



Under the Microscope

Vol. 1, No. 4 Newsletter of IADE Winter 2015

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Feedback – How We Learn Editorial

We learn by repetition and feedback. We learn from our experiences as long as we get feedback. Without feedback, we do not know what areas need improvement and we cannot improve in our field. One way of getting feedback is through proficiency testing.

Proficiency testing enables document examiners to determine whether signatures are genuine, disguised, or simulated. The test-giver knows the correct opinion. The test-giver creates the test by having writers sign their signatures, disguise their signatures, and simulate signatures.

We rarely get feedback when working on cases. Occasionally, a forger will admit that he or she forged a document. Or, a writer will admit the truth about a genuine signature that was being denied.

Sylvia Kessler has spent a lot of time creating a proficiency test. It takes a lot of work to prepare such a test. Several entities tried but did not continue with their tests. Dr. Bryan Found created an excellent proficiency test for a period of eight years. He started out by asking participants to compare 250 signatures and 250 handwriting samples with known exemplars. He gradually reduced the number of questioned handwriting samples to 100. I participated in his tests and I learned a lot from them by reviewing the test results. I examined over 2000 handwriting samples in these tests. One of the reasons that his test didn't catch on, is that it was a very difficult and challenging test. However, it was an excellent training tool. A test is not valid if it doesn't duplicate our casework. We get cases with various degrees of difficulty.

Proficiency testing creates a good learning experience and I would like to see all of our members participating.

Kathie

HIGH TECH

By Bill Koppenhaer

Thermosensitive Ink

By Bill Koppenhaver

Pilot Pen Company has come out with a new “erasable” ball point pen called the **Friction**. Technically, the **Friction** is not an erasable pen but instead uses the heat generated by rubbing a nylon nib over the writing that produces enough heat to turn the ink line clear so that it disappears from view. This process does not produce the paper abrasion of an eraser so the removed writing is less noticeable than the other erasable pens on the market.

Upon a microscopic inspection of the paper and using side lighting, the embossing left by the ball point is still visible. This artifact is probably sufficient to prevent the pen from being used for truly secret writing. However, it would be impossible to recover the erased writing from a photocopy of the original. I did some experimenting with an electric hair drier and discovered that it is sufficiently hot enough

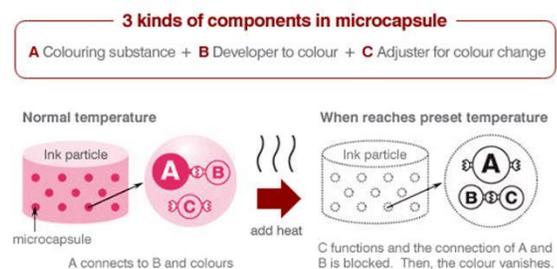
to make the ink disappear over larger portions of the document quite easily. All that is left is a very faint chemical trail and the embossing from the ball point.

I then wondered, if heat removes it, will cold restore the color to the written line? I placed the written document into my freezer for about 30 seconds and discovered that the ink reverts back to its original color at about one half the density of the original line.

This is more than sufficient to make the writing easily visible to the unaided eye. In fact, the color change can be made to disappear and then reappear several times with the alternate application of heat or cold.

Why does ink become transparent? ... Mechanism of FRIXION INK

FRIXION INK contains special microcapsule which functions as pigment. Mixture of 3 kinds of components included in the microcapsule reacts by FRICTION heat and colour becomes transparent.



At the present time, I don't know of any attempts to alter signatures or documents using this pen, but it might be something to look for if a question of altered signatures is raised. The pens presently come in red, blue, and black ink. The writing appears to be that of a common roller ball with the exception that the color density is slightly less.

Season's Greetings



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The Book Shelf



Coping With Cross-Examination And Other Pathways to Effective Testimony By Stanley L. Brodsky.

As reviewed by **Kathie
Koppenhaver**

Stanley Brodsky, a Psychology Professor at the University of Alabama, has written numerous books for expert witnesses offering techniques for testifying. Several of his books include *Testifying in Court*, *Guidelines and Maxims for the Expert Witness*, and *The Expert Expert Witness*. He follows a similar format in his current book that includes a maxim at the end of each chapter.

Coping With Cross-Examination is divided into three main sections beginning with Introductions, which includes Ten Things You May Not Know About Testifying. Professor Brodsky then goes into Testimony and finally the Expertise and Bases for Testimony. The second and third sections contain three subsections with each subsection further divided into chapters. There are 52 chapters altogether in 250 pages.

Section II covers Telling a Clear and Compelling Story, Obstacles and Pitfalls, and Cross-Examination Attacks and Bullying. Section III includes Professional Dilemmas and Boundaries, Attorney Extrapolations and Demands, and Clarity and Focus.

In Chapter 2, the author covers ten key points about testifying that you may not know. These points include: most testimony is routine, you know more than they do, and the best preparation does not take place immediately before trial.

At the end of each chapter (except Chapter 1) are maxims that relate to the topic covered in that chapter. For example, one maxim is: "Fear and excessive self-consciousness are natural enemies of good testimony. Preparation and realistic knowledge are natural allies."

Under the heading, What This Book Is About, Professor Brodsky writes, "This book is about the psychology of the cross-examination, considered within the totality of testifying in court; how to think on the stand, which patterns of words to use and not use, what behaviors work, and how to understand interchanges between attorney and witness. This book is equally about fearfulness on the stand and mastering that fear."

Professor Brodsky draws on his own experience and the experience of many other witnesses to instruct experts in the best methods to use when testifying in a court of law.

Each of his books offers new insight on how to testify and avoid the many pitfalls that can reduce the value of an expert's testimony. I recommend all of his books as having valuable information for expert witnesses.

Professor Brodsky's books are published by the American Psychological Association. For additional information go to www.apa.org.



Membership

2016 Information

(February 1, 2016 through January 31, 2017)

Application Fee \$25.00

Dues \$90.00 Individual
(Annual – Prorated)

Lab \$90.00 First Individual
\$45.00 Additional Individuals

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Deadline for next issue

February 18, 2016



The International Association of Document Examiners (IADE) was incorporated on January 7, 2015 in Maryland. Kathie Koppenhaver is the resident agent and President of the organization. Sylvia Kessler is Vice President, Marcy Word is Secretary, and William Smith is Treasurer.

Q & A

LAST MONTH'S ANSWER: **YES**
Marcela T. Word, FDE

THIS MONTH'S QUESTION . . .

Your opinion is just that, an
opinion, isn't it?

Answer will be in the next issue.

If you would like to submit an answer,
contact the editor.

See page 3.

FORGERY IN NEW YORK

By Jan Raney

While in NY, I read an article in the Sept. 17, 2015, edition of the New York Post, under the headlines LAW & FORGER, Aid Faked 76 Judges' Signatures, by Rebecca Rosenberg.

A lazy paralegal forged the names of 76 New York state Supreme Court justices on more than 100 court docs. He claims he was overworked and thought faking signatures would make his job easier.

Thomas Rubino, 42, first got the idea to lighten his load by dummying up insurance settlement forms in 2011 as he toiled at the Manhattan personal-injury law firm of Paris & Chaikin, according to court records.

He said he soon discovered that forgery was a real time saver. "Each year the workload increased and I had difficulty keeping up", Rubino told investigators. "I made the forged orders when I felt overwhelmed with work. I was motivated out of fear that the work wouldn't get done."

He described his forgery as a simple cut-and-paste system, in which he used scissors to snip a judge's signature from a legitimate document, then used tape to put it on a phony settlement form, prosecutors said.

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Gotham City Expert Witness Group Monthly Luncheon

The Gotham City Networking Expert Witness Group offers networking opportunities and monthly speaker/topic or group discussions on topics of interest to fellow experts. This is an extremely valuable group for business contacts, exchanging business practices and tips and even learning from each other's litigation war stories. Attorneys in and outside Gotham may want to join just to interact with potential experts for their own use in litigation.

Future Event: December 14

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NETWORKING BUILDS YOUR BUSINESS!

Tips and Tactics

- Test alternate opinion and be prepared to state reasons they have been rejected.
- Take measurements and conduct tests.
- Always perform hands-on investigation.
- Motto of dangerous expert is: Trust but verify.
- Modern scientific methodology is based upon testing hypotheses and see if they can be falsified.



Continued from page 4

The scheme finally started falling apart in late 2013 when he got a letter from a judge questioning the validity of a signature. He panicked and immediately tried to go on the lam.

He was arrested at the Manhattan District Attorney's Office after prosecutors asked him to come in for another interview.

Rubino faces 234 counts of forgery and possession of a forged instrument for the cut-and-paste job of 117 legal docs from June, 2011 to October, 2013.

I thought you'd all enjoy this article

Testifying in Trinidad

Kathie Koppenhaver, CFDE

The court system in Trinidad follows the English Court System. I was appointed as a single joint expert by the high court of San Fernando, Trinidad. A single joint expert is paid by both parties. This practice is common in England and is used occasionally in the United States. I have served as a single joint expert in other cases and it is my observation that there is always one unhappy party.

I submitted a detailed report to the court prior to my appearance. The court used my report extensively during my testimony. The Plaintiff was denying his signature and it was my opinion that the signature was genuine.

I was sworn in by the clerk who had me repeat after her stating that "my testimony was the truth, the whole truth, and nothing but the truth." I was aware that courts following British Rule have their witnesses stand to give testimony. I asked to be seated and arrangements were made to accommodate me.

After being sworn in, I was shown my detailed report and asked if I recognized it. The judge invited the Plaintiff to question me first. Since I found against the Plaintiff, I was cross-examined before I gave direct testimony. That was frustrating. The opposing counsel projected three signatures onto a screen at the side of the courtroom. He used one of the questioned signatures and two known signatures, picking two that were less similar than other signatures that I had examined. The counselor emphasized the differences between the questioned signature and the two knowns. He was well-prepared.

After completing his questions, the defendant's counsel had the opportunity to ask me questions. He questioned me to bring out the fact that I had compared 31 signatures and that I found many similarities with the questioned signatures. The judge asked me to point out all the reasons for my opinion. I was allowed to speak at that point without having additional questions so that I gave the rest of my testimony without interruption. There was no follow-up cross and there were no objections made during my testimony. It was an interesting experience.



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CONFERENCE/SEMINAR

PAGE

Professional Image Workshop for SAE

February 15th and 16th Orlando, Florida

Space is limited in order to give attendees more personal attention.

Cost is \$150.00

Make out check to IADE and send it with your application for the seminar to:
William Smith, CFDE 10019 Sweetleaf Street Orlando, FL. 32827