

HISTORICAL REVIEW

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The three classes of experts whose testimony often lead to error and which are described in "Errors in Verdicts Based on Handwriting Testimony" continue to appear in courts today. The Daubert and Kumho decisions and other measures to more readily empower the presiding judge as gatekeeper certainly were intended to limit the effects of erroneous conclusions by incompetent experts. While these measures are often distorted by attorneys to limit the competent expert, diligence, communication and continued empirical research in our field have helped to correct such distortions. Despite this, there is a genuine need to

continually educate both the bar and the judiciary regarding the dangers of accepting amateur experts. The relevance and importance of our field is called into question each time deciders of fact are presented with incompetently developed conclusions which smack the face of logic. Unfortunately, and often due to a lack of knowledge as to what constitutes a legitimate and competent document examiner, courts continue to be infected with the testimony of experts who are, at a minimum, merely incompetent and sometimes just plain crooked.

Errors in Verdicts Based on Handwriting Testimony

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The interests of justice are endangered in numerous courts in numerous states by the incorrect or corrupt testimony of witnesses who testify regarding handwriting. At the risk of giving aid to guilty defendants and to their attorneys, the truth should be told regarding these errors in the identification of handwriting. Recent authentic reports from several sources contain the alarming information that convictions and indictments in increasing numbers have resulted from erroneous handwriting testimony and errors in civil cases are still more numerous. The proof of handwriting during recent years has received a recognition and attained a standing that it has never before received and it may perhaps be partly due to this wider recognition that the subject is being ex-

ploited in a dangerous manner.

There are three classes of witnesses whose testimony may lead to error in these cases. The first of these is the untrained, inexperienced but usually conscientious witness who has been persuaded by a zealous attorney to testify as an expert. This witness may appear against his own best judgment but is assured that "the law" permits him to testify. This class of witnesses includes bookkeepers, bank clerks, penmanship teachers, or those who do commercial pen work, none of whom, as a rule, has made any special study of the subject of disputed documents. They often give incorrect testimony but generally their testimony is not very convincing and therefore is not very dangerous.

The second class of witnesses whose testimony often leads to error are ordinary detectives, amateur investigators, and handy men of many trades, who sometimes testify as experts on other subjects, who are led to testify on the subject of dis-

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