

Issue #3 | *The Witness Nobody Interviewed*

One of the most expensive intelligence failures in litigation isn't bad information.

It's missing information.

And often, it comes from a witness nobody thought to interview.

By the time a case reaches mediation, deposition, or trial preparation, the investigation may appear complete.

The reports have been written.

The statements have been collected.

The file appears fully developed.

Yet one important question often remains:

Who hasn't been heard from yet?



HERE'S WHAT TYPICALLY HAPPENS:

- ▶ The investigation focuses on the most obvious witnesses
- ▶ Early assumptions influence where attention is directed
- ▶ Potential sources of information are dismissed too quickly
- ▶ Critical observations remain undiscovered because nobody asked



WHAT'S OFTEN MISSED

Not every important witness is obvious. Sometimes the most valuable intelligence comes from:

- ▶ Individuals identified later in the investigation
- ▶ Peripheral witnesses who offer a different perspective
- ▶ Former employees, neighbors, vendors, or associates
- ▶ People whose information challenges the prevailing narrative

The issue isn't whether witnesses were interviewed.

It's whether the right witnesses were interviewed.



WHY IT MATTERS

A single overlooked witness can influence:

- ▶ disputed timelines
- ▶ credibility assessments
- ▶ corroboration of key testimony
- ▶ investigative direction
- ▶ ultimate exposure evaluation

In complex matters, one overlooked conversation can alter the trajectory of an entire case.



A DIFFERENT WAY TO THINK ABOUT IT:

Instead of asking:

"Have we interviewed the witnesses?"

The better question is:

"Who might know something important that we haven't spoken to yet?"

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It's not always the witness you interviewed that changes a case. Sometimes it's the one you didn't.

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