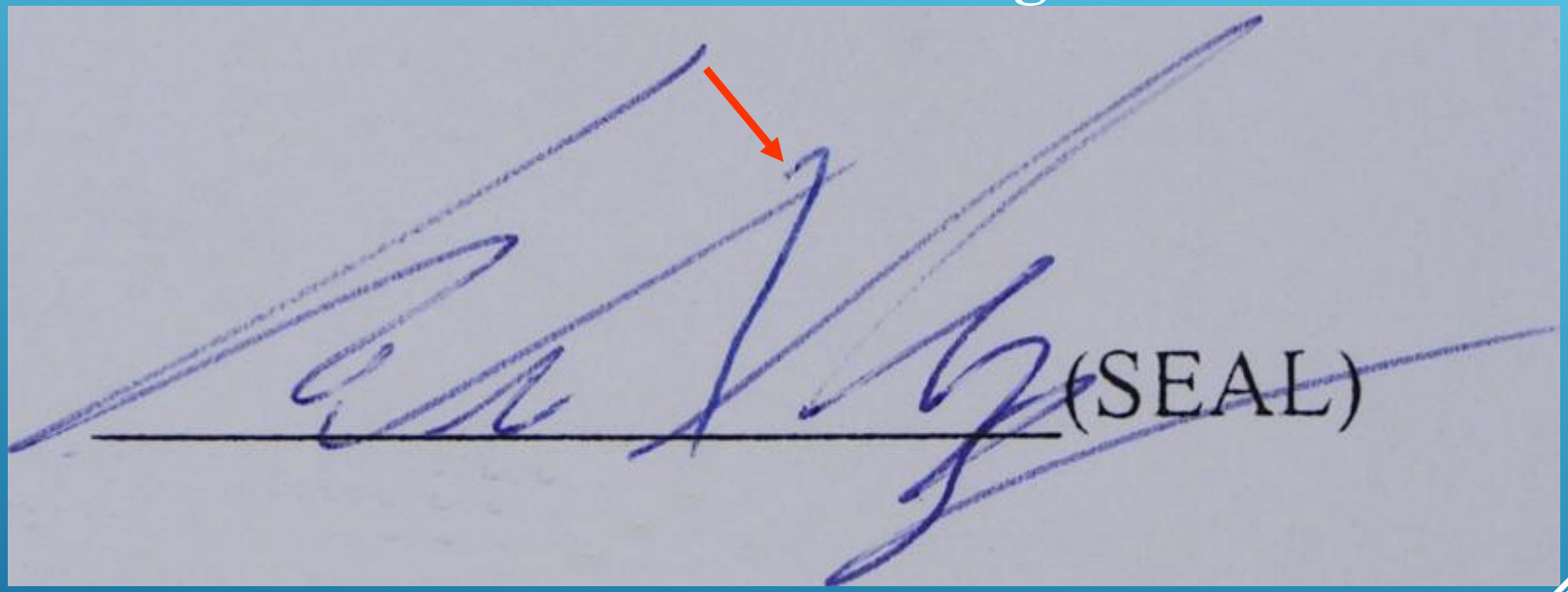


- Blunt beginnings and endings



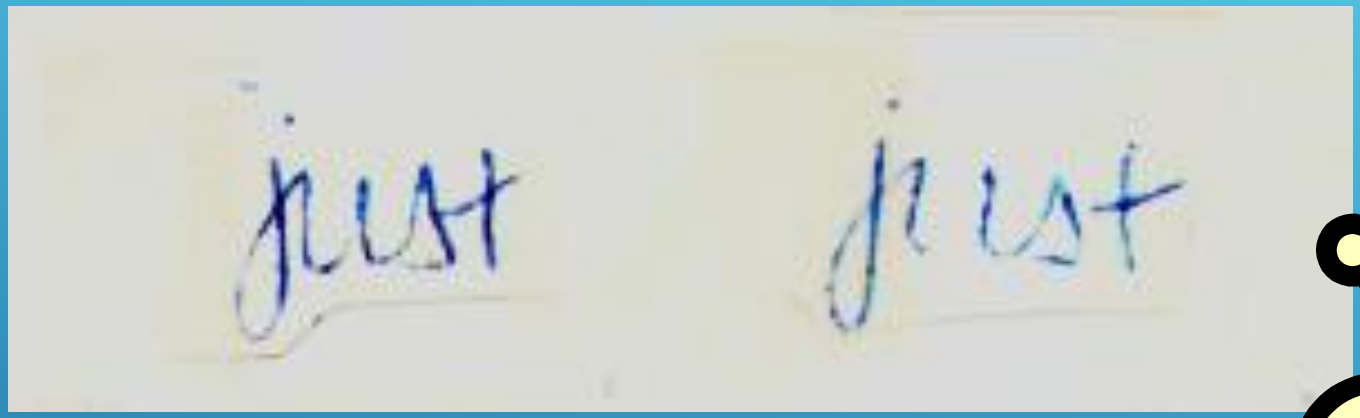
ADDITIONAL SIGNS OF FORGERY

Undue attention to act of writing



ADDITIONAL SIGNS OF FORGERY

- Close similarity (lack of natural variation)



ADDITIONAL SIGNS OF FORGERY

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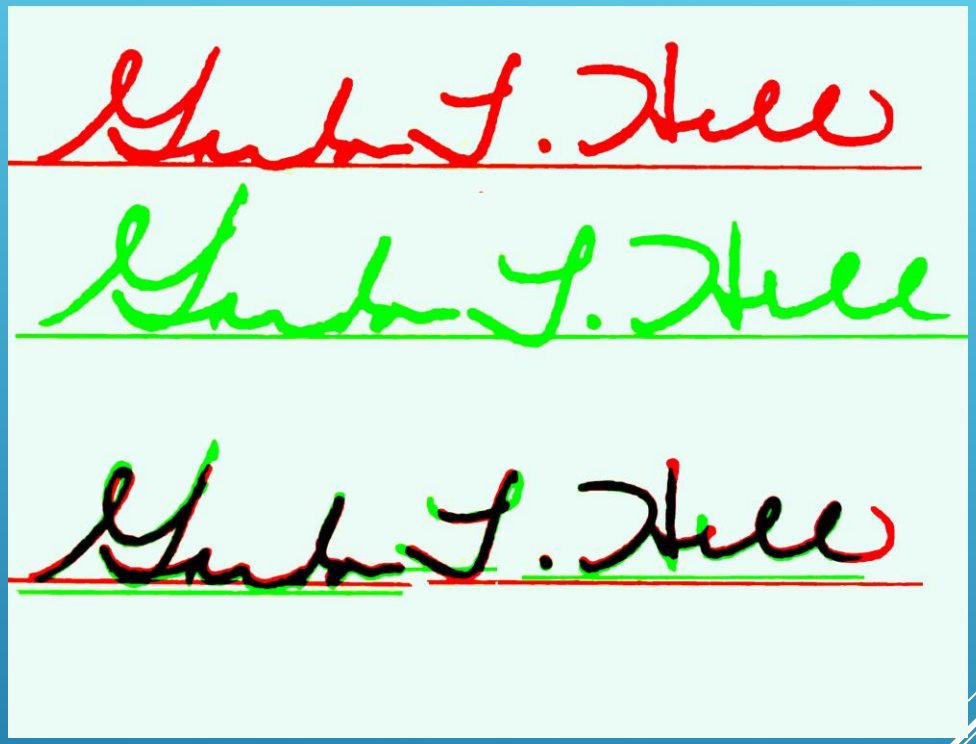
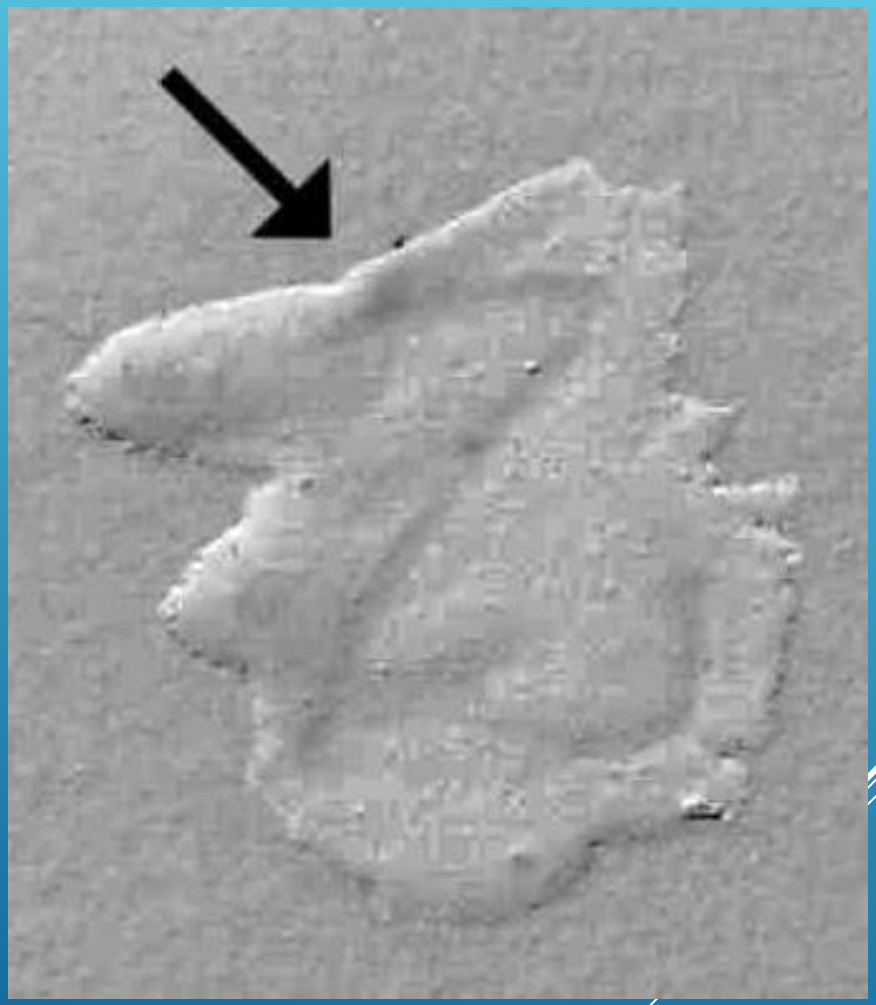
- Exact match



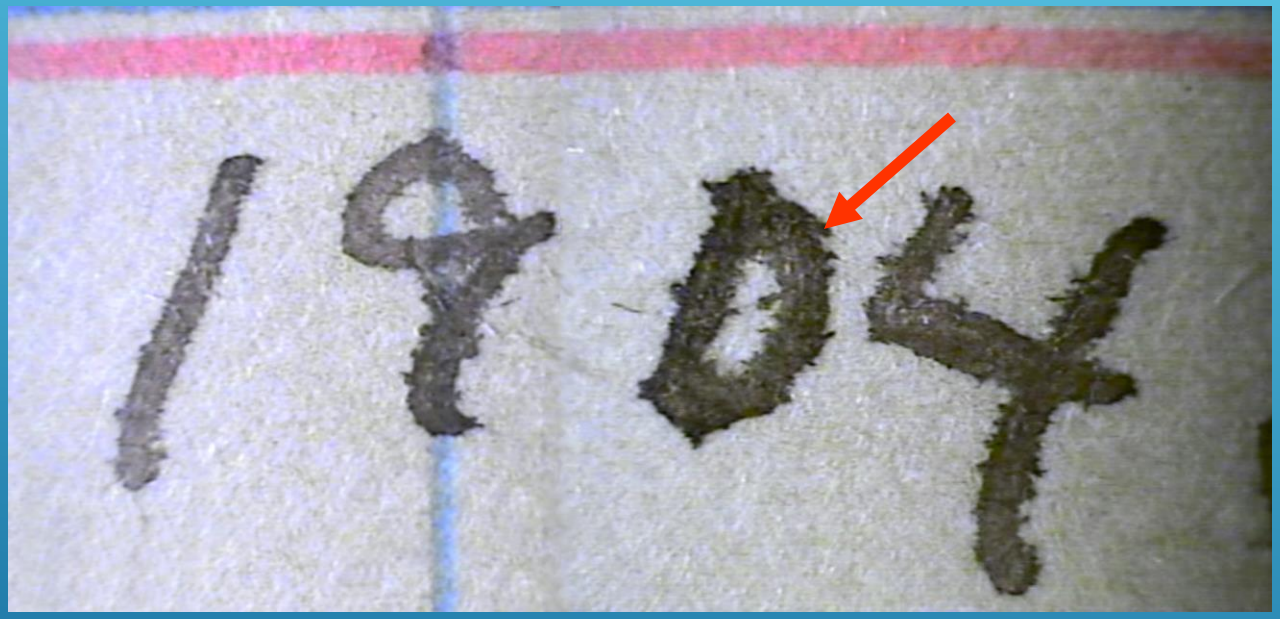
ALTERATIONS

- Obliterations



ALTERATIONS

- Additions



RENDERING YOUR OPINION

- Always give an oral opinion first.
- Give a written opinion if desired.
- Demonstrate your findings.
  - Use exhibits to illustrate the reasons for your opinion.
  - The trend today is to write a detailed report as part of your letter of opinion.

- **These recommendations come partly from Scientific Working Group of Document Examiners (SWGDOC)**

- **You can download the standards from their website at swgdoc.org.**

SWGDOC Standard for Examination of Handwritten Items

SYSTEMATIC EXAMINATION OF HANDWRITING

USE A DECLARATION

- A declaration should cover your understanding of the proper procedures that you have followed in rendering your opinion.

Be prepared to follow a systematic set of procedures from the initial contact with your client until a case is completed.

- **Treat every case as if it is going to court. Less than 10% actually do.**

BE PREPARED