

# WHAT WOULD SHERLOCK HOLMES, THE PINKERTONS, AND MAGNUM P.I. DO DURING COVID-19?

I read my first Sherlock Holmes novel in Farsi at the age of 11 in the bombed-out suburbs of Tehran. In post-revolution Iran – during a war, food rations, military conscription, and nightly air raids – it was a rare pleasure, and solving complex problems became my passion. I became the self-declared investigator of lost pets, soccer balls, and toys in the neighborhood. I took notes, marked evidence, and exercised my deductive reasoning skills.

When I immigrated with my family to the United States at 15, I immediately fell in love with the wild west. Just like millions of other immigrants before me, I was ready to escape the oppressive implementation of authority, religion, class, and economic status and wanted to pave my own path in a new world. I loved reading about the Pinkertons' detecting adventures and watching Magnum, PI, for his private-detective skills – and yes, his red Ferrari. Of course, as a first-generation American, my dad would never allow me to become a PI, so I studied law instead. In fact, I am proud to have served as a deputy district attorney and a federal prosecutor. Now, however, I have the immense pleasure of using my well-honed detective skills to help my clients successfully navigate an ever-evolving legal terrain, and I think that's fine.

## **This Changes Everything**

The COVID-19 pandemic leaves the investigators among us temporarily hors de combat. The advent of the novel coronavirus has upended all of our lives in novel ways, and while the virus has gotten us down, we are certainly not out. Investigative work used to mean – for better or for worse – hitting the streets (with or without a trench coat), but that hasn't been the case for a while now. Though *business as usual* has taken on an entirely new meaning, business is not going away anytime soon. The cases you had before we began sheltering in place remain in play, and there's a growing body of work predicated on the crisis itself – refis and workout agreements come to mind. Whatever your angle, there's work to be done.

## **The More Things Change, the More They Stay the Same**

Yes, COVID-19 has changed the way we do business, but investigative work has been increasingly relying upon

electronic pursuits. In other words, we've got this. Although many courthouses have closed for the time being, litigation never sleeps. Motions can and are being filed electronically, and the machinations of discovery continue at full tilt.

The fact is that limiting one's exposure remains a thing and when opportunity knocks, investors tend to get busy. Our lifestyles may be a bit topsy-turvy at the moment, but this translates to a shift in how we do business not a shift away from business. Keeping your business machine well-oiled through the current crisis will better prepare you to roll with evolving restrictions and to hit the ground running when those restrictions are lifted. The bottom line is that our potential clients have needs, and we have virtual boots on the ground capable of fulfilling those needs.

## Investigation Nation

As investigators, due diligence begins with the process, which tends to be categorized into two basic stages:

- **Open-Source Research**

Open-source research involves a deep dive into whatever's out there (on the web and elsewhere) on whatever subject you've got going. You want to get your hands on everything in the public record, and this tends to involve not only querying online research but also poking around in vendor-based digital records, governmental agency archives, proprietary databases, and other record stashes. When you give this open-source research the attention it so richly deserves, it strengthens your grasp on the case at hand and can elevate your baseline-level trust in the issue. Open-source research is critical, and it compels the next stage of research, source inquiries.

- **Source Inquiries**

Investigations are built on an infrastructure of sources, and often these sources are people with inside information. The sources with whom you've already established rapport and forged a relationship based on trust are the confidential sources you'll be leaning on the most right now. There are also, however, those third-party sources whom you identify in the course of your research and connect with via telephone, electronic messaging, and/or video chat (in this time of COVID-19).

## Sign of the Times

Investigators have always needed to be nimble on their feet. While the wrench that the coronavirus has thrown into the works is far more dramatic than any we've experienced heretofore, the drill remains the same. Workarounds are our bread and butter, and honing that specific skillset is the best path forward. The explosive outpouring of social media posts has made gleaning insights into our subjects of investigation more up close and personal than ever before, and mining that wellspring is paramount.

## Digging Deep

Your online research hasn't changed a whole lot. Plumbing the depths of the internet remains a worthy pursuit that can yield excellent results. Even with court closings, court dockets are still available for review, and online databases remain open for business. It's inevitable, however, that you're going to need to do some adapting and that tweaks are in

order.

Federal courts and many state courts have wholeheartedly adopted e-filing over the years, which means that you can access those docs with ease. You'll run into situations, however, when only a court's docket is available, and you'll need to dig deeper. Documents such as property records, mortgage docs, and criminal records are often either completely inaccessible or incomplete, and for these, you're going to need to get a bit creative. For instance, for-pay subscription services are sometimes available, and police blotters can reveal untold riches.

## **Touching Base**

As an investigator, you've forged myriad business relationships over the course of your career, and these relationships range from one-time courtroom adversaries to confidential sources, colleagues (past and present), and beyond. All of these relationships are valuable resources that shouldn't be overlooked. You can't, however, know each source's unique offerings – whether he or she will be able to fill you in on background information, provide you with an overview of a court record that's no longer available, add context to your case, or otherwise help you flesh out your investigation – until you make the call.

## **Reconfiguring Your Approach**

Yes, meeting up with people in person tends to reap the greatest rewards in terms of not only straight-up evidence but also meta information (body language, hesitations, and more). Investigating in the time of COVID-19, however, does not lend itself to this approach. Social distancing requires that we keep our distance, and that's fine – there are other options.

Fortunately, technology has come through for us on this one, and video chats, conferences, meetings and calls have all become standard. Further, as we venture deeper into the COVID experience, we're acclimating to Zoom-style communications that leave us more open to being open on camera. In other words, your sources may be far more forthcoming in video-chat format than they ever would have been pre-coronavirus. Further, good old-fashioned phone calls along with email, texts, and other electronic messaging are still on the scene and can produce excellent augmentative – or even primary – information.

## **Onward and Upward**

Yes, COVID-19 has changed the way everyone does business, including investigators. As pros, however, we've been adapting to and working around roadblocks since we joined the ranks. While COVID is a far more serious adversary than we're used to, our grit, street smarts, and wherewithal remain intact. By applying our own brand of intuitive and creative sleuthing, we remain ready to tackle prevailing challenges with moxie.