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OBTAINING HANDWRITING SAMPLES FOR COMPARISON©



Q: How many handwriting standards do you need to make a comparison?

A: Often, an expert may require two dozen or more handwriting standards.

WHY DO I NEED SO MANY SAMPLES?

A person's handwriting can change from day to day, and even morning to afternoon - in size, neatness, speed, legibility, etc. Writing can change with body posture (standing, seated, hunched, cross-body reach) writing surface (smooth, irregular) writing implement (ballpoint, pencil, felt tip, fat barrel pen, thin barrel) health (advanced age, medication) and more.

Your document in question may have been written on the windshield of a car (convex surface) by someone stretching over the hood of the car (awkward body position), in a hurry (excessive speed), with a pen writing uphill (insufficient ink). If all you have for comparison is one signature on a check, the writing may not look the same, yet both handwritings may have been executed by the same individual. There is no substitute for doing your homework with gathering handwriting standards.

WHERE DO I START?

There are two types of standards

1. Collected: those already in existence – cancelled checks, contracts, receipts, letters, etc.
2. Requested: writing an individual is asked to create to help facilitate with the investigation.

The instructions here focus on collected standards. A document addressing requested standards is also available.

DO NOT CUT CORNERS WHEN OBTAINING STANDARDS

It cannot be stressed enough – the most important factor in any document examination is the **quality of the standards for comparison**. Your standards will provide the basic framework, the baseline of authenticity against which all questioned documents will be compared and judged. According to one study, *close to 80% of cases that ended in an inconclusive opinion were the result of insufficient standards for comparison.* The last thing you want to hear an examiner say is "I believe it's his writing, but I can't prove it." Regardless of whether you plan to litigate, when an expert renders an opinion, s/he needs to be able to "demonstrate and testify in a court of law" to that opinion.

MORE IS ALWAYS BETTER

There is no across the board answer to “How many standards do you need?” The larger the variation in handwriting, the more standards you’ll require. Provide the examiner with everything in your file, and whenever possible everything opposing counsel has produced.

ORIGINALS

Photocopies eliminate detail - patch-ups, white out, erasures, tracing, misaligned typing, retouching, cut and paste, differences in paper, watermarks, fonts, color xerox, scanned letterheads, staple holes, and any indented writing from the page above.etc. With the prolific use of Photoshop and other computer graphics programs, it’s more important than ever to work with originals whenever possible. There is a trend now to scan everything and email it to the examiner. The same parameters apply – much detail germane to the original can be lost.

CONTEMPORANEOUS

A genuine signature on a bank card signed in 1986 may not resemble a genuine signature on a will signed in 2004. Handwriting can change over time as a result of ill health, medication, advanced age, substance abuse, accident etc. Do your utmost to get exemplars that are as close in time as possible to the questioned document.

The best standards for comparison are usually documents executed prior to or contemporaneous with the questioned document. Anything created prior to the questioned document is usually done without influence or visual memory of any document executed at a later date. (i.e. no attempt can be made “after the fact” to deliberately create handwriting pictorially dissimilar to the questioned handwriting.)

RANGE OF VARIATION

It’s best to have exemplars executed on different days to capture the range of variation discussed above. Ten signatures written at a single sitting is akin to having one signature, as the body and hand position, muscle tension, pen grip, size of writing, etc. will tend to remain constant.

Range of variation in writing can include:

- size, (large or small)
- width (expansion or contraction)
- height (stretched or condensed)
- pressure (light, heavy, mixed)
- line quality (smooth, tremulous)
- speed (fast, average, slow)
- writing posture (standing, seated, hunched, body twisted, cross-body reach)
- writing surface (smooth, rough, irregular, uneven)
- health (ill health, advanced age, medical conditions)
- external factors (cold, heat, alcohol, feeling rushed, moving vehicle)
- internal influences (stress, nervousness)
- writing implement (pen, pencil, felt tip)

GOOD EXEMPLARS

Normal Course of Business documents can provide writing that is natural and spontaneous , without intent to disguise. If your case involves checks, asks for checks written around the time as the

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questioned signature. If your case involves a signature on a contract, will, etc. try to secure samples from similar size documents written around the same time.

Ask that all checks be kept in sequence if possible. This precludes the chance of receiving standards that have been “cherry picked” to exclude those documents which are pictorially similar to the questioned document. A person’s range of variation in signature pattern should surface if you have a sufficient number of checks and they are in sequence.

INCLUDE DATES, NUMBERS AND INITIALS

Checks are also helpful if your questioned document includes dates and/or numerals, as a person’s handwriting style and habit patterns can be exhibited there as well. It is often difficult to find sufficient standards when initials are involved. People will often initial a mistake they make on a check. Car rental forms can also contain several sets of initials.

COMPARE LIKE DOCUMENTS - writing vs. printing

Cursive writing is not printing. You must compare like to like. Initials are not always executed in the same manner as a person’s signature. Compare signatures to signatures, initials to initials. In addition, just because a form is in a personnel file, doesn’t mean the person wrote it. In an effort to make a good impression, people often have a friend with “neat” writing fill out their job application. If you lack adequate samples, you may need to take requested writing.

AUTHENTICATE AUTHORSHIP

“We’re pretty sure it’s his” leaves your examiner at an extreme disadvantage. In more than one instance, I’ve discovered non-genuine signatures in a stack of purported “originals.” Many times in elder fraud cases, signatures presented to me as “genuine” were executed by a spouse, caregiver, son or daughter who would help the elderly person pay bills.

A case concerning employee theft from a major Pizza chain involved questioned deposit slips as well as missing cash. The job application provided to me had been filled out by the suspect’s girlfriend. Seeing the dissimilarity, I requested further exemplars.

ELDERLY HANDWRITING

Make certain when working with the elderly that you are not comparing forged to forged. A caretaker or family member may have been paying bills, signing checks, etc. for the person for some time. Confirm when the person was last able to execute a genuine signature. I have worked on probate cases where the wife, the girlfriend, and the son each produced a will. We had NO contemporaneous exemplars as the wife had paid all the bills for several years. Apparently the deceased had not written in quite some time, although supposedly he was able to write.

QUESTIONED SIGNATURE OR QUESTIONED DOCUMENT?

There is much more to question than a signature – ink, watermark, paper, semantics, numerals, dates, etc. Clarify with your client when they contest a signature - Are they contesting the content of the document? The appearance of the signature itself? Or both? With that in mind:



FINAL CAVEAT

“Dad didn’t sign that” does not mean the same thing as “That’s not dad’s signature.” When contesting a will, heirs will protest “Dad didn’t sign that” when what they really mean is “dad never would have signed a document containing these clauses.” They’re not disputing the legitimacy of the signature as much as they’re disputing the content of the document. When questioned further, some will even admit “Yes, it looks like his signature,” then continue to protest “but he never would have signed that.” Dad could have been handed a paper to sign while he wasn’t wearing his glasses, or pages in a genuine will could have been substituted, *while the signature page remains genuine*. In other words, the signature page is genuine, but other pages of the document are not.

BEWARE

- Reluctance to produce originals
- Reluctance to supply adequate exemplars
- Reluctance to provide requested writing
- Old letterheads used to backdate documents
- Alteration of the body of document over a genuine signature
- Pages, paragraphs or sentences that appear out of sequence
- More than one typeface used in document
- Belated disclosure – new will
- Pristine or battered condition
- Photocopies only
- Greeting cards with no envelope (thus no date verification)
- Signatures on receipts that don’t require a signature (amended documents)
- Ink patterns over days, weeks or months that are too consistent
- Substitution of pages of genuine documents
- Corrections, cross-outs, overwriting, erasures, tears, tracing
- Use of different inks
- Elusive witness