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Abstract

The purpose of the article is to alert practitioners within the security industry, who may function as expert witnesses in civil litigation, that a trend has been detected within the judicial community. That trend, in the author's opinion, is directed toward limiting premises liability cases evolving from criminal activity.

A recent study conducted by the Bureau of Justice Statistics of the U.S. Department of Justice indicates that between 1992 and 1998, 2.6 million people were injured each year as a result of violent criminal activity.

To limit victims' ability to recover damages from business people and land owners who do not provide reasonable protection from third person criminal acts is, in effect, "denying them their constitutional right of recovery through a trial by jury," according to one California State Supreme Court Justice. The Justice was a member of the court's minority ruling in the 2001 case entitled, *Saelzler vs. Advanced Group 400*.

This article suggests that the security industry is partially to blame for the current trend. It is the security industry that does not exercise any type of control over those practitioners who, representing the industry, act in the capacity of expert witnesses in court without the proper academic background, ethical foundation or professional expertise. Those practitioners are simply "hired guns," accepting payment for making any statement favorable to their clients' interests in the litigation. This article suggests a remedy.



FORENSIC SECURITY

by
David L. Berger

Key words

Forensic security, consulting, litigation, victims

In late October of 1959, Sarah moved into her new apartment, a high-rise structure approximately 585 units in Washington, D.C. Seven years later, on Nov. 17, 1966, as Sarah was returning from work at 10:15 p.m., she was brutally assaulted by an individual in the hallway in front of her apartment. The attacker was intent on committing a robbery. This event not only devastated Sarah's world, but marked the birth of a new discipline within the security industry in a landmark case heard before the U.S. Court of Appeals, D.C. Circuit, known as *Sarah B. Kline vs. 1500 Massachusetts Avenue*, for it was this appellate decision that, to this day, established the need for experts in the field of security to be utilized as witnesses in similar issues before the court. Thus, the "Forensic Security Consultant" was born.

The Kline case decision was rendered by the Court of Appeals on Aug. 6, 1970. Coincidentally, on April 13, 1970, only four months earlier, a similar incident occurred at Caesars Palace Hotel in Las Vegas, Nev., a case that would later be filed in the Nevada courts. Also, at that time in 1970, the author of this work, David L. Berger, was the owner/director of a company in Beverly Hills, Calif., International Investigation Systems. The company offered a combination of private investigation, security guard service and system design. Numbering among his clientele were numerous hotels, motels and apartment complexes. For some reason, which has never been determined, the law firm representing Caesars Palace Hotel, called Mr. Berger and requested his assistance in both evaluating their defense case and acting as an expert witness at trial. Thus also began Mr. Berger's new job in the security industry, a job that continued from that moment until he assumed full time status in 1980.

On March 20, 2001, David Berger was scheduled to testify in the San Bernardino County Superior Court, in the State of California, on a premises liability matter entitled *Morris vs. Motel 6*. Mr. Berger, representing the plaintiff, was denied by the judge in a special hearing the ability to testify as to "prior criminal history" occurring on the parking lot of the Motel 6 where an armed robbery had occurred.

During the robbery, the plaintiff was shot, resulting in him becoming a paraplegic for the rest of his life. Up until that moment, and dating back to the Kline decision, prior criminal activity was a major determining factor of the foreseeability issue in cases involving third party criminal acts. Now the trial court said this was not relevant.

Then, only two short months later, on May 31, 2001, the Supreme Court of the State of California rendered a decision that would severely limit the ability of victims of crimes to successfully bring civil actions against landlords. The dissenting opinion by Justice J. Kennard states, "The majority's errors deprive the plaintiff from her constitutional right to a trial by jury," an opinion shared by the many practitioners of the security discipline. It is amazing how the circumstances of both this case and the Kline decision are almost identical with the exception that the victim in the current case was a delivery person and not a tenant.

Without going into the details of the cases, as those issues are not the thrust of this work, may we strongly suggest that this decision appears to follow a path the author has predicted as a trend in premises liability cases stemming from third party criminal acts. In the beginning, it appeared as if the courts, public opinion and juries strongly favored the plaintiff victims. National high profile cases such as the Connie Francis incident in 1976 helped define that position. At some time during the past 31 years, that opinion began to change. This change took place subtly at first, then became increasingly apparent as the verdicts and appellate courts upheld more and more summary judgment motions, all leading to the current decision in California. The prognosis isn't very good either, as several states appear to follow California's lead.

The big question is *why*? We have heard many opinions – numerous "ideas" have been observed, many heads being scratched – at least by those who have also concluded that a change in attitude was occurring. Could it be because there have just been too many of these cases filed; many of them without merit by hungry, sole-practitioner attorneys? Are jurors simply tired of these cases? Are the courts too overloaded? Have the awards been too outrageous, leading to a trend toward protecting the interests of

landlords and deep pocket businesses and insurance companies? Who's doing the protecting? Is it the judges, the juries, insurance company lobbies or media influence? And finally, could it be outrageous presentations at trial by unqualified experts in our field and/or "hired guns"?

The strong belief of many security practitioners is that, regardless of the final area of influence, it is the latter (unqualified and hired gun experts) that have been an extremely powerful force in altering the pattern of decisions, which is the fault of the security industry itself. All of us in the security industry, and particularly the "consultants," must share the responsibility for permitting the unqualified and unethical to continue to function and prosper. We alone can remedy that situation.

David Berger's book, *Industrial Security, Second Edition* defines the role of the Forensic Security Consultant. We gratefully thank Butterworth-Heinemann Publishers for their permission to reprint the following:

For those of you who are not familiar with the functions of a forensic security consultant, allow me to briefly define the job. *Forensic* means legally arguable or publicly debatable. It is a subject that is commonly argued or debated in court, with *subject* being defined as a "branch of knowledge." That subject, therefore, could be medicine, accounting, plumbing or security. Thus, if you are a physician, CPA, plumber or security consultant with the word *forensic* preceding your title, you are qualified to present an expert opinion in a court of law.

A forensic security consultant is retained when security is a relevant issue in civil litigation and that issue must be defined by an expert along with that expert's opinion relative to the case, enabling (theoretically) the court, or jury, to arrive at a just decision based partially on their newly acquired knowledge of those security issues and how they relate to the case at bar. When the security consultant prepares a case, he or she reviews, very carefully, all of the discovery materials: depositions, interrogatories, police reports, security manuals, and any other documentation relative to the case, such as security logs and incident reports, security officer personnel files, security officer

training procedures, technical aspects of alarm installations, closed-circuit television applications, and so on.

Then, when there is a foreseeability issue, (determining the potential of criminal activity occurring at some specific location), crime statistics prepared by the local law enforcement agency are examined and calculations in the form of crime statistical summaries must be prepared which evaluate the potential of criminal activity. Finally, site inspections are conducted during which every physical aspect of the environment where the incident occurred is examined.

The forensic security consultant thus examines every conceivable aspect of security issues under a microscope. Comparisons are made by researching past case histories, volumes of texts, academic studies published in journals, volumes from the U.S. Department of Justice, and Bureau of Justice Statistics. . . Finally, all of the mistakes, errors in judgment, deliberate falsifications of reports, examples of poor training, obvious lack of proper selection of security personnel, lax background investigations (if any) . . . everything . . . becomes apparent to the examiner, the forensic security consultant. The forensic consultant, in time, begins to see patterns evolving in the behavior of some security officers. He recognizes a loss prevention officer whose prejudice or ego takes control of good judgment and professional conduct. Signs of alcohol or drug addiction become apparent to the forensic examiner, usually early in an evaluation.

A forensic consultant's experience, over time, alerts him to subtleties that may have been overlooked by other, less experienced, reviewers of the case history. There is no doubt in my mind at all that the forensic practitioner develops an awareness of the problems with the industry that continue to manifest themselves repeatedly in case after case over long periods of time. This is possible only because of her or his unique position of reviewing those case histories, knowing the results of inadequate or improper security procedures, or conduct, as they are ultimately adjudicated in a court of law. The forensic practitioner understands the consequences of a legal precedent and how it can effect the security industry . . . like it or not. (1999)

The last sentence was written three years ago, conceived much further back than that and now rears its ugly head once again. "Like it or not" the California Saelzler decision is a

precedent, which may adversely impact the future of forensic consulting in the security industry. The only recourse we have is to clean up our act, develop some serious standards and improve our appearance in court and to the legal profession. There is no control, government or otherwise, over our conduct. In the security business, we are called upon to serve as an expert witness to do absolutely nothing to monitor or police our industry. Yes, various special groups establish self-serving certifications, which in the long run, not being academically influenced or recognized, have very little merit outside of our own industry. Even individual practitioners and organizations don't recognize the various other groups as being a viable influence. Everybody just goes their own way, allowing the unqualified and hired gun practitioners to ride the tide of success simply by hanging on to our coattails.

We desperately need a set of standards; however, "standards" per se may be impossible because of the various sub-cultures in our country and the divisions of ethical and moral processes, depending on which

part of the country you live in. The courts do rule much differently in Texas than they do in Maine or Utah, for example. The similarities of the Saelzler and Kline cases having diametrically opposed results in the District of Columbia and State of California supports that thesis. The basic will of the people changes from time zone to time zone. Even Louisiana still practices Napoleonic law as opposed to the British Common Law practiced elsewhere. Thus, numerous sets of standards would have to be drawn up and adapted in various areas of the country. The results of what we do, even though we may testify in a similar case, in the West, South and East may very well have three different results, even though the methodology we followed to arrive at our opinion is always the same everywhere. It is only the opinion that is viewed differently. The problem is that no one has ever defined the method that all of us who legitimately practice our profession engage in.

We all believe that police reports and depositions must be reviewed, for example. We all believe that in most cases, site inspections should be accomplished. All of us





who practice in an ethical manner realize that in all fairness to the system, we must review both sides of the litigation. After all, could it be possible that our client, either the plaintiff or the defense, is in trouble? Is there a mistake somewhere in all that documentation that our client has overlooked and must be advised of? Isn't that why we were hired, to evaluate the situation and advise the client of our opinion, if for no other reason than the client must be warned of what he will be facing from the opposition expert at trial? This is, after all, our job. But this is also what keeps the unqualified and the hired gun experts alive and prospering. The hired gun is known as an individual who will support his client, regardless of the facts of the case. On the other hand, the unqualified practitioner doesn't know how to find the truth and ends up making ridiculous statements on deposition or trial, leading to a weak settlement or an adverse verdict in court.

The common denominator between the unqualified and the hired gun is that neither of them follows appropriate procedure in reviewing the case. Either they do not want to

take the time, they don't know how, or they are falsely testifying for the client.

An established set of procedures, a methodology accepted industry-wide throughout the security discipline, legal profession and the courts would eliminate the unqualified, making it extremely difficult for hired guns to practice without committing perjury. This methodology would also present the forensic security consultant, or any security practitioner serving as a professional expert witness, with a reasonable set of standards from which he or she might serve the justice system, along with an apparent concern for retaining the industry as being professionally directed and organized.

On July 18, 1999, David Berger, one of the founding members of the International Association of Professional Security Consultants, sent to that organization in a letter addressed to the Chairman of the "Forensic Methodology Committee" an outline for a methodology structure from which, he hoped, the association would

ultimately present to the industry a document representing a consensus of opinion within the membership, thus establishing the roots of a standard to be adopted by the entire industry at some point in the future. At that time, the consensus appeared to be very negative, judging from the responses received. Because experts, in each case, did not follow the procedures to the letter, and exactly as the document prescribed, most of the membership who responded indicated their fear of adverse reactions in the form of lawsuits or criticism from lawyers, courts, etc., regarding the fact that the methodology was too overly detailed. Only one or two favorable responses were received.

Recently, the association did, in fact, publish a watered-down version of the methodology on their web site, using much of the author's original thoughts, words and phrasing. It is felt that, although a good beginning, the International Association of Professional Security Consultants' (IAPSC) edited version of Mr. Berger's work does not go far enough; thus, this article presents suggestions relating to an appropriate professional methodology for forensic practitioners, serving as expert witnesses in the security industry.

There is nothing in the document that favors either plaintiff or defendant. This is not intended to imply that all of the processes identified should be utilized in all cases, only where they apply under the given circumstances of their instant assignment. It also depends on which jurisdiction they are practicing, the court system and whether it be within the state or federal level. It is nothing more than the procedures that Forensic Security Consultants, or others acting as expert witnesses, perform in order to arrive at their ultimate opinion and conclusions. Which of those procedures are utilized is totally dependent upon the circumstances of each individual case.

FORENSIC METHODOLOGY POSITION STATEMENT

The practitioners within the security industry do hereby recognize that, on occasion, Security Consultants and others engaged in the performance of security functions will be called upon to perform as "Forensic" practitioners and serve as expert witnesses in a court of law.

The professional in this discipline has, over the years, practiced in an ethical manner and performed strictly within the limits of the law,

providing the benefits of his or her experience and the knowledge of the security industry functions which have become accepted procedures and/or standards of performance.

There are, however, numerous practitioners who have taken advantage of the need for experts in the security field, to classify themselves as experts, when in fact their background and training does not support their claim. There are others who, simply for the fee they charge, will testify to anything their client desires, even though that directed, or "managed" testimony is inaccurate or inconsistent with the facts. These people are called "hired guns" within the legal community.

It is in an effort to establish reasonable, lawful, ethical and consistent procedures in preparing cases to be presented to client attorneys and insurance companies, along with others requiring the services of a Security Consultant/Expert Witness, that this document was prepared. This methodology outlines the required procedures to be followed by practitioners of this discipline. Professionals in the field have followed these procedures since experts were first required in the legal system in 1970 as a result of a landmark security case entitled *Kline vs. 1500 Massachusetts Avenue* (430 F. 2nd 477). Obviously, over the years, the procedures have been modified based on case law in the various states and federal courts. Other determining factors as to which of the procedures should be applied would also be the specific circumstances of each case as it is presented to the Consultant/Expert.

It should be recognized that the forensic consultant's task is one of education. The following accepted procedures should be utilized in evaluating the case. The client and the opposing council during deposition, in response to written interrogatories, in required reports and, finally, to the judge and jury at trial or in any other lawfully convened hearing, shall be advised of all opinions, toward the goal of making others aware of the security issues and leading to a just and proper conclusion of the litigation. In particular, the forensic consultant's task is to educate the jurors on those security issues in contention so that they may better reach a just verdict.

That the responsibility of the "forensic" practitioner lies with our system of justice and the moral and ethical standards of the security profession.

"In particular, the forensic consultant's task is to educate the jurors of those security issues that are in contention so that they may better reach a just verdict."

That the responsibility of the Forensic Practitioner is to be totally independent of any outside pressures or financial considerations conceived to influence the practitioner's evaluation of the case at issue.

That the Forensic Practitioner will at all times be forthright, honest and precise in evolving the ultimate conclusion and opinion, which will be presented to the client, and that the opinion will be a result of a review of ALL documentation, discovery material, site inspections and testing procedures presented by both parties to the litigation.

(NOTE: ALL OF THE FOLLOWING PROCEDURES ARE NOT NECESSARY IN ALL INSTANCES. ONLY THOSE DEPENDING UPON THE REQUIREMENTS OF EACH INDIVIDUAL CASE SHOULD BE APPLIED AND/OR MODIFIED TO FIT THE INSTANT CIRCUMSTANCES.)

METHODOLOGY

1. EVALUATE AND DEVELOP A RISK ASSESSMENT AT TIME OF INCIDENT

A. Establish "foreseeability" issue with regard to the event at bar.

- (1) Obtain local law enforcement agency's log of "calls for service," at the address where the incident occurred, for a period of three to five years, depending on the regional court jurisdiction's established criteria.

- (2) Obtain Part I crime statistics broken down by reporting district, or beat, and develop an environmental crime summary supported by sufficient documentation to satisfy most judicial jurisdictions where area crime patterns are utilized in establishing foreseeability.

(NOTE: When environmental crime is reviewed through Part I reporting district evaluation, it is important to compare the reporting district (or beat) within which the crime was located, with all other districts adjacent to, or within a given demographic corridor. It is also important that the adjacencies be of the same general commercial, industrial or residential category. For example, it would be inappropriate to compare "industrial" neighborhoods with "residential" neighborhoods, due to the inconsistency of criminal activity within those jurisdictional boundaries.

- (3) Review company security records of prior incidents for a period of three to five years.
 - (a) Daily activity reports (logs)
 - (b) Incident reports
 - (c) Dispatcher logs
- (4) Attempt to determine whether management was aware of the incidents of criminal activity within their own company or the environment, which impacted the

– David Berger

security operation of the company. Was the company notified of the problems?

B. Manpower levels at time of incident along with other personnel-related issues.

- (1) Security department staffing at time of incident.
 - (a) Department organizational structure from Director down, including shift line supervision and personnel.
 - (b) Support personnel (Stenographic, dispatchers, etc.).
 - (c) Any company employees utilized to support security in emergency situations (i.e., janitorial staff, parking personnel, receptionists, switchboard operators, etc.).

(NOTE: Along with the above data, attempt to ascertain the level of support afforded the security department by upper management; information such as to whom the Director of Security is reporting, if the Security Director develops his own annual budget, the level of autonomy granted the Director, etc.)

- (2) Review hiring procedures.
 - (a) Application form
 - (b) Background clearance procedures
 - (c) Applicant pre-employment interview
- (3) Observe required training.
 - (a) Pre-assignment classroom/video, etc.
 - (b) On the job training and

- evaluation
- (c) Probationary period
- (d) Required "on-going" or "continuing" education / training.

C. Evaluate the physical security at the company at the time of the incident.

- (1) Access control in effect.
 - (a) Closed circuit television
 - (b) Sign-in and out procedures
 - (c) Identification badges
 - (d) Electronic sensor or computerized access
 - (e) Visitor escort
 - (f) Segregated parking facilities
 - [1] Employees
 - [2] Visitors
 - [3] Dock/Deliveries
 - (g) Other (i.e. Key control systems, panic alarms, etc.)
- (2) Examine perimeter fencing characteristics.
 - (a) Grade of wire
 - (b) Wall construction
 - (c) Barbed wire, razor ribbon, etc.
- (3) Inspect alarm systems utilized.
- (4) Observe communications (radio, telephone, intercom, etc.).
- (5) Notice reporting procedures and forms (review logs, incident report forms).
- (6) Study the lighting.
 - (a) Exterior and perimeter
 - (b) Internal
- (7) Are deterrent and emergency directional signs utilized?
- (8) Review Patrol Procedures.

2. EVALUATION OF THE INCIDENT AT ISSUE

A. Review all relevant discovery material along with any other available data directly related to the event that is the subject of litigation.

- (1) Police reports
- (2) Security incident reports

- (3) Security Daily Activity Reports
- (4) Security dispatch logs
- (5) Private investigation reports
- (6) Insurance company investigation reports
- (7) Depositions
- (8) Interrogatories
- (9) Photographs and/or video tapes
- (10) Diagrams and schematics
- (11) Witness statements (written and recorded)
- (12) Personnel records of Security Personnel on duty at the time of the incident (hiring, training, performance, etc.).
- (13) Any other relevant available records, reports or documentation.
- (14) Many jurisdictions consider "Standard of Care" to be of primary importance. Standard of Care is a subject, used in legal terms, to define consistency and practices, which are accepted as proper procedure within any given endeavor, business or profession. This may not always be possible within the security discipline and its many sub categories, thus, it is more appropriate to discuss that issue as "Custom and Practice" within the specific specialty of the "security" at issue.

(EXAMPLE: The posting of security officers would differ depending on whether the officers are within a retail, industrial, commercial or residential setting. Hotel security personnel would be assigned in a different manner than security in a high-rise apartment or office building.)

Depending upon the jurisdiction, similar environments within some defined radius should be reviewed to determine the level of security coverage in comparison to the company that is the subject of litigation.

- B. Interview any persons with direct knowledge of the incident who can provide data or other relevant information that might materially effect the consultants' ultimate opinion.
- C. Be prepared to conduct necessary testing to determine the authenticity of any relevant issue upon which the expert will formulate an opinion to be presented at trial.
 - (1) Timing an action (i.e. the opening and closing of an automatic garage door).
 - (2) Testing a locking devise.
 - (3) Alarm activation.
 - (4) Basic lighting evaluation where the "adequacy" issue does not require the precise grid patterns and meter readings of an Illuminating Engineering Society representative.
- D. Photographing or videotaping for demonstration to the court.
- E. Preparing diagrams, schematics or other drawings as exhibits.
- F. Inspection of the site and environment of the event.

3. CONCLUSION OF ASSIGNMENT

- A. Develop opinion based on:
 - (1) Review and study of all relevant documentation and discovery material.
 - (2) Consideration of the opposition's perceptions and position.
 - (3) Oral communication with witnesses and others consulted.
 - (4) Research conducted through other sources such as: specialized texts, periodicals, academic papers, review of other similar litigation and appellate decisions, research material distributed by government agencies and academic institutions.
 - (5) Any tests conducted.
 - (6) Drawing from personal experience and knowledge.
- B. Report to client.

- (1) Reveal to client the opinion reached and the foundation for that opinion.
- (2) Unless required to do so by the court jurisdiction or some special prior arrangement with the attorney, request that no written report be required. A written report is a discoverable item and once reviewed by the opposing council, it probably will destroy the expert's ability to be flexible during oral testimony, as that document will be referred to during examination and the expert held strictly to every word in that document, even though the expert may have to modify some of the replies based on the manner in which council asks the question.
- (3) Be prepared to discuss with the attorney where you believe his weaknesses lie. In the event your opinion is contrary to the position of the attorney's client, discuss that with him honestly and in a constructive manner. Carefully explain the facts that led you to that conclusion. It is important that the attorney be advised of the problems he faces at trial. It gives him the opportunity to consider a settlement of the matter and to make a final determination as to whether he will designate you as an expert. It will undoubtedly guide him in the manner by which he will continue with the litigation. It is important that he be made aware of the problems he will face with the security issues.

- C. Oral testimony at deposition, arbitration or trial if required.

CONCLUSION

The author recommends that this set of procedures, in the form of a methodology, along with the accompanying position statement be considered and adopted by our industry as a guideline for all consultants and others in the security industry serving as forensic practitioners and expert witnesses. The goal of this methodology is that the courts, as well as members of the legal profession and the general public (many of whom serve as jurors) be made aware of the

professional goals and standards of the security industry's expert witnesses, thus improving our standing in the legal profession and our credibility in the courts.

Obviously, though, judging from the author's prior experience with the registered objections to this process, there will be many who feel the ideas presented here are unacceptable for many reasons ranging from "lack of detail," "too much cumbersome detail" all the way to "totally unnecessary." The author anticipates that many unqualified and hired gun practitioners will opt for the latter. But if nothing else, maybe this writing will provoke a meaningful dialogue amongst those professionals who care. **FE**

About the Author

David L. Berger is a veteran of 48 years in private security and law enforcement. He began his career as a private investigator and during his 18-year career as owner of a security company, he developed primary techniques of security system design for major buildings and complexes within the retail, commercial, industrial and residential fields. He pioneered the use of closed circuit television in security, having come from the broadcasting industry in the early days of television.

Mr. Berger is experienced as a corporate director of security for major companies in Southern California and was possibly the first professional security consultant to become involved in the forensic practice for civil litigation in the security discipline. He has also served with the Bureau of Investigation of the Los Angeles County District Attorney's office and as a reserve police officer for a Federal agency and the Los Angeles Police Department. Along with his forensic consulting practice of 30 years, he currently is also a P.O.S.T. certified instructor at the Las Vegas Metropolitan Police Department's In-Service Training Academy.

REFERENCES

1. Berger, D. L. *Industrial Security, Second Edition* (1999) XVIII-XIX
2. *Garzilli vs. Howard Johnson*, 419 Federal Supplement 1210 (1976) (referred to as The Connie Francis case.)
3. *Kline vs. 1500 Massachusetts Avenue*, 439 Federal Reporter 2nd series, 477 (1970)
4. *Lynch vs. Caesar's Palace Hotel*, United States District Court for the State of Nevada, Civil Action LV 1582 (1972) Expert Witness
5. *Morris vs. Motel 6*, San Bernardino Superior Court # SCV 52354 (2001) Expert witness testimony
6. *Saelzler vs. Advanced Group 400*, The Supreme Court of California #S085736 (2001)