

If these walls could talk

by Bruce Stanger



The defendant installed a camera in the private space used daily by our client – imagine a bathroom or bedroom. The camera transmitted video. When the transmitter was found during repairs of the area and the wire was traced, the camera was found. Our client was obviously upset, we were contacted, and the police were called in. We never found the video but we were able to prove who purchased the transmitting and receiving equipment – the case settled. This was one of the rare cases where we truly would have had a video proving the conduct of the person we were suing.

There was a doctor's office at Saint Francis Hospital where for years a doctor took pictures of the children he was supposed to be treating in sexually compromising positions that he posed. This time the photos would be found. The doctor hid those photos behind a wall. During a renovation at his former home, tens of thousands of the photos of the children were found. In the current suit by children there is now proof of the misconduct.

Most of the cases we bring for our clients are not so easy to prove. Proving what happened in cases such as these are not always as easy.

- the negligence of the driver of a car resulting in an accident,
- the really bad advice given by a lawyer we are suing for our client,
- the lies by a business person when striking the deal,
- the negligence of a doctor in igniting the oxygen which is around the head of our client during surgery resulting in fire and explosion , or

- the emotional abuse by a parent of a child which becomes critical in the determination of custody in a divorce.

That is where investigators, the police, friends, family, bystanders and the discovery process become critical. Most of the time it is simply asking the obvious questions of the injured person who we are helping. Sometimes, such as in legal or medical malpractice, it is looking at the records. But almost always it is asking questions of people who may not want to answer the questions. We use the discovery process to take depositions of people who really do not want to be there. The nurses and other doctors from the operating room, the lawyer and his staff, the defendants in the case all have to appear when we schedule a deposition. They have to answer questions under oath, although some do lie. They don't have a choice, if they don't show up we can get a judge to order it, a marshal to bring them or a finding that they are in contempt with possible jail time if they refuse.

The system is not perfect but when we don't have walls to talk, we do have tools available to find out what really happened. ■

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