

NEWS

Information & Insights from **RICK JOHNSON** Private Investigators
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Litigation Support

"It Can Be Later Than You Think Earlier Than You Thought."

That's a line from an old Little People cartoon that all too often is exactly what happens in the process of preparing litigation.

And the problem almost always comes down to the lack of basic information.

The Investigator's Role

Whether it regards **documents, witness interviews, background data, or assets**, an investigator early on in any type of potential litigation can fill in the gaps in the information that, if left unattended, can cause problems later.

The investigator can help fully identify potential witnesses by name, address, telephone number, Social Security Number, and date of birth - all critical to keeping tabs on people who may later be useful and who may need to be found and contacted again.

An investigator can obtain and review all police reports and other types of reports in order to help establish whether or not early contact with people identified in those reports or the further investigation of information in those reports will be useful.

The investigator can conduct

The Information Chase Part-1

Various types of reports may need to be obtained, and records of any type can be notoriously inadequate sources of preliminary information.

Potential witnesses may be identified only by name and a telephone number. Follow-up reports describing interviews can be brief, and information in one report may be contradicted by information in another.

And all of that and more can happen even when everyone is cooperating and telling the truth as best they can.

When insurance companies are involved, adjusters may not ask all of the right questions - more importantly, they may do nothing to obtain the kind of information necessary to locating potential witnesses in the future.

Potential witnesses usually have no compelling reason to stay in touch with authorities, insurance companies, and attorneys on their own.

They'll change addresses, telephone numbers, even their names. Some may end up in jail or dead.

Even information provided by clients that early on seems useful may later turn out to be no longer

Business records, including corporations, partnerships, trade names, and filings under the Uniform Commercial Code can be found.

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It pays to remember that Little People cartoon:

"It can be later than you think earlier than you thought."

Rick Johnson

When questions exist as to the conduct of one parent or the other with regard to the welfare of the children, surveillance again is an option.

The issue may not always be as simple as a parent stopping at a bar before picking up children at school, but alcohol and drug use do require outside contact and the use and abuse of substances often does have public components that can be observed.

Often where children are involved, it's not just a party to a divorce that is important... the people with whom that person associates while caring for children can be extremely pertinent.

Casual acquaintances can be at issue, but this is particularly important where a third party has moved in with the opposing spouse.

preliminary interviews to set the stage for possible later statements under oath. These early types of interviews can be extremely important in verifying basic facts that may fade from memory with time and circumstances.

Frankly, people who may be willing to cooperate early in the process may find some reason to not be cooperative later in the process.

Information and documents that may be available early in the process may become displaced for any number of reasons later in the process.

The Investigator or Your Own Staff

An investigator is not merely a participant in the process - **an independent investigator can become an important witness for your side.**

As a former investigator for the Denver County and Jefferson County District Attorneys Offices, and as an investigator in private practice for 14 years, I know that role well.

I've been called upon to authenticate my work via testimony in various types of cases, and my testimony also can be used to directly counter opposing assertions of fact or theories of evidence.

An experienced, well-prepared professional outside investigator can be an important expert witness.

valid or even wrong in the first place.

The Information Chase Part-2

Background investigations tend to be most useful when conducted early in the process, especially when part of the mission is to locate or verify the location and means of contact of **potential witnesses.**

In criminal matters and in many types of civil matters, the parties may carry personal baggage that needs to be exposed, on the one hand, or mitigated, on the other.

Whatever you find, the other side probably also has found or will find.

Background research on **Expert Witnesses** for the opposing party often can be useful. Reputation is one thing... the actual record can be another.

Property and the mortgage or lien status of that property can be identified via public records.

Vehicles and the lien status of those vehicles can be discovered.

Employment, if known, can be verified. Again, the thoroughness of preliminary information is important in this regard.

Accident reports and citations obtained from the Division of Motor Vehicles often will include the identification of and phone for an employer.

In any domestic matter, knowledge *is* power.

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Rick Johnson



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