

# The Scientific Journal of the International Association of Document Examiners

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## Editorial

I apologize for getting our Journal out so late. I am determined to publish at least one Journal per year. I encourage all of you to contribute to it. It is important for experts to be published and the best place to start is with articles related to our field. Whenever I meet another expert witness they always want to know if I have been published.

The first article is the paper that Sarah Holmes Tucker wrote to complete her assignments in my Forensic Document Examination Interactive Training Program. All students are required to produce a research project. I have published several other research papers and will continue to do so as I receive them. I am also willing to accept any other articles that deal with issues affecting document examiners. If you need assistance in writing, work with another examiner. I am always willing to assist by editing papers submitted.

There are numerous topics that can be explored and there are always opportunities to conduct research in our field. In fact, it is essential that we continue to research to validate our work. Courts are concerned with keeping “junk science” out of the courtroom. Therefore, we must be able to demonstrate the value of our contributions to forensic science and the best way to do so is through research.

Research can cover a variety of issues for document examiners. We can concentrate on learning more about factors that affect handwriting. While articles have been written about the effect of alcohol on handwriting, very little has been published about the effect of drugs, both legal and illegal, on handwriting. There have been some articles published about the effect of Parkinson’s but not for other diseases.

Document examiners can also review the various tests that document examiners conduct. For example, the Electrostatic Detection Apparatus (ESDA) and the Video Spectral Comparator (VSC). Research can be done of photocopying and the effect that it has on multiple copies. These are just a few suggestions.

There are additional benefits from being published. It helps you develop your communication skills when you conduct research and write a report for publication. You are also assisting other document examiners who will review your research and learn from your presentation. We all need to put in some time to improve our scientific knowledge.

I am including a chapter of my latest book, *The Principles of Document Examination* that is about to be published. I felt this chapter about *Exceptions to the Rules of Handwriting Identification* is very important for all document examiners. First, we set up the parameters for identifying handwriting and then we come across cases that do not follow the rules. This article should be of help to all of you when you come across that one unusual case.

*Kathie*

Running Head: First Testimony Before a Jury  
Sarah Holmes Tucker, MA

***Reflections on the Reality and Research***

***Behind One Examiners First Jury Trial***

Sarah Holmes Tucker, MA

Pentec, Inc.

April 8, 2010

Acknowledgments

Thank you to Kathie Koppenhaver for her unconditional generosity, support and encouragement from the day I expressed interest in the field. Special thanks to Susan Abbey for her unwavering patience and dedication over all these years.

How blessed I am to work with my mother, Ruth Holmes and our faithful colleague Roger Rubin both of whom give me the assurance and conviction to follow my heart.

On this case in particular, I wish to thank Marcel Matley as well for the direction and assistance he provided. With the help of our colleague, Marion Briggs, an ink comparison with infrared light and luminescent testing was conducted as well as an ESDA test, I thank her.

I will always be grateful to Attorney Elliott Epstein who brought this case to us, had confidence in our work product and gave me the opportunity to have this remarkable professional experience.

The first testimony before a jury is a milestone for any document examiner and how I wish I could hear all the stories of the “firsts” from all of my colleagues. I am reflecting upon my first jury testimony because the case covered a wide range of issues that frequently surface in forensic handwriting cases and I underwent a personal journey as I faced the challenge and defended what I believe to be in the integrity of the documents in question.

For years, I watched over my mother’s shoulder wondering when and if I would ever have the opportunity to testify in court before a jury. She has worked as a document examiner for many years, founding our company, Pentec, Inc., in the early 80’s. After graduating from college and moving to the Boston area, I opened and operated the satellite office.

In November of 2004, I received a call from an Attorney in Lewiston, Maine who needed our expertise to authenticate documents that his client was questioning. Up until this point, cases came into the Michigan office and I worked on them with my mother but this was the first one that originated in the East. I was comforted having her expertise in my pocket and at the same time I felt an added sense of responsibility for if the case proceeded to trial, I would likely be the one testifying.

We accepted the case and the documents arrived in November 2003, December 2003 and January 2004. Two documents were originally in question; we had twelve known documents and thirty-one request writings. It was clear that we were dealing with issues of age, infirmity and medication which adds another dimension to any case. The alleged writer at the time of the signing was a 72-year old male with a history of coronary artery disease, mild depression and anxiety which he attributed to some of the medication he was taking.

The first two documents that arrived were a Purchase and Sale Agreement, dated September 13, 1998 (Questioned Document (QD)-3) and a Contract for the Sales of Real Estate, dated March 14, 1999 (QD-2). This document (QD-2) was a very poor copy so I requested a better copy. The original was not available. My attorney was able to receive one from the other side and much to my surprise when it arrived, I noticed that it appeared to be an identical document in every way, including the three signatures, except the dates had been changed from March 14, 1999 to February 8, 1999.

As reported in Albert Osborn’s *Questioned Documents*, “carelessness and unconscious freedom are indicative of genuineness while the mathematical likelihood of being identical is  $1/5^{30}$ . “Nine hundred and thirty-one quintillions of time – 931,000,000,000,000,000...so vast and improbability is practically an impossibility, said Benjamin Pierce, a celebrated Harvard mathematician when speaking about the likelihood of finding identical signatures in one of his cases.” (Osborn, 1929).

This new document became QD-1. We were immediately suspicious and our focus went from the authenticity of the signature to the authenticity of document. Upon careful examination it became evident that someone had taken the signature block containing three signatures and placed them onto the second set of documents. The fourth document (QD-4) was a typed letter, with a signature gifting a sum of money to relatives. All four documents were copies.

Upon preliminary review, the signatures in question were indeed reflective of some physical deterioration on the part of the writer. The signatures showed tremor, hesitations, pen lifts, irregular shapes and uneven pressure, each of which may be indications of a forgery or tracing or may simply be the result of the aging process or illness. As we know, as a writing becomes more deteriorated it becomes easier to simulate yet the extent of this deterioration varies from person to person (Hilton, 1977). Since we were working with contemporaneous known signatures, I hoped we could reach a solution to at least determine if these signatures were within this writer's normal range of variation. To thoroughly address this issue, I found any articles I could on the effects of age, illness and medication on handwriting, each of which added to my knowledge base and gave me confidence moving forward. One of the most meaningful quotes I found was, "The semi-automatic motor performance required for writing depends upon coordinated function by the brain in concert with the neuromuscular and visual systems" (Walton, 1997).

I also researched the medication he was taking, referred to information about Drugs and Handwriting (Wellingham-Jones, 1991) as well as material compiled on genuine tremor vs. the tremor of fraud (Joseph, 2000), health and handwriting (Matley, 2000) and the aging process and handwriting (Wellingham-Jones, 1991-1992).

For the purpose of comparison and identification we prepared the following composites:

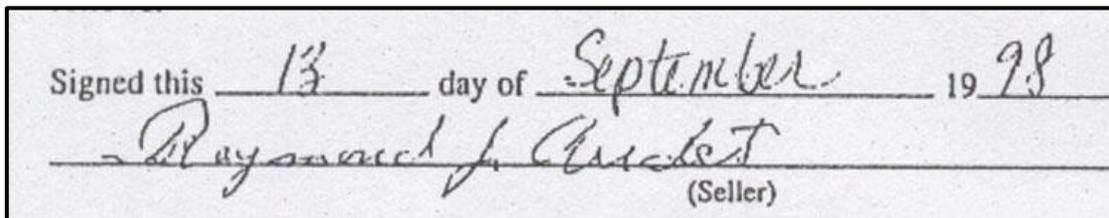


Figure 1: QD-3

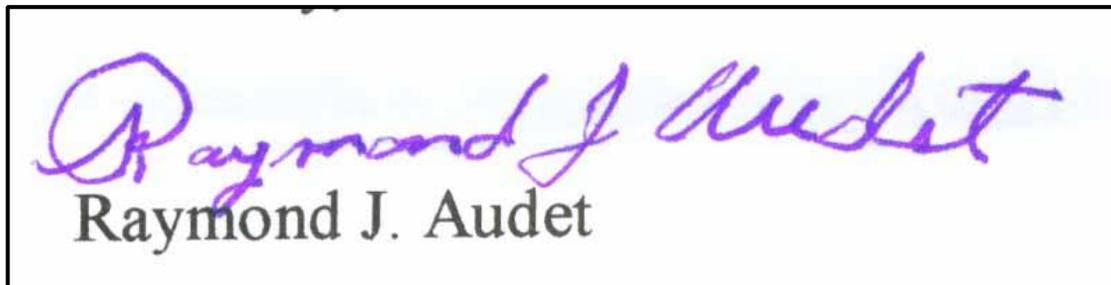


Figure 2: QD-4 Enlarged

Running Head: First Testimony Before a Jury  
Sarah Holmes Tucker, MA

<b>QUESTIONED</b>	
<b>QD-1</b>	<p><u>2-8-99</u> Date</p> <p><u>Richard J. Burke</u> Richard J. Burke SS# 006-56-6541</p> <p><u>Alina E. Burke</u> Alina E. Burke SS# 007-74-3891</p> <p>SELLER:</p> <p><u>2-8-99</u> Date</p> <p><u>Raymond J. Audet</u> Raymond J. Audet SS# 002-22-1275</p>
<b>QD-2</b>	<p><u>3-14-99</u> Date</p> <p><u>Richard J. Burke</u> Richard J. Burke SS# 006-56-6541</p> <p><u>Alina E. Burke</u> Alina E. Burke SS# 007-74-3891</p> <p>SELLER:</p> <p><u>3-14-99</u> Date</p> <p><u>Raymond J. Audet</u> Raymond J. Audet SS# 002-22-1275</p>
<b>KNOWN</b>	
<b>K-1</b>	<b>K-7</b>
<u>Raymond J. Audet</u> 0524	<u>Raymond J. Audet</u> Signature of buyer
<b>K-2</b>	<b>K-8</b>
<u>Raymond J. Audet</u> 0525	<u>Raymond J. Audet</u>
<b>K-3</b>	<b>K-9</b>
<u>Raymond J. Audet</u> 0526	<u>Raymond J. Audet</u> Buyer: Raymond J. Audet
<b>K-4</b>	<b>K-10</b>
<u>Raymond J. Audet</u> 0528	<u>Raymond J. Audet</u> Purchaser: Raymond J. Audet
<b>K-5</b>	<b>K-11</b>
<u>Raymond J. Audet</u> 0530	<u>Raymond J. Audet</u>
<b>K-6</b>	<b>K-12</b>
<u>Raymond J. Audet</u> 1143	<u>Raymond J. Audet</u> CUSTOMER SIGNATURE

Figure 3: Composite with QD-1, QD-2 & Known Writings

Four sheets of request writings were submitted each of which had signature blocks that replicated the four questioned documents. This resulted in thirty-one samples which were carefully examined allowing us to more fully understand the range of variation of the writer.

**REQUEST WRITING**

**Please date February 8, 1999 in the normal way you would write a date.**

SELLER:  
2-28-1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 007-22-1875

SELLER:  
2-8 1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 007-22-1875

SELLER:  
2-8-1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 00-7-22-1875

SELLER:  
2-8-1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 007-22-1875

SELLER:  
2-8-1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 007-22-1875

SELLER:  
2-8-1999  
Date  
Raymond J. Audet  
Raymond J. Audet SS# 007-22-1875

Figure 4: Sample (1-6 of 31) Request Writings using QD-1 as the model

Finding just the right wording for letters of opinion that is clear and concise is of utmost importance. Here is our opinion.

*Based on the documents presented to us at this time and after careful, thorough examination of these questioned and known documents, it is our professional opinion that:*

- 1) **The Raymond J. Audet signature on the Contract for Sale of Real Estate dated February 8, 1999 (QD-1), with a high degree of probability, was written by the same person whose known (K) signatures (K-1 through K-12) were submitted for the purpose comparison and identification. The document authenticity, however, is suspect because of the unusual circumstances surrounding the preparation, timing and execution of the second Contract for Sale of Real Estate dated March 14, 1999 (QD-2).**
- 2) **Further examination of the questioned documents reveals that the three signatures on QD-1 are identical to the three signatures on QD-2. The numbers 99 as they appear on the date lines are also identical, however, the month and day are changed from *February 8* (QD-1) to *March 14* (QD-2).**
- 3) **Since it is not possible for signatures or numbers to be absolutely identical, it indicates that at least one document was created with alterations and manipulation of the signatures and dates to produce another document.**
- 4) **The questioned Raymond J. Audet signatures on the Purchase and Sale Agreement (QD-3) and the letter to Equity One (QD-4) appear to be genuine. Based on the unusual findings of the previous documents (QD-1 & QD-2), without an opportunity to examine the original signatures on QD-3 & QD-4 it is not possible at the present time to establish the authenticity of these documents. This examination would eliminate the possibility that the signatures were traced or placed on the documents from another source.**
- 5) **These opinions are qualified subject to the examination of all the original documents and any additional documents made available concerning on this case.**

*These findings are based with reasonable certainty on the signature styles, unique letter formations, slant, entry and terminal strokes, spacing, connections, proportions and regularities in size and shape when viewed under high power magnification, with signature enlargements and with the use of transparencies.*

*Thank you for this assignment. If we can be of further assistance to you in the preparation of these documents for testimony and a courtroom appearance, please call. All documents copies submitted on this case will be returned to you in an exhibit book.*

As one can see from our opinion, we felt the four (three if you count the “QD-1 & QD-2 as one document) questioned documents fell within the normal range of variation for this writer. Due to the unusual nature of QD-1 and QD-2, however, we stressed the importance of having the opportunity to view the original document of QD-3 & QD-4.

A short while later the original QD-4 became available. With the unaided eye and especially under high power magnification it was clear that the signature had all of the characteristics that would indicate age or infirmity as well as an attempt at a simulation.

This included tremor, uneven pressure, drawn line quality, hesitations, pen lifts, loss of speed and irregular shapes. Knowing that deteriorated writing is easier to simulate we had to determine to the best of our ability whether there were more signs of simulation or whether this was natural

deterioration. Due to the document alteration that we suspect with QD-2, we also decided to investigate the line sequencing to determine whether the typed portion of QD-4 **Raymond J. Audet** was under or over the handwritten blue ink. In other words, could Mr. Audet have signed a blank page upon which someone then drafted and printed this letter. See below:



**Figure 5: Overlap of the blue handwritten ink on top of the black typed signature.**

With the help of our colleague an ink comparison with infrared light and luminescent testing was conducted. Results were inconclusive. We also ran an ESDA test on the document to look for any indentations that may help reveal the authenticity of the letter.

After hours of examination our opinion on QD-4 was as follows:

*Based on the additional documents presented to us at this time and after careful, thorough examination of these questioned and known documents, it is our professional opinion that:*

- 1) There are indications that the *Raymond J. Audet* signature is not genuine (dissimilarities) and indications that it is genuine (similarities) when compared with the known exemplars. Since the evidence does not justify drawing a conclusion of certainty, the result therefore must be deemed inconclusive.**
- 2) Observations were made of slow, labored line quality, variable pressure, hesitations and pen lifts which can be attributed to signature simulations but could also be the result of age or infirmity.**
- 3) These opinions are subject to the examination of all the original documents and any additional documents made available concerning this case.**

*These findings are based with reasonable certainty on the signature styles, unique letter formations, slant, entry and terminal strokes, spacing, connections, proportions, irregularities and regularities in size and shape when viewed under high power magnification, with signature enlargements, color copies and photographs.*

*Thank you for this assignment. If we can be of further assistance to you in the preparation of these documents for testimony and a courtroom appearance, please call. All documents submitted on this case will be returned to you in an exhibit book.*

While these opinions were written in January and January of 2004, I remember the email in March of 2005 that the case was proceeding to trial. While at first, I was afraid of the courtroom scene, I

faced my fears and took comfort in knowing that in my opinion I was defending the integrity of the documents.

The morning of trial, I arrived early in order to have time to meet with my attorney and prepare for my testimony. I was very nervous until the time came for me to stand in front of the jury and demonstrate my findings. This allowed me the comfort of teaching and lecturing. While cross examination is always a challenge, I held my ground yet I was reminded of how important it is to answer only the question asked, listen intently and answer only when you are certain you heard the question clearly.

How wonderful it was to get a most appreciative voice message from the attorney thanking me for my efforts and informing me that the jury had found in our favor, awarding our client a sum of \$39,812.87. This call was also followed up by a most gracious thank you letter that I will treasure forever.

This case taught me many valuable lessons about the field of questioned documents. Having colleagues with whom you can collaborate and a mentor with whom you can work is essential. This may even result in him or her co-signing the letter of opinion and if necessary, offering a second opinion in court. When the time comes that an opinion cannot be rendered, you must give the opinion of “inconclusive.” Furthermore, a solid foundation in the written and spoken word is imperative. Writing thoughtful and accurate opinions is so important as is the ability to speak and present findings to an attorney, judge and jury. The use of precise, quality exhibits that support your case crucial. As document examiners we do not take a side but rather examine and objectively describe what we observe. Overall, maintaining integrity, composure and patience in the most stressful of times will serve everyone well and help to uphold the high standards we wish to maintain in our field.

**References**

- Hilton, O. (1977). Influence of Age and Illness on Handwriting: Identification Problems. *Forensic Science*,9, 161-172.
- Joseph, J. (2000). *Genuine Tremor in Handwriting vs. The Tremor of Fraud: An Annotated Bibliography as it relates to Questioned Document Examination*. 2<sup>nd</sup> Edition. Portland, OR: JT Research LLC.
- Matley, M. (2000). *Health and Handwriting: An Annotated Bibliography of Forensic, Legal and Med/Psych Periodical Literature*. 3<sup>rd</sup> Edition. San Francisco, CA: A and M Matley.
- Osborn, A. (1929). *Questioned Documents*. 2<sup>nd</sup> Edition, Boyd Print. Co., Albany p. 340.
- Walton, J. (1997). Handwriting Changes Due to Aging and Parkinson's Syndrome. *Forensic Science International*, 88, 197-214.
- Wellingham-Jones, P. (1991-2). The Aging Population and Handwriting. Adapted from *Write Extension*, 5, (1, 2, 3).
- Wellingham-Jones, P. (1991). *Drugs and Handwriting*. Tehama, CA: PWJ Publishing.

Sarah Holmes Tucker works with her mother, Ruth Holmes as a forensic document examiner. She lives in Massachusetts.

## THE IMPORTANCE OF HAVING A SIGNATURE THAT IS DIFFICULT TO IMITATE OR FORGE

By Andrea Thomas-Dobson

Having examined and compared signatures for the past ten (10) years, I have seen everything from legible to non-legible, complex signatures. However, I have one statement repeating itself: the importance of having a signature that is difficult to imitate/forge.

What does it mean to have a signature that is difficult to imitate? This article is intended to give suggestions to improve your signature so that it cannot be easily copied. Your signature identifies you. Reed Hayes, in his book *Forensic Handwriting Examination*, states that a person's signature serves as a 'trademark' and that one's signature can either be tangled, illegible shapes or a series of clearly decipherable letters that distinctly spell out a person's name. However, in many cases they bear no resemblance to the writer's name, but are merely identifying marks. In the case of a person who is illiterate a letter X is used as their identifying mark and the word his/her is written above the X and the word mark written below.

Signature is defined as- a person's name, written in a distinctive manner; a legal form of identification or authorization. (*The Layman's Glossary Relating to the Forensic Examination of Handwriting, Signatures and Documents – Compiled Jacqueline A. Joseph, Board Certified Examiner of Handwriting & Documents © 2010 J. Joseph & Associates*).

Signatures are the most practiced and therefore the most automatic or habitual example of one's writing behavior. Good signatures usually exhibit one's best level of writing skills and fine motor control. If written with a combination of speed, fluency, and deft fluctuations of pen pressure in the habitual manner of that person, a well written signature is difficult to successfully simulate.

According to Susan A. Greenfield a British scientist, Professor of Synaptic Pharmacology at Lincoln College, Oxford in her book (*Journey to the Centers of the Mind, Freeman; 1<sup>st</sup> Edition (1995)*); handwriting, especially a signature, is the only universally accepted outward sign of an individual. Moreover, it is a sign that is accepted as consistent.

Because signatures still play an important role in modern life, how easy do you think your signature is can be forged? Have you ever considered any of these when writing your signature? What aspects do you think make your signature more or less easy to imitate? Is your signature consistent or complex and therefore forgery-proof?

You can make your signature less vulnerable to being imitated by following these suggestions:

1. Develop a complex signature with numerous changes of direction that cannot be easily imitated.
2. Develop your handwriting skill until you attain a high level, which is difficult to duplicate.
3. Write rapidly.
4. Stylize your writing. The more individual the writing, the more difficult it is to imitate.
5. Be consistent in your writing. It is also advisable to have more than one style of signature, one for correspondence and one for signing financial or legal documents.
6. Illegible writing is more difficult to imitate.<sup>1</sup>

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<sup>1</sup> (Katherine M. Koppenhaver, CDE, author of *Attorney's Guide to Document Examination*; Greenwood Publishing Group, 2002)

### COMPLEXITY

Dr. Bryan Found describes complexity as the number of changes of direction of the writing and intersections.<sup>1</sup>

A complex writing contains many changes of direction and intersections, good rhythm, written rapidly, complex letter forms, high skill level.



Figure 1 - Complexity

### CONSISTENCY

Consistency is the agreement among things or parts. In relation to handwriting it is the agreement of handwriting characteristics with less variation. It is easier to identify handwriting when the writing is consistent.

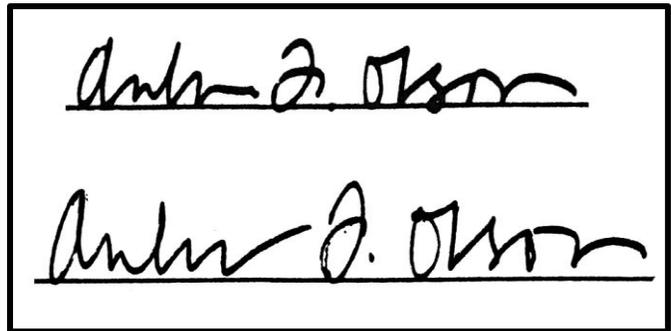


Figure 2 - Consistency

### LACK OF COMPLEXITY

It is easier to create a passable forgery of versatile writers who oversimplify their writing. due to lack of intricate letter designs, poor skill level, and–lack of connected strokes.

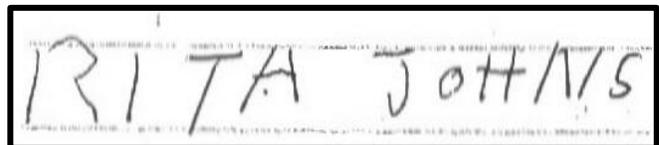


Figure 3 - Lack of Complexity

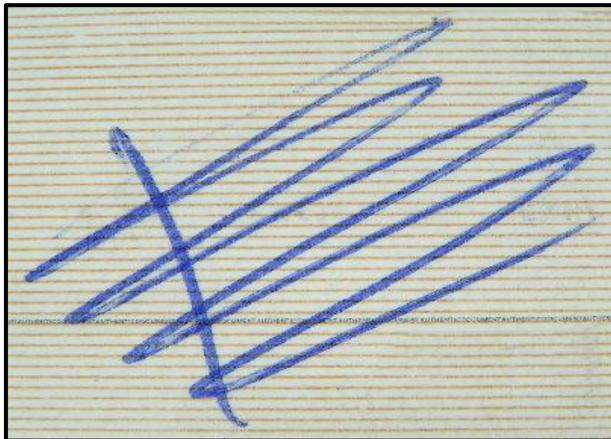


Figure 4 - Lack of Letter Forms

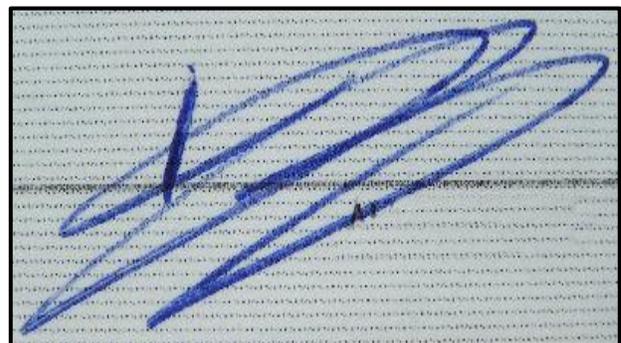


Figure 5 - Lack of Letter Forms

<sup>1</sup> (<http://www.latrobe.edu.au/humanbio/forensic/fepl.html>)

## THE IMPORTANCE OF HAVING A SIGNATURE THAT IS DIFFICULT TO IMITATE OR FORGE

By Andrea Thomas-Dobson

Where a person over simplifies his or her signature it can be easily forged; that is a signature with few flourishes or change in direction of strokes. Where it is slowly written it provides forgers a better handle on imitating it as forgeries are usually drawn slowly and carefully.

To prevent yourself from falling victim to forgery, take a closer look at your signature and adopt these protective measures.

Andrea Thomas-Dobson is a Forensic Document Examiner.

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Website: [examineyourdocuments.com](http://examineyourdocuments.com)

**Exceptions to the Rules of Handwriting Examination**  
**Katherine M. Koppenhaver, CQDE**

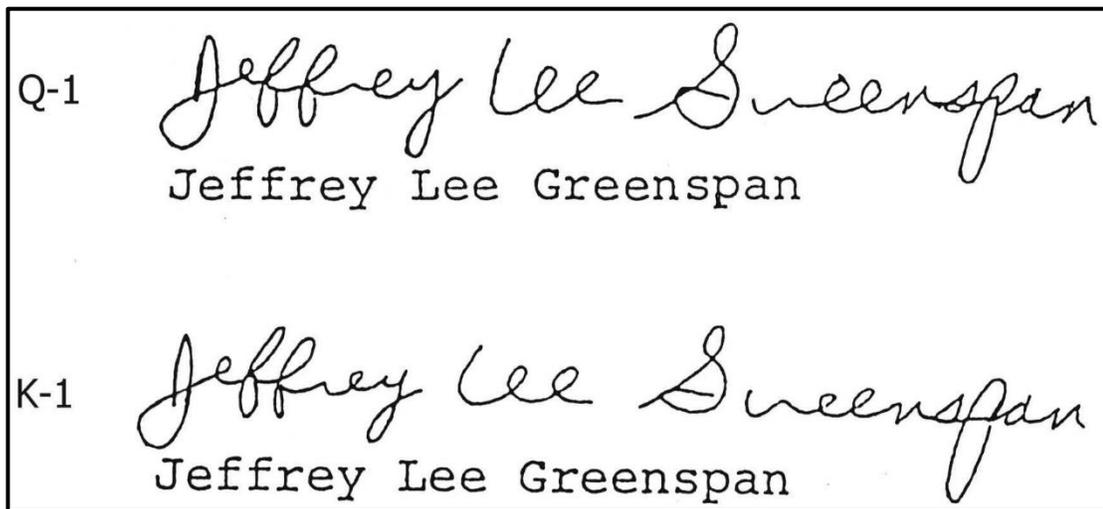
This is an excerpt from my newest book, Principles of Document Examination which will be published shortly.

**Exceptions to the Rules**

There are exceptions to most rules and handwriting identification is no exception. Here are some examples of the types of cases that do not follow the rules of handwriting identification.

**Rule 1: 20 to 25 signatures are recommended for comparison purposes.**

Many cases can be solved using less than 20 exemplars. In fact, some cases can be solved with only one known signature.

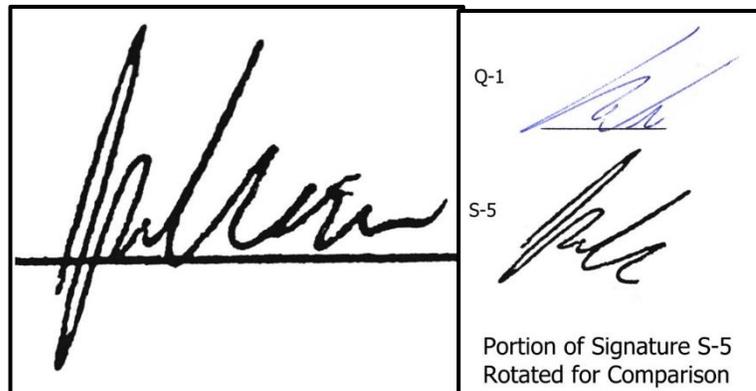


**Figure 1 – Case solved with only one known signature**

This case was successfully argued in court. The judge declared that Jeffrey Lee Greenspan was the author of the questioned signature based upon expert testimony.

**Rule 2: Cases require known exemplars of the person whose handwriting is being questioned.**

Signatures written by another party can be identified as non-genuine because of their resemblance to a suspect's signature. This case from Lesson 5 illustrates this principle. The wife signed her husband's signature and simply changed the slant of her own signature when forging her husband's signature.

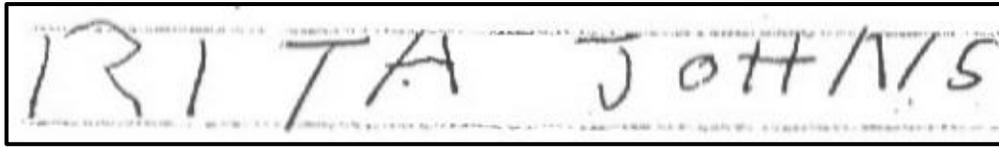


**Figure 2–Wife's signature**

**Figure 3 – Husband's signature**

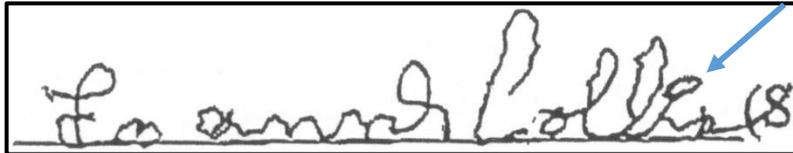
**Exceptions to the Rules of Handwriting Examination**  
**Katherine M. Koppenhaver, CQDE**

Some cases need no known signatures for comparison. For example, given a well-executed signature by an illiterate writer cannot happen.



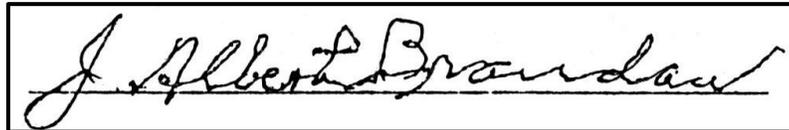
**Figure 4 – Signature of an illiterate writer**

Some signatures are so poorly executed that no known signatures are needed.



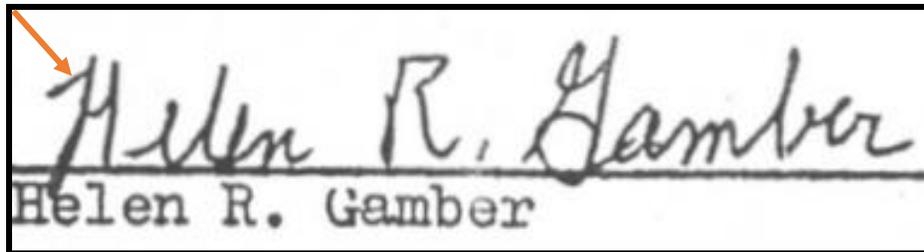
**Figure 5 – Artificial Tremor**

The type of tremor and the patch illustrated by the blue arrow indicate a non-genuine signature. Genuine tremor is irregular and does not have patches. People who cannot write well do not adhere perfectly to the baseline.

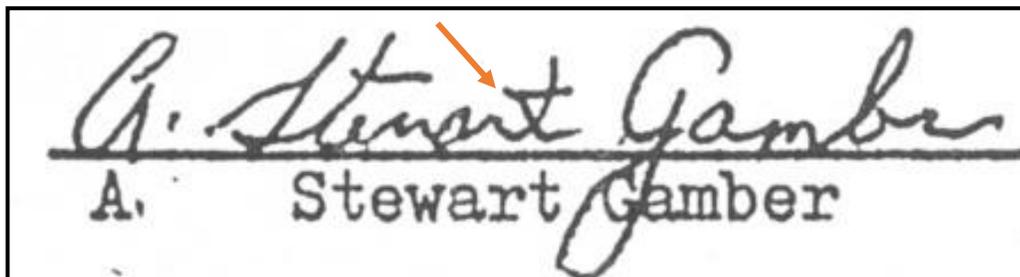


**Figure 6 –Genuine Handwriting of an Elderly Writer**

Here are other handwriting samples that need no known signatures for comparison based upon the patching of the letters and the similarity of the signatures indicating that they were written by the same person. Note the patching on both documents as indicated by the arrows.



**Figure 7 – Questioned Signature of Wife**

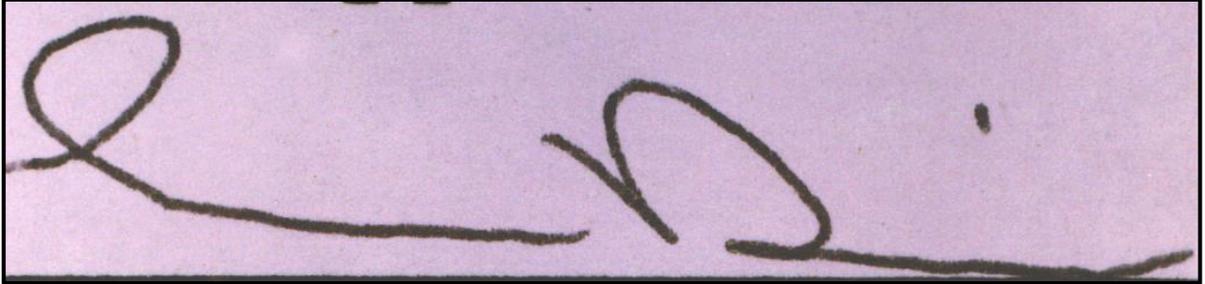


**Figure 8 – Questioned Signature of Husband**

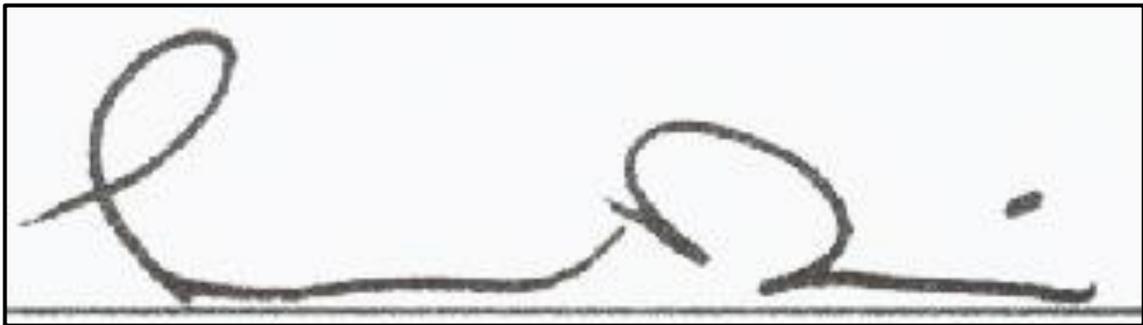
**Exceptions to the Rules of Handwriting Examination**  
**Katherine M. Koppenhaver, CQDE**

**Rule 3: Over-simplified signatures cannot be identified as genuine or not because of the lack of handwriting characteristics.**

While this is true in most cases, some forgeries are so obvious that lack of complexity doesn't matter in these cases.



**Figure 9 – Questioned Signature containing tremor**



**Figure 10 – Model Signature**

Figure 8 contains the known signature that was used as a model to create the questioned signature. The writer might have succeeded if he had not copied the signature so slowly creating tremor throughout the signature.

**Rule 4: Handwriting exemplars should be within two years before and after the date of the questioned signature.**

It is not always possible to obtain handwriting around the time of the questioned writing. Document examiners have compared handwriting outside of the two years before and after. Cases that contain signatures that have not changed significantly can be solved if the material outside the time frame shows consistency with handwriting over a larger period of time.

**Rule 5: More exemplars are needed in order to draw conclusions about handwriting that is not genuine.**

If the handwriting in question is of a higher skill level than the known writing, a single handwriting sample may be enough to draw conclusions about the questioned writing.

**Exceptions to the Rules of Handwriting Examination**  
**Katherine M. Koppenhaver, CQDE**

If the handwriting shows obvious signs of forgery, no known signatures may be needed to prove that a questioned handwriting sample is not genuine. See Figure 9.



Figure 11 – Non-genuine Signature

**Rule 6: Forgeries have to contain signs of forgery.**

Some forgers are skilled enough that no signs of forgery appear in the questioned writing.



Figure 12 – Genuine Signature

Figure 13 – Simulation of Genuine Signature

Figure 11 is a mother signing her daughter's signature. It is a free-hand simulation. There are no obvious signs of forgery even though Figure 10 is not genuine. It is easier for a family member to imitate another family member's handwriting since they usually contain some similar handwriting characteristics.

**Rule 7: Not knowing the background of a case helps one be objective in giving an unbiased opinion.**

There are cases in which the background of a case is crucial to the case. For example, handwriting can change drastically when a person suffers a catastrophic event such as a stroke. Handwriting may return to previous style once the writer has gained control. Some changes are so drastic that the writer needs new signature cards at his bank.

**Rule 8: Signatures that deviate completely from known writing are not genuine.**

A deathbed signature may not resemble any known writing.



Figure 14 – Analee's Signature

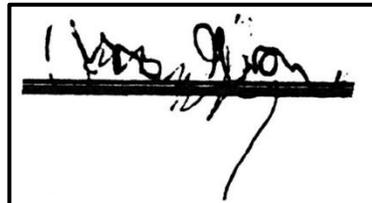


Figure 15 – Analee's Signature shortly before she died.

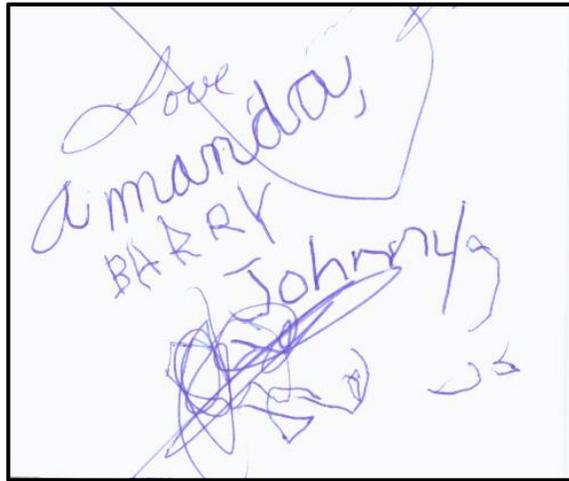
**Exceptions to the Rules of Handwriting Examination**  
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**Rule 9 – Duplicate signatures are indicative of non-genuineness.**

Duplicate signatures can be a signature stamp, an electronic signature or an autopen signature. Any of these could be genuine signatures. Or the signature can be an authorized signature. Elderly or impaired individuals may ask for assistance when they have difficulty writing. This is why we do not describe non-genuine handwriting as a forgery.

**Rule 10: The handwriting of young children cannot be identified.**

Deviations in handwriting begin when a child learns to write. The handwriting of children as young as 7 can be identified by their individual handwriting characteristics.



**Figure 16 – Handwriting from Children**



**Figure 17 – Writing of an 8-year old**

Exceptions to the Rules of Handwriting Examination  
Katherine M. Koppenhaver, CQDE

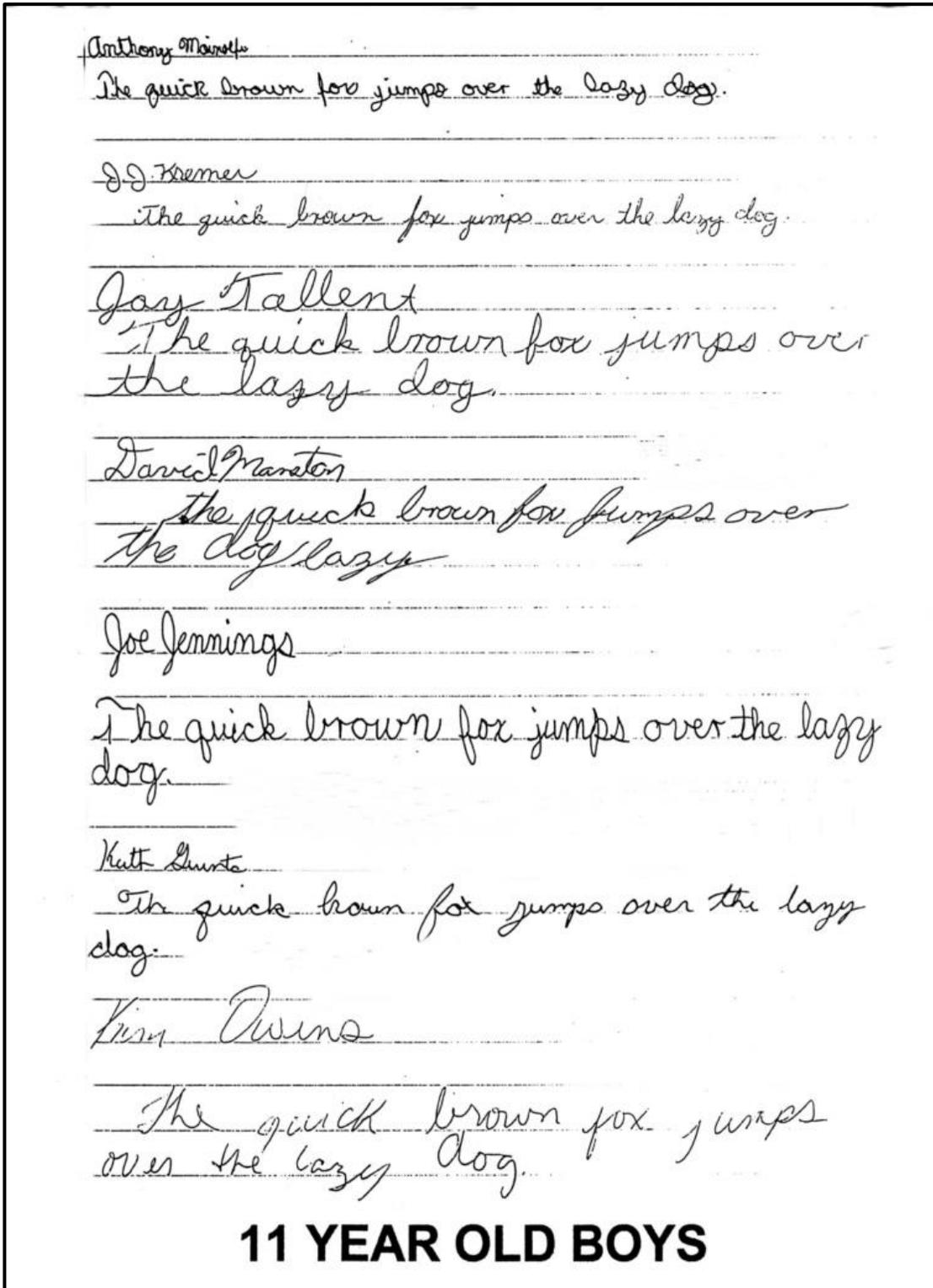


Figure 18 – Examples of 11-Year-Old Writers

**Exceptions to the Rules of Handwriting Examination**  
**Katherine M. Koppenhaver, CQDE**

**Rule 12 – Document examiners can state that a signature is a forgery.**

Document examiners can only opine on the genuineness of a document. The court must determine if a non-genuine signature is a forgery because one of the elements of forgery is an attempt to deprive another of a material good. Document examiners can express an opinion that a signature was not signed by a particular person but cannot call a fraudulent signature a forgery.

**CASE STUDY**

Bill Michel was accused of violating a non-compete agreement when he left the employment in his chosen field. The non-compete agreement was presented to him to prove that he signed it. A detailed examination of the original questioned signature showed that it was a composite signature that had nine separate segments. No known signatures were needed for comparison.



Figure 19 – Questioned Signature

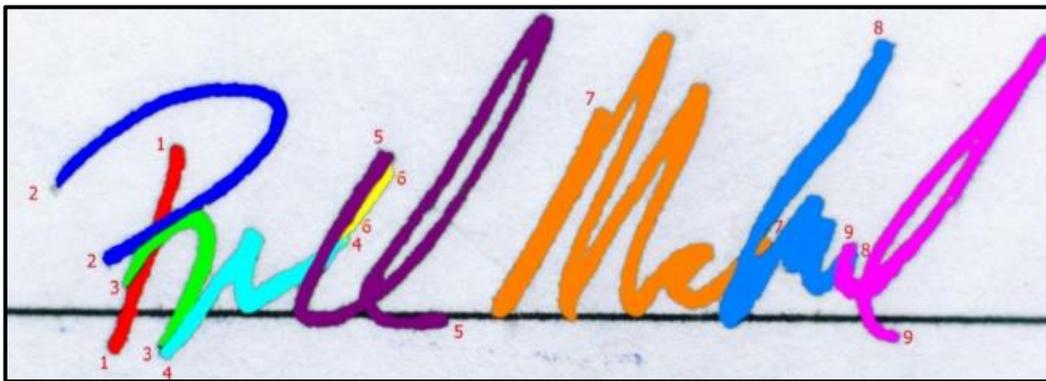


Figure 20 – Each Color Indicates a Different Line Segment

**Presenting A Professional Image**  
By Katherine M. Koppenhaver, CQDE

**WHEN DO YOU BEGIN PREPARING TO TESTIFY IN A CASE?**

You begin preparing to testify in a case from the moment you receive the first phone call from a prospective client. This usually occurs when you receive an inquiry about your services.

Your initial contact with a prospective client is actually an interview. While you are gathering information about the case, your potential client is getting an impression of you and whether or not you would be a good expert for his case. Once you have determined that you have the expertise for this case, you should inform your potential client of your ability to handle the case and your availability.

Have a list of questions that you want to ask a potential client about the case. You will want to know if the client has original documents and if the original documents will be made available. What type of exemplars does the client have? You may have to inform the client of the type of documents you need for comparison purposes and offer suggestions of where to find these documents.

Ask for the names of the parties involved in the case to avoid a conflict of interest. A conflict occurs if you have been contacted or retained by the opposing party or have knowledge about the case that could compromise your testimony.

When you are dealing with a new prospective client, he will usually indicate that he must get his client's approval before engaging your services. He will call you once he and his client decide to retain you so your first impression is important.

Always offer an attorney a copy of your CV and fee agreement. Even if the case doesn't materialize the attorney has basic information about your services and he may call you on a future case. Fax or email the CV to the client with a cover letter. I specifically ask the attorney not to name me as an expert until he has paid my retainer fee. Some attorneys will list an expert without engaging his services which prevents an expert from working on either side of the case.

Log in your initial contact with the date and nature of the case and whether your first contact comes from an attorney or the client. Complete a contact sheet for each potential client so that you have the basic information available when the potential client calls to engage your services. In some cases, this information will determine if you will be allowed to testify based on rules of the court. You are entitled to be paid for the use of your good name.

Your client needs a safe method of getting the documents to you, especially original documents. You will need a Chain of Custody Form for originals to verify that the documents have been maintained in safekeeping and have not been altered or tampered with. You should store these documents in a fireproof safe or fireproof file cabinet. Make sure you get the Chain of Custody Form signed when you turn over the documents.

Clients will often ask you to examine faxed documents. While faxed documents provide some information, the information is limited and I tell the client that they are generally not suitable for my purposes because so much data is lost. I request a photocopy and always ask for the original.

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By Katherine M. Koppenhaver, CQDE

And if the only documents they have is a fax, I certainly don't want it faxed again. I prefer documents being scanned and emailed to me.

In some cases, you will have to go to the site of original documents. You should photograph them while you have access to the originals because you may only get one chance to review the originals. If you do not get originals, always ask for them preferably in writing to document your request. Your equipment needs to be portable. If the documents are court documents, you will have to get permission to take your camera into the courthouse.

When viewing documents in opposing party's office, do not discuss your observations or show any reaction to what you are viewing. When taking notes, make sure that no one from opposing party can see them. Even if no one else is in the room, you may be under observation. If opposing attorney asks you about your opinion, tell him that you haven't completed your examination since you need to review the photographs taken.

Always examine the entire document. The signature may be genuine but it could be a genuine signature that has been cut and pasted to a fraudulent document. Turn the document over and look at the back of it.

Never mark an original document. Some document examiners will put their initials and date on the back of original documents in an obscure place, however, I don't recommend it. In some cases, the client may not want opposing party to know that the documents are being examined by a document examiner especially if the document examiner finds against his client. Look for initials that indicate someone has examined the documents. Instead of marking the original, make notes about the documents so that you can identify them on the witness stand.

Keep accurate records of your procedures and activities but keep in mind that your notes are subject to examination by opposing party in deposition or in court if you use them to refresh your memory even if you do not bring them to court with you.

You should follow a standard method of examining documents.

### **PROPER PREPARATION PREVENTS POOR PERFORMANCE**

Your client's attorney calls to tell you that the case is going to court. Make sure you get the correct date, time and location. Get directions and determine how long it will take you to get there taking into consideration heavy traffic. Be prompt.

You may want to check out the courthouse in advance. You want to know the layout of the courtroom so you can plan your exhibits for the maximum effectiveness.

If you have not made exhibits to go with your report, you should do so prior to your court appearance. Make sure that the trier of fact can see your exhibits clearly. Ask your client's attorney if the case will be heard by a judge or a jury and plan exhibits accordingly. I always make exhibit books for both attorneys, the court, and one for myself. In jury trials, make one for every two jurors. It forces them to work together instead of leafing through your exhibit book.

## **Presenting A Professional Image**

By Katherine M. Koppenhaver, CQDE

If you have not been to court, you may want to sit in on some cases to become comfortable with the process.

### **PRETRIAL CONFERENCE**

You need to meet with your client's attorney prior to going to court. If it is not possible to have a face to face meeting, fax, e-mail or mail copies of your exhibits in advance and set up a telephone conference to discuss the case. You need to know what questions the attorney is going to ask you and he needs to know what your testimony is going to be. Also send your qualifying questions in advance so the attorney has a chance to review them prior to your meeting.

Discuss the strengths and weaknesses of the case with your client's attorney. If there is an opposing expert, you want copies of his report, the documents he examined and his exhibits. Your client's attorney may ask your help in preparing your cross-examination of opposing expert.

Bill your client prior to your court appearance. By collecting in advance, you demonstrate that your fee is not the result of your testimony. It is illegal for expert witnesses to take a case on contingency.

### **THE NIGHT BEFORE**

Get a good night's sleep the night before your court appearance. Your appearance is part of your testimony. If you look haggard and tired you will not make a good appearance. One expert I know says you should not drink alcoholic beverages the night before.

Review your case and notes the night before court. If you have been deposed, re-read your deposition as the opposing attorney will look for any inconsistencies between your deposition testimony and what you say in court. He will also try to impeach you using your deposition so it is to your advantage to be familiar with it.

Organize your exhibits for easy access. You must be able to locate the documents you need without a hassle when you are on the witness stand. Make a concise list of the reasons for your opinion to take to the witness stand with you. You cannot read your testimony but you can refer to your notes.

### **THE BIG DAY**

Dress conservatively for court. Wear a suit. Women can wear dresses with jackets. Keep your jewelry to a minimum. Do not wear anything political or religious. Now is not the time to make a political statement.

I find mental preparation is helpful. On your way to court, remind yourself that you are a professional and that you will remain cool, calm and collected. You can also practice some voice exercises and roll your shoulders as a tension reliever. Take a few deep breaths.

## **Presenting A Professional Image**

By Katherine M. Koppenhaver, CQDE

You are testifying from the moment you enter the courthouse. Your demeanor is being observed by potential jurors or the judge before you even get to the courtroom. You do not know who is in the hallway. It could be the judge or a juror or an opposing party.

Sometimes there is a rule on witnesses and all the witnesses in the case will be sequestered (banished from the courtroom). Expert witnesses may be exempt from sequestration so you may need to ask if that includes expert witnesses. Unless told otherwise, leave the courtroom quickly and quietly.

If you are sequestered, find a quiet place in proximity of the courtroom where the bailiff can find you easily. You will be reminded by the judge when you exit the courtroom not to discuss the case with anyone. It is best to sit alone. Don't talk about the case or your feelings even in the bathroom. You never know who could overhear something you say.

If you are allowed in the courtroom, sit without drawing attention to yourself. Do not shuffle papers. You may pay attention to whatever is going on in the courtroom. I always bring something to read, usually a professional book related to my work. Occasionally you will run into a judge who does not allow you to read at all in his courtroom.

While waiting to testify, note the location of the witness chair so you know where to go when called to testify.

Do not bring other cases to court with you. An opposing attorney has a right to look at anything that you take to the witness stand with you. The cross-examining attorney also has a right to look at any notes that you bring to court or that you used the night before to refresh your memory even if you don't bring them to court.

When the bailiff calls your name, pick up your briefcase or notes in your left hand so that you are ready to raise your right hand and take the oath. Before you take your seat, the judge will tell you to remain standing while the oath is administered. Answer in a loud clear voice. Once you are seated on the witness stand, you will be asked to state your name and address for the record. Have your notes ready so that you can answer the questions posed by your attorney and also cross-examining attorney. You may use your notes to refresh your memory but you may not read your testimony. The exception to reading occurs when an attorney asks you to describe a complex issue that requires reading to respond accurately. For example, if you are asked to describe all of the seminars in which you have participated, you may have to refer to a list for specific details. Likewise, if you are asked to describe documents that you examined, you may read the name of the document and the date on the document. But your opinion testimony must be spontaneous.

### **TESTIFYING AS AN EXPERT**

Your testimony consists of two parts. First you must be qualified by the court as an expert in order to be able to give opinion testimony. Your client's attorney will ask you questions about your area of expertise. You should have supplied your client's attorney with qualifying questions at your pretrial meeting. Always start with your strongest credentials. Your client's attorney will move

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to have you accepted as an expert once he completes the qualifying questions and the opposing attorney has had a chance to cross-examine you on your qualifications.

Opposing counsel may try to show that you are not qualified in this case. He will probably object to you, claiming that you lack the expertise to testify as an expert. The judge will then make a determination. Some attorneys will stipulate to your credentials. In fact, some opposing attorneys will do so in order to prevent your credentials from being brought out in court, especially if your credentials are impressive.

Some attorneys file motions in limine to prevent you from being declared an expert. The judge may order a Daubert Hearing to determine if you adhered to the necessary rules under Daubert. If this occurs you will have to answer more questions about your training and methodology to determine if you meet the requirements.

Once you have been declared an expert, you will be allowed to express your opinion about the case. Your client's attorney will be asked you questions about the case to illicit testimony.

Pause before answering each question. First, it gives the attorney time to complete his question and second, it gives you time to properly phrase your answer. And it is impressive. It also gives your client's attorney a chance to object to a question. If there is an objection, wait until the judge rules before answering. If the judge sustains the objection, do not answer the question. If the judge overrules the objection, you may answer the question.

Answer as succinctly as possible. Be sure you understand the question being asked and if you do not, ask to have it repeated or rephrased. Never answer a question you don't understand. It is perfectly acceptable to give an I don't know when you don't know. You are not expected to know everything so do not try to bluff.

Answer all questions truthfully. Look at the attorney who is asking the question but turn to the trier-of-fact to give your answer. The trier-of-fact is either the judge or a jury. Be courteous. Use your exhibits to graphically demonstrate your opinion.

When your client's attorney finishes asking you questions, the cross-examining attorney will be allowed to question you. Cross-examination can either strengthen your case or uncover any weaknesses. The cross-examining attorney should only question a witness who is vulnerable but most feel an obligation to ask some questions. The attorney is going to try to poke holes in your testimony. He will attempt to show that your direct testimony is inaccurate or just plain wrong. He will offer hypotheses in an attempt to discredit your testimony.

Do not change your demeanor when you are cross-examined. If you have a strong case, you may be able to use cross-examination to strengthen your opinion. Upon completion of cross, your client's attorney may ask you questions on redirect in order to rehabilitate you. The judge may also ask you questions.

Upon completion of your testimony, the judge will excuse you and you will be allowed to leave the witness stand. You may be excused or you may be asked to wait. Usually you will be allowed

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to stay in the courtroom even though you had been sequestered. If nothing is said when you leave the witness stand, you may ask the judge if you can be excused. If there is an opposing examiner, you may be asked to stay for his testimony. Your client's attorney may want you to assist in cross-examination. You may also be needed as a rebuttal witness after opposing expert has testified.

When you are excused, make sure that all the evidence that has been marked in this case is left on the witness stand. Gather your belongings and leave quietly. Do not breathe a sigh of relief when you exit.

Keep accurate records of your court appearances. Include the name of the court, its location, the date, the judge, the names of both attorneys, the name of my client and whether you have testified for the plaintiff or defendant as these questions may come up in court in the future. Federal Rules of Evidence require an expert witness to provide opposing attorney with a list of all court and deposition appearances in the past four years.

By following the basic guidelines as described here, your appearance in court will be more comfortable and productive. Testifying is like any other skill. It is possible to learn how to testify effectively and with practice, testifying will become comfortable when you are properly prepared.