

Forgery and the Handwriting Expert – What Attorneys Need to Know

By Sheila R. Lowe

The professional forger is an extremely rare breed and is more likely to target major companies than individuals or small businesses. However, non-skilled attempts at forgery are increasing in frequency and are often made by the opportunist who sees his chance at some “easy money”. Maybe he’s found a lost credit card or checkbook, and decides to try his luck. Or he thinks dear old dad should have left the family fortune to him, rather than his beautiful young stepmother, so he forges the signature on a grant deed to the family home, or a new will, taking everything for himself. In addition, the sharp rise in identity theft presents many opportunities for the forger.

Types of Forgeries

When it comes to forgery, one size does not fit all. There are several different types, the most common of which is the simulation. In this case, the forger has access to a model of the genuine signature from which to practice making copies. He attempts to copy the pictorial characteristics – the way the writing looks – in order to make it as close to the genuine signature as possible.

This is a much more arduous task than it might sound. Attempting to copy another’s signature is akin to mimicking the way someone walks or speaks (anyone who thinks this is easy should try it!). The forger pays close attention to the way the capital letters appear, drawing, rather than writing the signature as if it were a paint-by-number. What he fails to attend to, but what the document examiner looks at, is the amount of space left between words and letters, the proportions of the upper and lower lengths, the alignment, and other unconsciously rendered characteristics.

Another type of forgery is the tracing. Once again, the forger has a model of the genuine signature, which he may hold against a window, or use carbon paper or a light box, and place another sheet of paper over the top, and literally trace the line. Under magnification, the many starts and stops the forger makes as he checks his progress – called resting dots – are readily seen. Also, the writing is slower, and sometimes there is an indentation in the paper, which can be seen alongside the ink line.

The cut-and-paste forgery is exactly as it sounds. A genuine signature is cut from one document and placed on the spurious document, then photocopied. If the lighting and resolution is properly adjusted, the document will appear genuine. Since one of the premises on which handwriting examination rests is that it is impos-

sible to write a signature 100% the same way twice, the easiest way to prove a cut and paste forgery is to locate the document from which the name was traced. They will be identical, or extremely close if the forger is clever enough to change some minor details, such as the final strokes.

Closely related to the cut-and-paste is the electronic forgery. In the computer age, the scan-and-drop method has evolved. The forger simply digitizes a genuine signature by scanning at a high resolution, then inserts it into the spurious document and prints it. Voila! He has what appears to be a genuine signature. Under the microscope, however, the pixelation reveals that it has been digitized.

A fifth type of forgery is the freehand signature. The forger simply writes the victim’s name without making any attempt to copy. The Fraud and Forgery Division of the LAPD is said to have hundreds of examples where the forger has written some made-up phrase, disguised as a signature. One says, “you’ve been had, sucker.”

Selecting a Handwriting Expert

When the assistance of a handwriting expert is required to help uncover the truth about the authenticity a signature (or other handwriting), the attorney is well-advised to select the expert with care, as there is no licensing in the field of handwriting analysis. In this field, as in others, there are those who have earned themselves the reputation of a hired gun.

To avoid potential problems, the expert should be a current member in good standing of a reputable handwriting examination organization (not just a fraud examiners organization), such as National Association of Document Examiners or Association of Forensic Document Examiners, for example.

Some who testify as experts have been shown to egregiously inflate their background and experience on their curriculum vitae and on the witness stand. A phone call to the organizations listed on the CV can verify the expert’s claims and help avoid a situation in court that could be embarrassing to the attorney and his or her client.

Fortunately for victims of forgery, handwriting is as individual as one’s fingerprints and in most cases, a signature is extremely difficult to copy. The many thousands of possible combinations of strokes make it impossible for two people to

have identical handwritings. Dr. Sagur Srihari of the University of Buffalo, discovered this while working on software to identify handwriting for the U.S. Postal Service, and he has published research proving that each person’s handwriting is unique (<http://www.cedar.buffalo.edu/news.html>).

A skillful forgery requires better than average hand-eye coordination and a great deal of practice. Artistic talent helps, too. Handwriting is a highly complex neuromuscular activity that requires coordination between the hand, arm, and fingers, as well as the eyes. Once graphic maturity has been reached – in other words, once a child has learned how to write – writing becomes a natural act, acquired over time. It is no longer necessary to stop and think about each stroke and how to get it right.

Unless there is a physiological or psychological problem, genuine handwriting is usually smooth, spontaneous, and free-flowing, with less focus on the movement and more on the content.

The forger, on the other hand, is forced to maintain constant control over the pen, concentrating intently on each minute detail. Under the microscope, the writing line will show frequent stops and hesitations, and the tighter grip the forger must maintain on the pen, in turn, produces heavier pressure on the paper. By the time he reaches the end of the signature, the forger has usually forgotten to stick to the victim’s style and his own natural style creeps in. Thus, the handwriting examiner pays the greatest attention to the ends of letters, words, and lines, rather than the beginnings.

A signature that’s simplified to a squiggly line can be problematic, as there is just not sufficient complexity on which to base an identification; thus, a signature written as a squiggle is the easiest to forge due to the lack of clear forms. The clearer a signature is, the harder it is to create a successful forgery.

Something the forger usually forgets to change is the way numbers are written. In his effort to copy the victim’s signature, he attempts to mimic the pictorial aspects of capital letters, the writing size and the slant. Numbers and other writing (such as the name of the payee on a check), however, are usually ignored, and that can be a dead giveaway.

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