



# IAPI NEWSLETTER

IOWA ASSOCIATION OF PRIVATE INVESTIGATORS

Editor/Publisher  
Jeff Marlin  
P.O. Box 11183  
Cedar Rapids, IA 52410  
(319) 373-5025  
jmarlin@

marlinsspecialinvestigations.com

FOUNDED 1985

WWW.IOWA-INVESTIGATORS.COM

December 2010



## President's Message by Kelly Halverson

It's that time of year again. With lots of planning and preparation for a new year going on by your board members to assure you a great year as a member of our fine association. Budget planning, conference planning and membership renewals to name a few are some of the items on the agenda for the upcoming months. We have begun the process of our planning for yet another stellar conference which is set for July 21<sup>st</sup> and 22<sup>nd</sup> at the Holiday Inn in Des Moines.

More information to come, mark your calendar and save the date. You won't want to miss it. If any of our members are interested in giving a presentation at the upcoming conference, please

contact Clare Reed with items you are interested in presenting.

While, I am sure many of you are getting ready to celebrate Christmas and the New Year, I want to remind you all that membership dues are due January 1<sup>st</sup> and will be considered late and have a re-instatement fee of \$25.00 as of March 31<sup>st</sup> for any lapse in your membership. You should be receiving your renewal information in the mail if you haven't already. Or you can always go online and make payment. Note the PayPal fee has been taken off the website. This is a fast, secure way to pay your dues and it saves you the stamp.

I want you to pay special attention to the article in this newsletter by Clare Reed, reference the benefit for Past President Darwin Rittgers and his wife Carolyn. Contributions have already been coming in and we thank you for your help, support and prayers for the Rittgers family during this hard time.

The association is in need of a membership chair person. If you would be interested in filling this position please contact Suzanne Boyde, IAPI Treasurer as soon as possible. Mark your calendars for our next board meeting. Feel free to attend any of our Board meetings to express your ideas and/or get to know your board. Our next meeting is Friday January 14<sup>th</sup>, 10:00am, Iowa Board Room, Holiday Inn on Merle Hay Road Des Moines. If you have any questions regarding the association, the profession, board meetings or the upcoming conference feel free to contact any of the Board Officers or the Board of Directors for your area. Any of us will be happy to answer your questions.

In closing, the association would like to wish you a safe and Merry Christmas and Happy New Year! And as always thank you for being a member of the Iowa Association of Private Investigators.

### What's Inside...

Page 2	<i>IAPI Officers, Advertising</i>
Page 3	<i>Darwin &amp; Carolyn Rittgers Benefit</i>
Page 4-8	<i>Ethics in the Electronic Era</i>
Page 9-10	<i>Problem Clients</i>
Page 11-12	<i>Service of Process on Difficult People</i>
Page 13-14	<i>How to Get Paid on Time</i>
Page 14	<i>New IAPI Members</i>

### Advertisers

Page 15	<i>PI Magazine</i>
Page 15	<i>NCISS</i>
Page 16	<i>IRB Search</i>
Page 16	<i>Learning Shop USA</i>

### IAPI Web Advertisers

*IRB Search    NCISS    PInow.com*

## Past IAPI Presidents

William Kidwell  
Gordon W. Gratias, CFE  
John P. Dolan Jr., CLI  
Harlan C. Phillips  
Jerald R. Lewis  
James E. Mazour, CLI  
James A. Peter, M.S.  
Dennis M. Carr, CFE  
Gary W. Richardson  
Stephen A. Ahrens  
William E. Burress  
Dan Larsen  
Robert H. Pontious  
Darwin Rittgers  
Clare Reed  
Delbert King

## IAPI OFFICERS

PRESIDENT                      VICE PRESIDENT  
Kelly Halverson                      Daniel Wiltfang

SECRETARY                      TREASURER  
Dan Conroy                      Suzanne Boyde

PAST PRESIDENT  
Delbert King

## BOARD OF DIRECTORS

Cory Harstad (SW)                      Clare Reed (SE)  
James Oien (NW)                      Darwin Rittgers (NE)

To contact your Officers or Directors  
please visit our website  
**[www.iowa-investigators.com](http://www.iowa-investigators.com)**

## **Advertising**

*Published Quarterly: December, March, June & September.*

Business Card Size.....\$25 per issue  
Quarter Page.....\$50 per issue  
Half Page.....\$100 per issue  
Full Page.....\$190 per issue  
Web Advertising.....\$400 per year

***Pay for 3 issues and receive the 4th issue free.  
Contact the Editor for information.***

Any advertising submitted shall include, in advance of publication, the appropriate fee as well as camera-ready artwork. All advertisements and claims made in such advertisements are the sole responsibility of the advertisers. The Newsletter welcomes submitted articles, notices and other information of interest to private investigators for publication. The items published in this Newsletter and opinions herein do not necessarily reflect the views of the Iowa Association of Private Investigators. The IAPI reserves the right to edit, or strike any submitted article or advertisement which it deems inappropriate.

The IAPI Newsletter is published quarterly by the Iowa Association of Private Investigators. Please make checks payable to IAPI and send all inquires, articles and related informational materials to: Jeff Marlin, Editor, IAPI Newsletter, PO Box 11183, Cedar Rapids, IA 52410 or email [jmarlin@marlinsspecialinvestigations.com](mailto:jmarlin@marlinsspecialinvestigations.com)

# Dar Rittgers Benefit

Past President and current Northeast Board of Director, Darwin Rittgers was informed by doctors in August of 2009 that his kidneys were losing function and dialysis was certainly in the near future, unless he had a kidney transplant. Doctors continued monitoring his blood levels closely and he was placed on the National Donor list with a waiting period of 3-5 years.

Several friends and relatives offered to donate; however, for various reasons, they were unable to do so. Darwin was told that a spouse is normally not a good candidate for a match, but after a routine blood donation to the Red Cross they found that Carolyn had the same blood type. Both Darwin and Carolyn went through comparative blood typing and DNA testing and received news that Carolyn was a match and could possibly be Darwin's donor. They went to Iowa City for testing and doctors discovered she had a cyst the size of a baseball on her ovaries. She will be getting this taken care of before the transplant can take place. Darwin continues to have his levels and functions checked monthly as they prepare for an upcoming transplant.

The whole situation has put a tremendous strain on them physically, emotionally as well as financially. It is common for a transplant patient to be asked to raise money prior to the surgery to cover such things as anything not covered by insurance, medicine co-pays, travel expenses (gas, food, hotel stays, outside testing and loss of income after surgery. This is a unique situation as they both will be off of work for quite some time following surgery. We want to ensure that the last thing they should worry about is their finances... that they can focus on their recovery.

There will be a benefit for both of them on January 8, 2011, from 11:00 am to 4:00 pm at, The Centre, 1201 4th Street SW, Waverly, Iowa. The Association has agreed to help by asking our membership to help in this. Checks can be made payable to IAPI for any amount. In the memo portion please indicate Darwin's kidney fund and the Association will present both Darwin and Carolyn with one check at the benefit. Please note that this is not a charitable gift that can be written off but just a gift to help the Rittgers in their time of need.

**Checks need to be sent to:  
Clare Reed, 1932 West 3rd Street, Waterloo, Iowa 50701.  
PLEASE HELP**

**The next board meeting will be Friday January 14th 10:00am  
Iowa Board Room (Holiday Inn)**

## Ethics in an Electronic Era: 50 Ways to Get in Ethical Trouble with Technology

Here are the following 40 ways to get into ethical trouble with technology (The preceding 10 were in the previous issue)

**11. Go to a place on the Internet you wouldn't like mom (or the senior partner) to know about.** This is precisely how spyware gets on your machines. Adult sites are particularly notorious for doing this, but many sites (even those with screensavers, computer utilities, recipes, etc.) do this to make extra money. Even a judge once called us after opening a "farm girls and their animals" e-mail attachment. He found himself trapped in an endless barrage of pop-up porn which refused to go away. Understandably, he was somewhat reluctant to call the courthouse IT staff. Enough said?

**12. Use the Auto-Complete function with abandon.** This feature is so helpful and so potentially deadly. It is incredibly easy to let this function go and send an e-mail to someone other than the intended recipient. At best, the result is embarrassing. At worst, it is a genuine problem where you have perhaps sent confidential data to an unrelated third party or, the nightmare of nightmares, to opposing counsel.

**13. Use weak or non-existent passwords.** Passwords are critical defenses, so do not use your pet's name, your child's name or the name of your favorite sports team. Make your password complex, including numeric characters. A good tip is to do a short sentence that you won't forget.

**14. Write in anger.** An old chestnut, and still one to bear in mind. The unfortunate part of electronic communications is that when someone writes us something idiotic, we can immediately reply and point out the complete lunacy of what has just been transmitted. This is particularly tempting when a lawyer is under attack. Don't do it! Cool off. Go take a walk. Do anything other than reply immediately with words that cannot be recalled and may live forever and come back to haunt you! Remember, there is no "do over" key for e-mail.

**15. Hit the "Send" button quickly.** We're all so busy that hitting the send button promptly after composing an e-mail seems so natural. 'Done with this, on to the next thing'. There is an inherent danger here. Look at the message one more time – is it going to the right people? Have you proofread? Is there anything wrong with the tone or substance? Just pause a minute. Remember – each time you send an e-mail, you must see it on the front page of the Globe & Mail, on a billboard on the highway, and in front of your mom's face. If it can be in all three places without causing embarrassment or a problem, you're probably ready to hit "Send." Did we mention a warning about the lack of a "do over" key?

**16. Make it impossible to find your own files.** Files should be named appropriately, including the client name and the kind of document, perhaps the date. Having a good, descriptive name, you must now create a structure (one of your own or through a case management system) that makes it easy to find what you are looking for. If you do not have a case management or document management system, make sure that you have electronic files named by client, with descriptive titles for each file, including the client name in case you mistakenly move the file to another folder.

**17. Rely completely on your computer calendar.** So what happens when your Internet goes down or your server crashes? The authors are devoted adherents of the tech world, but it is always prudent to have a secondary calendar that can provide a fallback measure.

**18. Leave your computers on at night.** Are you nuts? Do you personally know each member of the cleaning crew? Can you vouch for each of them? Robbers who broke into an entertainment complex in Colorado recently found themselves unable to open the safe even though they had the code. Perplexed, they looked around and found a computer that was on and Googled information about the safe. Moments later, the safe was open and they left with \$12,000 – so you see, it is very helpful to have computers on at night – helpful for all the wrong sorts of people.

**19. Don't change the defaults.** Every script kiddy and macho hacker knows the defaults of all common computer-related devices. In fact, they are posted on the Internet. If you don't want a burglar in your house, you always, at a minimum, lock the door. Changing the defaults is locking the door.

**20. Don't secure your wireless network at home or at work.** Wherever you work, your wireless network should be secure. This means that you must change such things as the SSID and the default admin password. Disable the advertisement of the wireless network and enable some sort of encryption for the cloud. Create MAC filtering rules to limit connections to those that are predefined. After all, you shouldn't be in the business of creating the neighborhood hot-spot.

**21. Don't have adequate anti-virus and anti-spyware software.** This is "bare bones" protection these days. You should have one good anti-virus solution and preferably two anti-spyware solutions these days. If you have a subscription, don't let it lapse.

**22. Don't backup – and almost as bad – don't do "test restores" of the backups.** Most lawyers should be doing incremental (or differential) backups daily and full backups at least weekly. If you're doing less, think again about the potential danger. Also, backup media fails over time, so don't assume that you have a good backup without doing periodic test restores. In case after case, we've seen lawyers rely on backup tapes only to find that they were corrupted when disaster struck and those tapes held the only backup of the law firm data. External hard drives increase reliability, but should also be changed in rotation just like tapes.

**23. Use an online backup system.** This one is controversial. There is nothing inherently wrong with an online backup system from a technical standpoint. WE hasten to add that we have seen several total failures when it comes to restoring backup from online backup providers. Even in the best scenario, someone else is holding your data. What will you do if they belly up? What if they have a disgruntled employee who sells your data? What kind of REAL recourse is there in a situation like that? At the very least, encrypt the data before you send it offsite!

**24. Don't have a disaster recovery plan.** Do you think the lawyers caught in Katrina ever imagined that they would face a disaster that was so large it would involve both their home and office? Many of them had backup media at home and lost that media as well as the computers/server at work. This was compounded by not having power or cell phone towers. The communication breakdown was further aggravated by food and water shortages, office buildings being declared closed by authorities, etc., etc. In our world, where natural disasters present plenty of hazards, the ante has been upped by our realization that no one – anywhere – is safe from acts of terrorism as well. Many of the Katrina lawyers lost their practices forever because they were not sufficiently prepared. When it comes to disasters, an ounce of prevention is indeed worth a pound of cure.

**25. Fail to have an employee termination policy or fail to follow it.** Our cynicism comes from the number of ex-employees who have caused technological havoc by accessing the law firm network once their authority to do so has expired. When you are ready to terminate someone, never let them have access to their computer post-termination. Immediately cut all access to your systems from the outside and forward all of their business e-mail to someone else. Collect all their keys. Change the security codes if necessary.

**26. Have a laptop without a power-on password, encryption, or biometric access.** In a world where laptops are the #1 stolen item at airports (and they rank in the top five at hotels, from cars, etc.), you must take precautions. The new "finger-swipe" biometrically accessed laptops are no longer out of anyone's price range. Encryption of data is no longer difficult. At the very least, make sure no one can get on your laptop at all without that power-on password. It is surely malpractice not to take this most elementary of precautions.

**27. Put client data on an unencrypted thumb drive.** Look at the size of a thumb drive. Smaller even than our now very small cell phones. How often do we lose cell phones? About 50 per cent of us have lost one at one time or another. Here we have an even smaller device. It is critical that data on a thumb drive be protected either by requiring a password or by encrypting a portion of the drive which carries client data.

**28. Have client data on a cell phone that doesn't require a password.** As our business frequently forensically images cell phones, it always strikes us as remarkable how few cell phones we see that require a password. It may well be that we are simply the "hurry up" generation that doesn't have time for that extra step, but if there is client data on the phone, it certainly seems like we MUST take the time to ensure that client data cannot be accessed if we accidentally lose our phones in a cab!

**29. Don't scrub the metadata.** It is impossible to overstate the importance of this. Court briefs have actually been filed with metadata intact. In one memorable comment, an attorney asked if anyone thought that the "yo-yo brain judge" would understand what was being argued. As you can imagine, the judge was not amused as he viewed the comment in the electronic document. Our favorite metadata scrubber is Metadata Assistant, by Payne Consulting (about \$80 per seat) [www.payneconsulting.com](http://www.payneconsulting.com). Already own Adobe Acrobat? Convert your document to PDF and that will strip out almost all the metadata, usually everything you'd care about.

**30. Redact PDF with black boxes.** Even the U.S. government has pulled this gaffe, thus exposing the placement of troops in Iraq. More notable to the legal community, a law firm involved in the infamous suit against AT&T for intercepting citizen e-mails and sharing them with the government made the same error in one of its briefs. Ordered by the court to release some documents but with certain sensitive information redacted, the firm clumsily used black bars to do so. Journalists promptly pounced on the black boxes and stripped them out, revealing incredibly sensitive data which seemed to confirm the allegations of the Electronic Freedom Foundation. If you are going to redact information, use professional software such Redax or upgrade to Acrobat 8.0, which includes redaction and Bates stamping ability.

**31. Donate your old computers to charity (or otherwise dispose of them) without wiping the hard drives.** As much as you'd think this was obvious, every time a college student does a new study with hard drives purchased on eBay, they find law firm data. If you have someone who is IT competent, it is a simple matter to wipe the drives effectively. If you do not, it might cost you \$100 per drive to have it professionally wiped. A small price to avoid a big security hole.

**32. Be a "chatty Kathy" online.** We have become a society of online chipmunks, happily chattering away in chat rooms, on blogs, on listservs, and via IMs and e-mails. You should assume, at all times, that whatever you transmit electronically will live forever. Remember, deleted isn't deleted and the power of computer forensics to recover deleted data is fearsome. If you don't want to answer for what you've written three years later, don't send it!

**33. Don't have an Internet and e-mail usage policy for your office.** Are you daft? Do you know what these people do, especially when you are not in the office? All of the things we tell you not to do in these tips are exactly what they will do. They will check what's going on in their soap operas, visit the celebrity gossip columns, etc. Not to mention the temptation to post things on a listserv (with your law firm signature attached of course) that may not be precisely the representation of your firm that you would choose. Make a policy and then enforce it.

**34. Don't have a policy about what data may and may not leave on removable media (thumb drives, iPods, phones, PDAs, etc).** This is precisely how much of your confidential data leaves the office. If they don't e-mail it, they download it. So have a policy – there are even utilities to help you monitor anything being downloaded via USB drives.

**35. Don't train your employees about computer security.** There are few ways to get more "bang for the buck" than by training those who work for you. Most of them don't know how to spot a phishing attack or how to recognize social engineering over the phone that might persuade them to give up a password. Give them the benefit of safe computing training and policy training and you will have built a worthy moat around the castle which contains your client information.

**36. Hesitate to terminate a disgruntled employee that you're thinking about firing.** This is a common scenario – you know you have someone who is angry or disgruntled. Perhaps you didn't give them a raise, perhaps they don't like your demeanor – the reason doesn't matter. Once you are aware of a potential problem, the likelihood of misconduct increases exponentially. As soon as you have your “employment law ducks” in order, let them go. If they do any work on your network whatsoever, this is an especially firm rule. As one law firm system administrator boasted, “I can bring this firm to its knees anytime I want.” Believe him, for he speaks the truth!

**37. Fail to encrypt your e-mail.** OK, this is a red herring. No one requires encryption. Very few lawyers use it. It isn't hard, but it takes a little extra time. Still, the real message here is that important things (such as proprietary data) should not be transmitted electronically without being encrypted. Think before you use e-mail!

**38. Converse via e-mail with your client using the client's work e-mail.** This is always a troublesome area, since it is not yet fully clear whether the attorney-client privilege will apply to e-mail sent from a work machine, whether via a work e-mail address or a personal e-mail address. In at least one case in Virginia, the judge found that there was no privilege between attorney and client for anything sent from a work computer. Period. As experts, we believe that decision was wrong, but that doesn't change the current practical implications for lawyers. Better reasoned decisions from other states have indicated that the privilege would not be lost if the client took reasonable measures to protect the privilege (e.g., not using the work e-mail address, keeping attorney-client e-mails segregated on the hard drive in an appropriately named folder).

**39. Fail to address e-mail correspondence in your retainer.** Given the paragraph above, the perils of e-mail correspondence should be evident. Many lawyers believe, and we agree, that there should be a separate paragraph in your retainer pertaining to e-mail, in which the client specifically agrees that e-mail communication is acceptable or not acceptable. It should discourage the client from communicating from work and also stress the importance of not divulging sensitive data in e-mail. Many lawyers, including one of the authors, will ensure that this paragraph is separately initialed so that it is abundantly clear that the client understood potential risks before using e-mail as a vehicle of communication.

**40. Have a file sharing program on your computer or network.** C'mon, fork over the money for the new Elton John CD or for the new Harry Potter movie. File sharing of protected works not only constitutes copyright infringement, but it leaves your computer/network wide open to the Internet. If you have kids at home, and work from home, you may not even be aware that your kids have installed file sharing programs. We have six kids, and yes, it happened to us. Forewarned is forearmed!

**41. Enable file sharing between the workstations at your office.** This is a tough one. Microsoft allowed peer-to-peer file sharing among Windows computers. Disable this feature if you have a server. Small offices will use file sharing to keep costs down and still allow access to client data from multiple computers. If you must use file sharing, limit and restrict the access. Require user IDs and passwords to get to the data. Don't configure unrestricted access to your data since that's what the hackers love.

**42. Use copyrighted images on your website without a license.** This is done all the time. It is incredibly simple to get royalty-free clip art or photos on the Internet. If you want something classier, the prices to get a license are generally quite modest. Folks are searching for infringing materials on the Internet all the time these days and there are sophisticated tools to help them. Don't help the infringement bounty hunters!

**43. Call yourself a specialist or an expert on your website.** Play it safe—check your jurisdiction's advertising rules.

**44. Appear to promise results on your website.** See number 43 above. If you even describe results of cases, you must explain that results are dependent on individual fact scenarios and state that case results do not guarantee or offer a prediction of the same result in another case. It should do this in bold type, in caps, and in a font size as large as the largest size font used to describe the case results.

**45. Don't have a disclaimer statement in your e-mail.** This entry is here under protest. It is probably a good idea to have one, but most experts agree that disclaimers are pretty worthless and provide almost no protection. However, it is nice to put in the tagline that tells people what to do if they receive an e-mail message in error. Remarkably enough, most folks actually want to do the right thing and will tell you that they received your message in error. All things considered, it is better to know than not to know!

**46. Decide you don't need to know about electronic evidence.** Sorry, but this is no longer possible. You can no longer make a deal with the opposing counsel that "I won't go there if you won't." In a world where 95 per cent of data is created electronically and only a fraction of it is ever reduced to paper, you have no choice but to consider whether ESI (electronically stored information) may be a part of your case.

**47. Mishandle or spoliage electronically stored information.** Until recently, lawyers were getting away with this on a regular basis, but no longer. Judges have had enough, and are beginning to hand out sanctions like penny candy, mostly against clients, but now and again against the law firm as well. You must understand your client's technology well enough to avoid spoliation and to determine where relevant evidence may be in order to preserve or produce it. If you are not up to speed, it is time to get there.

**48. Violate password protected data.** Outside of the workplace (where employers have the right to monitor what transpires on their networks), passwords create a right of privacy. It doesn't matter who owns the computer. The right of privacy applies between spouses as well. Why? Because the law says so. If we had a one dollar for every time a spouse argued that they had the right to search their partner's e-mails, we would be rich.

**49. Accept or use telephone records obtained by pretexting.** According to Wikipedia, "pretexting is the act of pretending to be someone who you are not by telling an untruth, or creating deception. The practice of pretexting typically involves tricking a telecom carrier into disclosing personal information of a customer, with the scammer pretending to be the customer." This is against the law in some jurisdictions, if you know the records have been obtained by pretexting when they slide those records across the desk and you nonetheless take them.

**50. Counsel your client to put a GPS tracking device on someone's car without fully knowing the facts.** These gadgets provide great evidence, but in many jurisdictions, it is illegal to put a GPS tracker on a vehicle unless you are that vehicle's owner. There are no reported cases thus far, so we cannot tell you whether it is OK to put a GPS tracker on a car which both parties have purchased but which is still owned by the bank because there is a car loan. These are not dice we wish to roll.

This list could go on and on and on, but hopefully it is clear that there are significant dangers in the electronic world, waiting to trap the unwary lawyer. Here, at least, is a good starting point for making sure you've covered as many ethical bases as you can.

*Sharon D. Nelson and John W. Simek are the President and Vice President of Sensei Enterprises, Inc., a legal technology and computer forensics firm based in Fairfax, VA. 703-359-0700 beginning\_of\_the\_skype\_highlighting 703-359-0700 end\_of\_the\_skype\_highlighting [www.senseient.com](http://www.senseient.com)*

## **Marketing in Difficult Situations: Handling Problem Clients**

Every business encounters them at least once if not several times a year... the problem client; the client who calls you constantly, the one who talks non-stop without giving you a word in edge wise, or tends to complain constantly, visits the office as much as they can... the client who basically takes so much more of your precious time and energy than they're worth. Clients like this consume valuable time that could otherwise be productive time to increase business. Addressing these problem clients from the beginning is essential for not only your business but also your sanity! How you handle problem clients says a lot about your business. Approaching a difficult client with grace and a positive attitude may be the most important marketing opportunity you will face- sparing you the distress of the negative word of mouth message "fired up" and dissatisfied customers tend to espouse to anyone and everyone who will listen.

### **Initial Contact**

You can generally tell from the very first initial contact with a client is he/she is going to be problematic. Now, if you sense this right "off the bat", set your limits up front. Explain to the client the procedures of the investigation and what should be expected, from you and from your office. Go over the hours of operation, when they might be contacted by you, and what they should do if they have a questions or issues during the case. Giving the client a point of contact or giving them your (or your office manager's) email will cut back on telephone calls to your office.

### **Errors or Mistakes**

Own up to mistakes, everyone makes them. Most importantly, fix mistakes immediately; particularly if the difficult client points them out. Even more, go beyond his expectations. Immediately admitting to a mistake will pacify the client. In regard to going above and beyond, maybe do something extra: knock off a few bucks off the bill or send them a gift card along with a "thanks for understanding" note. Going above and beyond expectations with EVERY client, not just the problem client, is the absolute recipe for success.

### **Listen**

Always let the client speak first or tell their sob story, without interruption or an immediate defense. Sometimes, a client just wants to be heard, so listen to them! It takes skill to be an active listener. Repeat the problem or questions to them. Listening alone might correct the problem. If not, the client will at least see that you are on his side or doing everything you can to rectify the issue.

## **Your Voice**

Good communication always starts with having a pleasing tone of voice. Sounding annoyed, angry or frustrated is going to get you nowhere! Be clear, assertive and confident.

## **Use good words**

When communicating with problem clients whether in an email or on the phone, use good words. What I mean by this is use words that are not going to put the client immediately on the offensive. You do not want to go “around and around in vicious circles” with the client, placing blame and failing to understand the problem. Nobody likes negative feedback in response to a negative situation. **Use positive words with positive results:**

- *We are committed to serving you...*
- *I am eager to work with you...*
- *Mr. Smith, I am so sorry that you are having these issues, I would like to resolve this issue you by...*

Finally, even in some of your best attempts to satisfy a client, some of them will just never be satisfied. You may even find yourself making the decision to just let them go; so don't be afraid to push them gently by suggesting them to another investigator or company and helping them make that connection through an introduction.

Bottom line: setting limits, fixing mistakes, listening, using setting a tone and making some simple changes to the way you speak will save you a great deal of time handling these problem clients and you just may be able to keep your sanity.

**Embrace professionalism at all times; some problem clients will turn out to be your BEST evangelists if handled properly!**

## **About the Author**

L. Scott Harrell has been a professional investigator for over 17 years. He began a career in the intelligence and investigations trade-craft when selected to work with several intelligence units while serving our country in the United States Navy. Since his discharge he has worked with Fortune 500 companies, owned and managed two very successful agencies in Texas, Florida and Louisiana. He is also a noted speaker, mentor and author of eight (8) investigation-related books.

## **“Catch Me If You Can” Service of Process on Difficult People**

Wouldn't it be great if we could perfect service on the 1st attempt every time? We all know not every serve can go as planned and oftentimes difficult people make for difficult situations.

As a process server I find that my skills at times are tested. When these difficult serves arise I must remember that I am an investigator first. Process servers and investigators alike must have the skills of creativity, logic, communication and the ability to use innovative techniques to complete an efficient serve.

### **Planning and Preparation.**

Planning and preparation is so important to any successful process server. As part of your preparation for an assignment, you should always gather as much information as possible on the individual you are about to serve.

As a standard, I always ask the client if the following information is available on the individual I am about to serve:

- Name, address and personal phone numbers
- Work address and work phone number
- Aliases or nicknames
- What kind of vehicle do they drive? Year, make, model, color or other unique identifiers are helpful too.
- Does the client have a picture or physical description of the person to be served?
- Is there a specific time service should be made?
- Have they been avoiding service or are they expecting and agreeable to service?
- Can the documents be sub-served?
- Is the individual known to be violent?

I also like to do a quick pre-surveillance check of the area in which I will be serving by using a variety of Internet tools such as Google Maps, Google Street Views and Microsoft's Bing Maps (formerly Live Maps). This allows me to get familiar with the surroundings, alerts me to any potential hazards and may identify any other entry points to the address. A prepared process server is a successful process server!

### **Unwilling and Evasive Individuals.**

Our standard service of process rates are based on 3 diligent attempts over a period of six days at varying times. What happens if I do not get the individual on the 3rd attempt or they appear to evading service?

### **Search Public Records.**

Before charging any additional costs to my client, I like to quickly check my local clerk's public records on line. I check for pending court cases and updated information. I have found pending court cases on many individuals and ended up serving them in court right before their appearance. In searching these free public records, I have also found updated addresses that our client may not have had.

### **Conduct Simple Internet Research.**

Sometimes a lot of information about a person can be found through just a simple Internet search. I found an individual's current employment address just by viewing their LinkedIn Profile.

### **Talk to Neighbors.**

Talk to neighbors to find out the habits or whereabouts of the individual you are trying to serve. Sometimes you will find that the individual is on vacation or works odd hours. Always be cautious when talking to neighbors; they do not need to know anything about the case or the true nature of your visit (you don't want the neighbor to put your defendant on notice).

### **Take Notes.**

Document all evidence that supports the fact that the individual you have been trying to serve is evading service. Attorneys can often file a pleading to the court regarding the evasive defendant and they will need your factual information in order to do so.

Remember to always work out a cost effective plan with your client to deal with unwilling or evasive individuals ahead of time. Here are some additional service techniques that many of us use in these difficult situations:

- Find out if a request for a change of address has been filed with the Post Office.
- Skip trace the subject using a dependable nationwide database provider, this can often yield additional billable hours or service fees.
- Conduct a stakeout. We oftentimes can serve difficult service after a short surveillance and “service by ambush.” This is another lucrative add-on service!
- If you have phone numbers for the individual, use creative pretexting techniques. Of course before conducting any skip trace or pretext remember to follow your state laws and regulations:

**NEVER** represent yourself as a law enforcement officer, clergyman, employee or member of an actual company.

**MAINTAIN CONFIDENTIALITY.** Do not reveal personal or intimate information about your subject to individuals having no right to or need for such information.

**NEVER** use your correct name or leave your telephone number.

**NEVER** pretext to obtain information from financial institutions, telephone companies or other protected information.

- Be innovative and creative. Sometimes you just have to think outside of the box. Serving evasive individuals is like a game of “cat and mouse,” but by putting your investigative expertise and creativity to work you can often catch the individual off guard. For example... I had to serve a taxi driver once and he was evading service at his home and at work. I ended up calling his taxi service and asked for the driver to pick me up at my office; the call was under the pretense that I needed a ride to the airport. When he came to pick me up, I was able to serve him successfully... Out of courtesy, I paid his cab fare to my location... it was worth the effort and the client did not mind picking up the tab on this very important assignment.

There is a pretty good chance that you will outsmart your evasive or unwilling recipient by using creative techniques, thinking quickly and being persistent. If you are in doubt of using an unusual method of service of process consult with your attorney to ensure you are operating within the laws and regulations of your jurisdiction.

If you have some innovative, creative tips and tricks of serving evasive clients I would love to hear from you. Join us on our forum to discuss additional [difficult process serving tips](#) in detail.

This article was written by Stephanie Mitchell and is posted courtesy [IRBseach, LLC](#).

### **About the Author**

Stephanie Mitchell is the Managing Editor of Pursuit Magazine and Manager of Continuing Education and eLearning at CompassPoint Investigations. She is a Florida Licensed Private Investigator and Certified Process Server in the 1st Judicial District of the State of Florida. Prior to her transition into the investigations profession she was a Professional Paralegal for several years having received her training from the University of Richmond in Virginia.

## How to Get Paid on Time for Your Private Investigator Services

Lester Burnham, Kevin Spacey's character from "American Beauty," said, "Janie's a pretty typical teenager: angry, insecure, confused. I wish I could tell her that's all going to pass, but I don't want to lie to her."

I won't lie to you either. Getting paid on time never gets any easier, no matter how long you've been in the business. And not only is it an irritating event, but it can grind your business plan to a halt if multiple clients don't pay, or if that one big job that you've worked weeks on comes up dry simply because the client "just can't pay right now. I'll catch you next month..." The seemingly obvious solution is to never perform an hour's work without an equal or greater amount of payment in advance, i.e., retainer. But a retainer is not always possible or preferable, especially when you've been hired by an attorney and he or she is paying you when they get paid.

So proactively, what can a hard-working private eye do to get the paycheck on time? Here are some suggestions:

\* **Don't hang your hat on that "one great case."** I've fallen for this trap before. I had a case that promised to pay well over five figures on completion. It stayed at the forefront of my thoughts for weeks, as in "I'm going to pay off this and that and the other thing as soon as that check comes..." In other words, I was utterly counting my chickens before they'd hatched, and it was maddening when the little bastards refused to appear. Don't obsess over any payment, thereby making it your golden ticket to solve all your financial woes. It will most certainly become the last check in the mail and drive you insane while you wait.

\* **Get it in writing.** From a strictly legal standpoint, just about anyone will tell you to always have a contract, and I certainly won't contradict that. Having a well-written contract is the number one way to protect your financial interests. If things get ugly, the contract may be the only ace in the hole you have. But let's be realistic. There are clients that you know, trust and have done business with over and over that have always paid on time. But these are the exception, not the rule. For everyone else, write it out and increase your chances (and your legal leverage) of getting paid on time.

\* **Get your money up front.** As mentioned in the opening, retainers are a beautiful thing—a bird in the hand, so to speak. Make it a point to at least attempt to get some kind of retainer, if not the entire amount, to cover the hours you expect to devote to the case. If you get the money up front, you don't have to chase it later, period, which brings us to the sticky subject of how to get money from the clients that are holding out on you.

\* **Unionize!** Well, maybe not officially, but for smaller operations here's a trick that worked for me. I had an attorney that was notorious for not paying on time to the point that everyone in town knew about him—local PIs, process servers, paralegals, etc. Getting paid by this guy was like pulling teeth, and when you did, it was usually preceded by a dozen phone calls and several months of waiting. A few of us were getting fed up with this game, and rather than just drop the guy from our client list (he provided a lot of good cases) we made a deal amongst ourselves: When a call comes in from this particular attorney, we maintain some solidarity. For example, if he owes Mike \$500 in unpaid service of process fees, I tell him I'll take that witness interview he so desperately needs as soon as Mike gets paid. The first time we pulled this maneuver, the attorney squawked and complained and threatened to take his business elsewhere. That lasted about five minutes. Mike magically got paid and the rest of us are still doing work for him. Food for thought.

# IAPI is pleased to welcome these new members to our Association

## **Scott Anthony Ehlers (Full)**

1816 3rd Ave SE  
Altoona, IA 5009  
402-707-9617  
[ehlers.scott@yahoo.com](mailto:ehlers.scott@yahoo.com)

## **Cory Harstad (Full)**

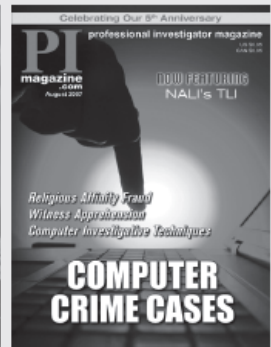
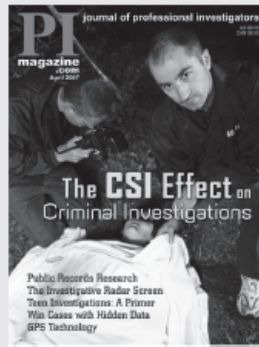
Haven Protection, President/CEO  
PO Box 714  
Des Moines, Iowa 50303  
(515) 230 8043 (office)  
(515) 298 1050 (cell)  
[charstad@havenprotection.com](mailto:charstad@havenprotection.com)

\* **Make it obvious on your invoice.** Sometimes the problem is simply one of communication. Do your invoices make your intentions clear? If it's just a bill, it will probably sit indefinitely on a pile of other bills. If it clearly states, "Payment Due Upon Receipt" or "Five Percent Penalty for Payment Received After June 1," you're more likely to be moved to the front of the line. Again, spelling this kind of information out in your contract is where it all starts, but reminding the client of what was in the contract on your invoice is good back-up.

\* **Court, your last resort.** Personally, I save this option for extreme situations only. No one wants to be known as the litigious money-grubber who will take you to court for a \$50 dispute. Always pick your battles. In Arizona, small-claims court will get you up to \$2,500. The paperwork is easy, attorneys are not allowed (unless agreed to by both sides) and if your contract is concise and you did your job as promised, you are likely to get a favorable judgment. But here's the catch that a lot of well-meaning private eyes don't realize: Getting your judgment is only the first step. The judgment neither hands you a check for the amount owed, nor does it hold a gun to the head of your adversary until he or she pays up. You may still end up chasing the money through liens, bank or wage garnishments, etc., albeit with the court's stamp of approval. Do the math first and save yourself a load of grief. You could easily spend more money chasing money than you would if you had just eaten the loss from the git-go.

Napoleon Hill, the great motivational speaker, author, and advisor to President Franklin D. Roosevelt, wrote, "The man who does more than he is paid for will soon be paid for more than he does." The ultimate goal should always be to provide exceptional service for a reasonable fee. But if you focus too much on the green stuff, your attention is diverted from the real purpose of the game. Treat clients as you would like to be treated, always endeavor to pay your own bills on time, and, in spite of the current economic woes, don't get caught up in excessive, stress-filled penny-pinching. Just be determined to be the best in your field and arrange your finances accordingly. That way, even if a check is occasionally late, you can ride out the dry spell, and when it does finally arrive, you will be well paid for your indispensable expertise.

**Jeff Kimble is a guest writer for PInow.com. He is a licensed private investigator and co-owner of Arizona Legal Document Services LLC in Arizona.**



**Nobody cares more about your success as an investigator than you do.**

**Well, almost...**



Subscribe to PI Magazine Today at [www.PImagazine.com](http://www.PImagazine.com) or call **800.836.3088**

# NCISS



National Council of  
Investigative & Security Services



## Your Voice from the Nation's Capitol

Each day, NCISS monitors legislation that could have an adverse effect on your business.

*Show your support and appreciation; become a NCISS member, TODAY!*  
[www.NCISS.org](http://www.NCISS.org)

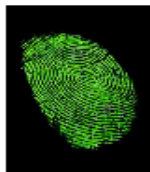
NCISS Administrative Offices  
7501 Sparrows Point Boulevard  
Baltimore, MD 21219-1927  
tel: 800.445.8408 fax: 410.388.9746



# SIMPLY THE BEST FIND ANYONE, ANYWHERE IN THE USA

Our **Person Search** offers access to the most current addresses and up to a 30-plus year address history. Links to relatives, neighbors, and associates are also available in our Comprehensive Report. Billions of records, updated daily.

800.447.2112 | [www.irbsearch.com](http://www.irbsearch.com)



### Online CEUs for Private Investigators

**Pre-Hire Screens and Background Inquiries**  
12 CEUs \$119

**Scientific Analysis of Physical Evidence**  
12 CEUs \$119

**A Guide to Criminal Defense Investigation**  
12 CEUs \$119



[learningshopusa.com](http://learningshopusa.com) (O) 706 579 2559 (C) 404 405 6990 [admin@learningshopusa.com](mailto:admin@learningshopusa.com)