

Fall 2005
Volume 1, Issue 3

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Since 1996, we've served our clients with investigations regarding:

- Background Checks
- Computer Forensics
- Environmental Liability
- Business Backgrounds
- Litigation Support
- Due Diligence
- Elder Abuse
- Historical Land Use
- Domestic Cases
- Fraud
- Worker's Compensation, etc.

Information You Can Use...

Maps as Evidence Sources

Whenever we are called upon to determine the operations history for a site, one of the first things we do is mine all the cartographic resources available for the area. An obvious starting point is reviewing the Sanborn Maps.

In 1866, Massachusetts surveyor D.A. Sanborn was engaged by the Aetna Insurance Company to create fire insurance maps of Boston, completed in 1867 with 29 sheets at a scale of 1" = 50'. His focus was to help fire insurance companies, involved in underwriting commercial policies, by indicating what materials were used in a building's construction, if anything is stored on site, the presence of flammable or combustible materials, etc. Those initial efforts grew into the Sanborn Map Company, which eventually surveyed over 12,000 cities and has over 1,200,000 maps sheets in its collection, and are a tremendous source for determining land use histories. Many of these have been scanned and can be reviewed at various online sites.

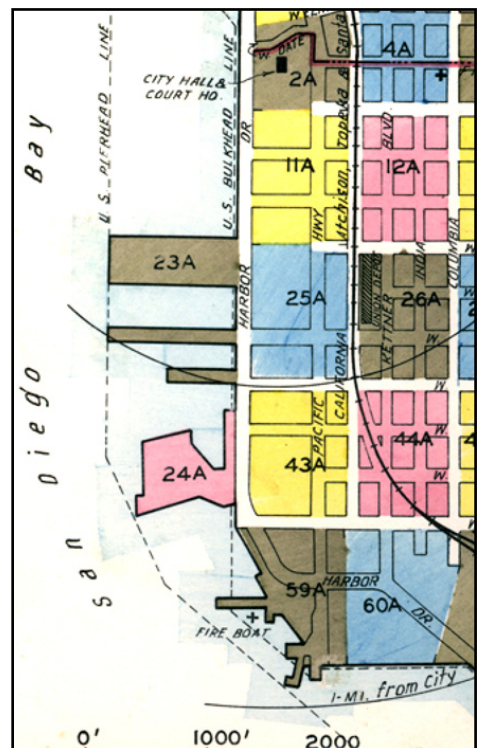
G. William Baist, a map publisher from Philadelphia, created maps similar to Sanborns of many of the nation's major cities from the turn of the century until the 1930s. Map series for 1905, 1908 and 1914 were essential in helping us identify early site occupants in an industrial section of Los Angeles. Baist's Real Estate Maps remain another important resource in our bag of tricks.

One of the best sources of historical maps are municipalities. Working on a project in the Midwest involving a contaminated river, we located old engineering maps at a city agency. These predated construction of the local sewage treatment plant, and

showed sewer lines leading directly to the river. This was especially useful in showing what industrial areas were disposing of their waste to the river.

The National Archives and Records Administration (NARA) has the largest collection of maps in the world, and it often contains local-level maps found nowhere else. On a contaminated site having homes since the 1940s, we found at the NARA a 1909 bird's eye map depicting a Los Angeles refinery, with smokestacks and the name of the company written on the side, which through a corporate successor and parent liability investigation led to a large multinational corporation.

Historical maps are not just interesting, they serve as a critical element of any due diligence site investigation.



Geriatric Interviews

Our interaction with the elderly is fairly routine, partly because people are living longer than ever before and partly because of the types of cases in which we've specialized. A good portion of our work is helping to determine liability for sites contaminated by historical operations.

Part of a PRP search scheme is identifying and interviewing people who had knowledge of the subject site. Thus, interviewing old-timers—"geriatric interviews"—has been essential to this work. As with any case, testimony from percipient witnesses is sought after, even if the event occurred 50 or more years ago.

Patience and Time

Patience and time are paramount when interviewing a person whose mental faculties are fading. Allow the interview to become less formal. A discussion, rather than an interrogation, pays greater dividends to an investigation. Bring old photos and maps. Allow the witness's mind to wander and ramble some. As part of the recollection process, pertinent facts often begin to surface. Show sincere interest, put them in touch with others you have interviewed, express your admiration for what they once did, and simply let them know that their memories are important to you.

The witness's physical condition can affect

his or her cooperation and willingness to be interviewed, but we've found that most are more than willing to talk. For us it is gathering evidence, while for them it is reminiscing.

For example, 75-year-old "Johnny" became a key witness concerning the manufacturing processes of the company at which he was formerly employed. From the late 1940s through the 1970s, he spent endless days bending over solvent vapor degreasers and acid tanks. He lost all sense of taste and smell many years ago, which he attributes to constant exposure to chemical fumes. He was pleased to recount the chemical processes used by his former employer.

"Robert" is another example. He is an 82-year-old defense contractor retiree whose legs had been severely burned in a plant explosion in the 1960s. His recovery has been mediocre at best. Robert's description of the explosion helped us understand the lack of attention to the management and disposal of hazardous waste and the disregard for the environment during that era.

Clifford

Probably one of our biggest challenges was "Clifford." Clifford had once operated a small petroleum-related business in California where the land became contaminated in the 1960s and 1970s. He suffered from physical ailments as well as from the stress of dealing

with regulatory authorities that compelled him to clean up the property, leaving him broke, forcing him and his family to move back to his "roots" in Oklahoma. We located Clifford sitting on the front porch, sitting in an old overstuffed chair wearing coveralls with no shirt and a John Deere cap. He had a .22 rifle across his lap and a .410 shotgun propped up by his arm.

We parked by the fence about 50 feet from the house, got out, and while standing by the fence post, introduced ourselves, making every effort to convince him that we were not government agents, and made a sincere inquiry about those guns. "Oh," he said "They're only for shootin' hawks and other varmints" that came in after his several dozen chickens and turkeys that happened to be scratching and pecking around our feet.

Clifford did not want to be interviewed, claiming that he didn't know anything and that he didn't want to be bothered. For three hours we stood by the same fence post, exchanging pleasantries with Clifford and sympathizing with him about his poor health, about his family tree, about his hound and pet peacock, about old friends and acquaintances, about the good work he once did for the petroleum industry, and about his perceived indignities and mistreatment by the government. Although he did not invite us to the house, Clifford unwittingly provided information during those three hours that government agents who attempted earlier interviews could not get.

Rapport and History

A wonderful rapport can develop during extended investigations, and did when investigating the operations of a World War II Army base with a large contamination plume beneath its former location. We located several hundred former soldiers who were stationed there from 1942 to 1946, one being the former camp's chemical officer: an 82-year-old man named "Alan" living in San Diego. For two years we called on and visited Alan. He became our authority on the Army's bygone activities and the former buildings at the camp, as well as on the activities of his former buddies. We came to know so much about the camp and its service personnel, it almost felt that we'd been stationed there.

Anytime we needed to know something more about the camp, we'd call Alan. He passed away recently, which brought to mind the old adage, "Each time an old person dies, a library burns down."



Trinkets and Treasures

One should never overlook the possibility that old-timers have tucked away some object, document, roster, photograph, personal military file, or keepsake significant to the investigation of an old event. For this reason, that is a standard query in our list of questions. Otherwise, we'd have missed many golden opportunities to seize evidence on the behalf of our clients.

For instance, we asked 80-year-old "Elmer" if he had any old photos or documents. He slowly rose and went to a nearby closet where he began searching. From a high closet shelf, he pulled out a dusty photo album. It contained well-preserved pictures he had taken in 1944 inside the now-defunct military base we were investigating. One photo depicted a scene taken from the rear of his barracks and the side of the base maintenance shop. Barely noticeable in the background, until enlarged, was a cleaning solvent cart that held trichloroethylene, the very objective around which our investigation centered.

In his garage, "Don," a 68-year-old retired engineer, found a reel of 8mm film that he

had stored away 40 years ago. It was a 1961 publicity and marketing film made by his former employer and whose former use of hazardous materials we were investigating. That 25-minute film was nicely narrated and clearly showed every operation within the plant, including men working at the vapor degreasers. After converting it to VHS, this became a great way to refresh memories of other former employees. It provided visual evidence about how the former industrial site most likely became contaminated and it countered claims that solvents had never been used.

Finally, there was "Millie," 83-years-old, bedridden and weak. She was the only living member of a family that operated a factory in the 1930s and 1940s. Although the plant had disappeared decades ago, the land was contaminated with heavy metals, acids, chlorinated solvents and so forth; and we were looking for an explanation. For several hours we sat by her bed while she reminisced, and as an afterthought she mentioned that she had some pictures of the family business somewhere in her little house. Thinking more deeply now, she slowly murmured,

"Would you mind looking under the bed? I think they're in a box." Under her bed was a small shoebox, containing a treasure trove of pictorial evidence. Few were labeled, so each were held close to her eyes, since she was too weak to even lift her arms. In this way, she gave a detailed description of the plant activities depicted in each photo. With Millie's cooperation, we constructed an extensive photographic and written history of the facility that had been located in what was once rural Los Angeles.

And So...

We should remember that the interviewing differences between an elderly person and a younger one is something about which the interviewer should be aware. These differences include the need for compassionate thinking and consideration of the witness's physical condition and slowed thought processes; the recognition of expressing sincere and interest in what the witness is saying; observing the need for the witness to tell all their story, not just the part that is helpful to your case; and realizing that few productive interviews are done quickly.

The Preservation Letter

Proper recovery of computer evidence requires the use of non-invasive computer hardware and software tools specifically designed for the task. Electronic evidence is fragile by nature and can easily be altered or erased if not properly handled. Thus, it is important to properly draft a preservation letter to obtain the contents of a hard drive.

It is not enough to ask for paper copies of certain files on the computer. Microsoft has provided a system of embedding data into files, called metadata, which indicates when the file was created, last modified, last accessed, who created, how many times edited, the last time it was printed, etc. Printing a document doesn't provide this information. Additionally, evidence may reside in deleted files, inaccessible to the typical user.

If the subject computer is not in your possession, then you should immediately send a letter requesting that all relevant computer data is immediately preserved until proper recovery and analysis can be conducted through permitted access or discovery.

How Evidence is Preserved

The letter should indicate how the evidence is to be preserved. Asking that the user not delete anything is not enough. It is important to note that the continued operation of the computer will likely result in the destruction of evidence due to the fact that electronic evidence can be easily altered, deleted or otherwise modified.

As an example, when a file is deleted, its data still remains on the hard drive in unallocated space. At some point, the computer will allocate that space for storing other data. It is not a matter of "if" that space gets used, but "when". If the computer user were to download large music or video files, then they would be stored in unallocated space, possibly overwriting critical evidence. The continued use of a computer increases such opportunities.

Spoliation of Evidence

The failure to preserve and retain the electronic data may constitute spoliation of evidence. The evidence can truly only be preserved by not using the computer, or creating a forensic image of the hard drive. The best way to accomplish this is to have

a forensic examiner acquire the image, and custody of the data would be maintained as directed in the letter, with the examiner, either counsel, the subject, the court, etc.

What's on YOUR hard drive?

When directing a demand for inspection for electronic evidence, it would be prudent to know what adverse parties may find on your or your client's hard drives. Any correspondence or documents on your system that may weaken your case should be searched out in advance of making the demand.

Writing the Letter

It goes without saying that one should research appropriate legal sources, but many terrific examples of preservation letters citing relevant Federal and State laws can be found through a simple search of Google on the terms "preservation letter" and "computer forensics."

Electronic evidence recovery must be taken seriously and done properly because the evidence is fragile, easily erased and can be compromised by untrained parties. A preservation letter will assist in that process.

\$10 Million Verdict Against Successor

A corporate successor and parent liability search was performed on a Midwest aerospace company that had years earlier purchased an industrial company. The company had used toxic materials in its manufacturing processes, which fact resulted in a favorable verdict against the company's successor in interest.

Witness Located

A client asked us to locate a female signatory on a 1964 will. We were able to trace her through three marriages in the 1960s, one in the 1970s, and finally to her current married name from a mid-1980s union. Historical vital records and newspapers were instrumental in this process.

Toxic Tort Investigations

We recently completed a seven year investigative effort on a Defense contractor facility that had a myriad of environmental contamination issues. A lawsuit was filed on behalf of citizens residing downwind and downgradient from the facility, many of whom suffered serious health problems from exposure to harmful substances emitted by the facility.

Say that in Russian!

One of the cooler tools on the net, that also proved very useful when corresponding with an Hispanic client by email, Alta Vista's translation utility is worth a peek. It works with Japanese, Greek, French, Chinese, Spanish, Korean, Italian, Russian, Dutch, German, and of course English. It will translate up to 150 words at a time in a block of text, it can also be pointed at a website to interpret. Check it out at <http://babelfish.altavista.com>.

Social Security Death Index

The Social Security Administration maintains a master index of all deaths in the United States since 1962 in which a Social Security death claim has been made. Information includes full name of the decedent, SSN and zip code to where the death benefit was directed. You can access this index for free at several genealogical sites, www.rootsweb.com being one of them.

Forms! Forms! Forms!

<http://www.4hb.com/letters/index.html> - Has just about every conceivable form you could want.

Did You Know?

4 COSTLY MISTAKES LAWYERS MAKE WHEN MANAGING AN INVESTIGATION:

1. Assuming information is easily available online. The web has fantastic sources, and is a part of a due diligence, but the best information generally comes through other sources.
2. Relying solely on proprietary databases. Skillful use of multiple databases, (Lexis-Nexis, Choicepoint etc.) is necessary, but know the strengths and weaknesses of each. Additionally, there is a lot of information not available in databases, requiring onsite research, witness interviews, etc.
3. Relying on the lowest price for investigative services. The lowest price is not always best, or we'd all be driving a Yugo. Who would hire the cheapest lawyer in town?
4. Not hiring a professional. Having on-hand personnel do the searching before enlisting an investigator's services wastes time and money. We've received calls from clients who have expended most of their budget, and then ask how we can help. Do what you do best and hire the rest.