

The Art of Fact Investigation: Creative Thinking in the Age of Information Overload

By Philip Segal (2016). 130 pages, ISBN: 9780996907910. \$22.95

Subject: Subject-specific legal research (fact investigation)

Useful for: Useful for those in the legal field unfamiliar with the techniques of fact investigation.

Format: Chapters with appendices.

Reviewer's Comments:

As the title suggests, The Art of Fact Investigation is not a straightforward how-to manual on procedures for finding various types of factual information. Instead, it emphasizes the need to rely on reasoning and deduction skills, as well as imagination, to figure out where to start the search and how to piece together information to find proof, or at least circumstantial evidence, that is useful to the client.

The author, an attorney who specializes in factual research, addresses litigation and non-litigation situations where investigation can be beneficial. For example, in litigation, fact investigation can save time and money during the discovery process, as well as amass background information on witnesses. In non-litigation matters, investigators can perform due diligence on potential hires and determine whether a bankrupt individual has as few assets as claimed.

Throughout the book, the author provides case studies of his investigations, describing what he found, where he found them, and his thought processes to achieve his results. He also cautions readers against reliance on such things as initial information provided by clients (e.g., misspelled names, wrong dates), commercial databases (coverage may not be as extensive as claimed), and Google (which does not index pages of public records, financial information, or contracts).

Another topic the author cautions against is finding information illegally, by advising readers to know which types of documents require court orders, as well as privacy laws and professional ethics that bar certain actions. These cautions are reinforced by describing penalties that have befallen real-world investigators (and sometimes their attorney employers) who run afoul of the law. The book includes four appendices, the first of which has more information on the case studies, while the second lists commercial databases useful for investigators, the third lists U.S. public records sources, and the fourth has a list of questions to answer about the subject of an assets search.

The Art of Fact Investigation may be frustrating for readers who desire concrete answers, as well as for readers who don't share the author's appreciation of cubist art (which he frequently uses to make analogies to finding information). For other readers (including this reviewer), it is an informative inside view of the role of fact investigations that is honest about limitations.

Reviewed by: Colleen Williams, University of Arkansas, in 2018.