

RESUSCITATING 1-800-AUTOPSY: A LIFESPAN OF A DEATH CARE ENTERPRISE

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Mortuis praesidium et vocem dare necesse est – the deceased must be protected and given a voice. With these Latin words, Vidal Herrera defined his company’s mission and his personal vocation. Since 1974, Herrera had been involved in giving a voice to the deceased – discovering why and how their lives had ended. Since 1988, his private, mobile thanatology service had been available to families, and often the families’ lawyers, who wanted their loved ones to be given a voice just one more time. Herrera’s business journey, however, was complex.

Death has always been inevitable, but the concept of an on-call, 24-hour per day mobile autopsy service was inconceivable before 1988. Autopsy / Post Services, Inc., which did business under the trade name 1-800-Autopsy, was a thanatology specialty service company. Thanatology was the medical and legal study of death and the conditions affecting cadavers. Autopsy was widely perceived as the gold standard for determining how and why a person died. The need for autopsies had been recognized internationally in professional healthcare and forensic circles and beyond. Herrera was in his entrepreneurial “element” catering to that need. He also wondered whether he made all the right decisions along the way.

The dramatic growth in demand for private autopsies in the U.S. led to Herrera to announce in 1998 that franchises were available for 1-800-Autopsy. *“We plan to establish franchised 1-800-AUTOPSY locations in specific major cities throughout the United States ... over the next several years. Though it may sound callous, death is truly recession-resistant and the need for our*

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unique services will only increase..."¹ As of 2019, no franchise had been established. Should Herrera abandon the idea of franchising? If so, what should he do to grow the business?

The Rise and Decline of the American Autopsy

An autopsy is "*an invasive examination of a deceased to determine a cause and manner of death.*"² The word was derived from the Greek *autopsia*, meaning "*seeing for oneself.*"³ Autopsies were performed by pathologists, specialized medical doctors who wrote and signed an autopsy report stating the cause of death and other findings. A forensic pathologist was a medical doctor who had completed 4 years of medical school plus 4 or 5 years residency in anatomic pathology. Autopsies were performed in hospitals (the "morgue"), in government laboratories under the supervision of a state, county, or city coroner, in funeral homes, and increasingly in private laboratories. Typically, the pathologist was assisted by laboratory helpers (called "dieners"), specialized autopsy technicians, and forensic photographers or videographers.

Most autopsies were performed within 48 hours of death, upon the request of the deceased's doctor or hospital, the coroner, or the deceased's immediate family. There were three main types of autopsies: complete (in which all body cavities are examined, including the head), limited (all body cavities except the head), and selective (only specific organs).⁴ Greek physicians had employed the practice as early as 500 B.C. In 350 B.C., Egyptians used autopsies to teach anatomy and physiology, apparently sometimes on live criminals as well as corpses. In America, autopsies dated to the 1600s; an early case recorded an attempt to determine if an 8-year old girl had died of witchcraft or natural causes. A popular practice was also the autopsy of brains of deceased criminals in an attempt to discover the reasons behind their criminal behavior. In Germany in 1906, the neurologist Alois Alzheimer performed an autopsy to identify the cause of death of a woman who had suffered from confusion and memory loss. A

century later, it was still the case that Alzheimer's disease could only be definitively diagnosed by means of an autopsy.⁵

In 1945 in the United States, half of all deaths routinely led to an autopsy. Records showed that in 1961, 41% of deaths were followed by an autopsy. By 2019, the rate had fallen to below 5%.⁶ In 1995, the National Center for Health Statistics, faced with budget cuts, stopped collecting autopsy statistics and compiling reports.⁷ The best available data suggested that half of U.S. hospitals conducted autopsies on 8.5% or fewer of all deaths,⁸ and less than 6% of non-forensic deaths.⁹ "Many hospitals have autopsy rates at or near zero percent despite many deaths," wrote Dr. George Lundberg, a pathologist and former editor of *The Journal of the American Medical Association*.¹⁰

Why such a decline? The primary cause appeared to be financial. Hospitals generally did not charge families for autopsies and were typically not reimbursed from insurance companies, HMOs, or Medicare. On average, an autopsy cost a hospital between \$2,000 and \$4,000.¹¹ Clearly, it provided no health benefit to a patient. The autopsy was therefore a service that needed to be available but lost money for the hospital.¹²

Improvements in medical care and shorter in-hospital stays also led to a significant decrease in the number of patients who died in America's hospitals; more died at home, in a nursing home, or in a hospice. Moreover, some physicians believed that technological advances had made the autopsy obsolete. Tools such as computed tomography (CT scans) and magnetic resonance imaging (MRI) were routinely used in diagnostics. Medical schools had also de-emphasized the importance of autopsies. According to the National Center for Health Statistics:

*"Many medical students ... graduate with no training in autopsy procedures, no instruction on how to request permission for an autopsy, and no opportunity to view an autopsy in process or the inside of a cadaver."*¹³

Although the autopsy provided valuable information about the actual cause of death, in a world of escalating costs of malpractice insurance, no news was good news – at least to the doctors

and hospital who had treated the deceased. Dr. Lundberg remarked: *“Doctors, once so eager to perform autopsies that they stole bodies, have simply stopped asking.”*¹⁴

Finally, a change in hospital accreditation standards contributed to the decline of autopsies in the U.S. hospitals. The major accrediting body, the Joint Commission on Accreditation of Health Care Organizations, formerly required hospitals to perform autopsies on 20% of all patients who died in the hospital. This rate was later reduced to 15% and then abolished altogether. A Joint Commission spokesperson remarked that the organization encouraged hospitals to perform autopsies as necessary, but was focused on *“performance and not percentages.”*¹⁵

Whatever the arguments against the need for regular autopsies, research systematically revealed that autopsies detected information that had escaped the notice of physicians while the patient was alive, even with CT scans or MRIs. One specialist remarked that doctors had been *“lulled into a false sense of security”* by the advanced diagnostic tools they had at their disposal.¹⁶

A study in the *Journal of the American Medical Association* reported that doctors overlooked or wrongly diagnosed cancer in about half their patients.¹⁷ A study by the Agency for Healthcare Research and Quality (AHRQ) found that the chance that autopsy would reveal a misdiagnosis (e.g., cause of death) was 10.5%. Alarming, the probability of the autopsy detecting a *major error* in a given case was 25%.¹⁸ The AHRQ study suggested that medical malpractice was a major cause of *“unsuspected complications of care”*¹⁹ that were only later revealed in the autopsies. A review of autopsy studies reported an even grimmer picture: in about a third of the misdiagnoses detected by autopsies, the patient would have been expected to live if proper treatment had been administered.²⁰

Vidal Herrera had created an industry by launching the first private, for-profit, mobile thanatology service. The entrepreneurial opportunity, however, was generated by the

dramatic decline in the autopsy services provided by hospitals and government coroners' offices over the last several decades.

Murder and Death in the U.S.A

About every 37 minutes, someone, somewhere, was murdered in the U.S.A. In 2018, an estimated 16,214 murders and non-negligent manslaughters occurred in America's large cities, of which over 1,700 were in California and more than 250 in the City of Los Angeles.²¹

The primary purpose of an autopsy was to determine the cause and manner of death. Forensic autopsies were typically required in every case of suspected homicide, and full or limited autopsies were requested when there was the suspicion that medical errors had caused or contributed to the death.

According to a study by Johns Hopkins, more than 250,000 people died each year in the U.S. due to preventable medical errors, America's third-leading cause of death.²² On average, 12,414 medical malpractice claims were filed in the U.S. for the decade 2009 to 2018.²³ A trend indicated a gradual but steady decline in the number of medical malpractice lawsuits filed in U.S. courts, yet with increasingly large monetary awards to successful plaintiffs, often over one million dollars. The number of cases settled out of court was unknown, but certainly dwarfed the number actually brought to a jury. The stakes were obviously high for those who requested autopsy services.

Paradoxically, while autopsy rates had steadily declined in America, the public's awareness of autopsies and forensic techniques had dramatically increased. Popular television shows such as *CSI*, *Law and Order*, *Crossing Jordan*, *Hawaii Five-O*, *House*, and others regularly featured autopsies – more often than not showing how forensic technicians solved mysteries that

baffled the police. The cable television network HBO, for example, generated a devoted viewership to its series *Autopsy*, which followed step-by-step a forensic pathologist at work.

The Man Called “El Muerte”

The Spanish name Vidal was derived from the Latin *vitale*, meaning “of life, vital.”²⁴ Ironically, Vidal had long been called by the nickname “*El Muerte*” (the dead one). One of seven boys, Herrera was raised alternatively by foster parents and his single mother in the Echo Park barrio of Los Angeles. As a teenager, he volunteered at the L.A. County Coroner’s Office and was later hired as a diener. He sought this macabre career for reasons that might appeal to any teenager – a friend told him that the employees in the Coroner’s Office got paid fairly well, didn’t work too hard, and had lots of “down time” between autopsies. Herrera figured such a job would allow him to study. “*Just think about it,*” he said, “*Nobody bothers you.*” Herrera attended vocational classes, and worked his way up from orderly to morgue attendant to autopsy technician, then forensic photographer, and finally forensic investigator for the Coroner.²⁵ In these roles, he participated in several cases that caught the attention of the media, including the autopsy of David Janssen (actor in “*The Fugitive*” television series), the drowning death of O.J. Simpson’s daughter, and the investigation of the victims of the “Hillside Strangler.” The “Hillside Strangler” was later discovered to be a team of cousins, Angelo Buono and Kenneth Bianchi, two psychopaths who tortured and murdered girls in Los Angeles in 1977. As a forensic investigator, Herrera was credited for finding the fingerprint that led to the conviction of serial killer Richard Ramirez, the “Night Stalker” who terrorized Los Angeles in the early 1980s. From these experiences, he learned firsthand the power of media exposure to shape public awareness and interest. Later when building his brand, he would make full use of the press and television to generate interest in his services.

Always fascinated by death, over the years “*El Muerte*” accumulated a large, macabre collection of artifacts related to death, spiced with items that clearly demonstrated his dark sense of

humor. He collected antique autopsy tools, movie posters (showing death or gruesome scenes), caskets of all shapes and sizes, finger bone pens and artery pens, plaster skulls and full skeletons, and many other objects. Mostly, the objects told the history of autopsy or poked fun at death.

Herrera worked for more than 10 years at the Los Angeles County Coroner's Office, until the day in 1984 when he lifted the corpse of a 5 foot 2 inch, 285 pound female. The result: three ruptured discs in his back, chronic pain, and confinement to a wheel chair.

After the accident, Herrera was unemployed and largely unemployable for 4 years. His back problem made him unable to remain standing for more than 15 minutes at a time. The painkillers he took led to an addiction. He ran out of money. He knew, however, that he could beat the addiction and overcome the disability if only given a chance: a decent job and a reason to stay off the pills. Desperate for work of any sort, he submitted nearly 2,000 job applications in the four-year period, all of which were rejected.

When he received the phone call from the Veterans Administration West Los Angeles Medical Center (VA) in 1988, Herrera knew he had nothing to lose. After all, he had even been rejected for the job of burger flipper at McDonald's and Jack-in-the-Box. The VA was looking for a part-time autopsy technician to work with first-year pathology residents. When asked if he knew of a competent technician, Dr. "Lucky" Lachmann of the Los Angeles County Coroner's Office remembered Vidal Herrera.

To get to the VA, without a car, leaning on a cane, and with only coins in his pocket, Herrera recalls taking three buses, and arriving exhausted – but on time for the job interview. The interview turned out to be a hands-on work session, in which he prepared the autopsy room and proceeded to train first-year pathology residents in autopsy techniques. He would be paid on a per-case basis, and would also get the opportunity to assist at autopsies outside the VA for additional fees. Herrera would soon transform this opportunity into a business.

Upon completion of his first day of work, the exhausted Herrera cleaned and sanitized the autopsy room. Without the energy to brave the L.A. metro bus system to get home, he crawled up on the autopsy table and slept in the very place where he had shown the young doctors how to dissect a cadaver. He slept, and for the first time in 4 years woke up as a man with a job and the motivation to make the most of the opportunity.

In order to assist at autopsies as a freelancer, Herrera needed the tools of the trade and a means of transportation. He borrowed the tools (scalpel, bone saw, rib cutter, skull chisel, etc.) from a doctor friend. After three cases, he was able to purchase his own set of tools and a car. Herrera recalls the joy of buying an ugly 1974 lime green Honda at the yard sale of a couple getting divorced. Little did he know at the time that he would soon be cruising the freeways of L.A. driving something much more noticeable.

In 1988, he founded Autopsy / Post Services, Inc. Herrera recalls being impressed by an article in *Forbes* about the power of 800 numbers. He remarked, *"When you watch TV, have you ever seen 1-800-DOCTOR, 1-800-LAWYER, 1-800-DENTIST? I thought, why not 1-800-AUTOPSY?"* He got the phone number he wanted and was soon conducting business under the trade name 1-800-Autopsy.

The Private Autopsy Industry

Due to the decline in hospital-performed autopsies, families began to seek the services of external, private autopsy agencies to determine the cause of death of a loved one in the hope of getting some sense of closure. Families were often motivated by a nagging sense that the hospital or doctors did something wrong that led to the death. One report put it succinctly: *"Most for-profit autopsies have one thing in common: the family suspects something."*²⁶

Individual pathologists and autopsy technicians, as well as firms, entered the private autopsy industry in increasing numbers in the early 1990s. While data on the size and growth of the private industry were unavailable, Herrera estimated that demand for private autopsies grew at around 10% to 15% per year. Frank Sebastian of Northwest Autopsy Services in Washington remarked, *“It’s a growth industry. We’ve seen a doubling or more of business a year. We’re filling in where the public agencies and hospitals are leaving off.”*²⁷ In 2000, Private Autopsy Services, Inc. in Oklahoma City cut the ribbon on a new \$250,000 laboratory facility.²⁸

Pathology Support Services of Sacramento and Los Angeles ran radio advertisements to drum up business, asking, *“Do you have any questions about a loved one’s death?”*²⁹ (A list of some of the private autopsy firms that competed with 1-800-Autopsy is provided in Exhibit 2.)

Private autopsy firms, including 1-800-Autopsy, voluntarily followed the standards and protocols established by coroners and hospital pathologists, but the industry was largely unregulated. Some government and hospital pathologists had doubts about the quality of the work done by private autopsy firms. Dr. Henry Schneiderman, Chief Physician at Hebrew Home & Hospital, remarked, *“The quality of autopsies done by hospitals is very high. There is no indication that these for-profit autopsy firms are anywhere near close to that.”*³⁰ Dr. Margaret Hastings of the Institute of Medicine in Chicago also expressed concern over the quality of work carried out by the unregulated, private industry: there remained the risk that autopsies would be performed by those who *“may not have the requisite skills and may be going into it for the money.”*³¹ The National Center for Health Statistics noted:

*“Organized, commercial autopsy service enterprises are relatively new and growing in number. How they perform and interface with medical professional guidelines and standards, facility inspections, and accreditation and certification procedures remains to be seen.”*³²

Exhibit 2. Private Autopsy Services (Sample List)

American Autopsy Service in San Francisco, CA specialized in seeking answers to neurological disorders by procuring tissue samples, specifically of brain and spinal cords. It was founded by a licensed embalmer with 14 years of experience in the funeral services industry.³³

Autopsy & Forensic Service, Chandler, AZ.

Autopsy Pathology Division of the Johns Hopkins Medical Laboratories in Maryland provided full private autopsy services to local, national, and international customers. The division claimed to have performed over 50,000 autopsies.

Autopsy Pathology Services in San Diego, CA provided private autopsy and toxicology analyses since 1997 to customers in California, Arizona, and Nevada.

Autopsy Services LLC, Cockeysville, MD.

Autopsy/Diener & Removal Services LLC, Pemberton, NJ.

Chicago Area Autopsy Service was founded by a diener in 1991 in Chicago. Like 1-800-Autopsy, it contracted with pathologists on a per-case basis to provide private autopsy services.

Dieners Autopsy Services, Inc., Upper Marlboro, MD.

Forensic Pathology Services in Austin, Texas was owned and operated by a forensic pathologist and former medical examiner. It offered private postmortem examinations and expert witness services in cases of medical malpractice, negligence and wrongful death trials.

John T. Cooper, Forensic Pathologist provided private autopsy services and consultations in forensic pathology in Texas and nationwide.

Northwest Autopsy Services was a division of Emphasis Technography, Ltd., which had facilities in Tacoma, WA, Sacramento, CA, and Los Angeles. Northwest employed a board certified forensic pathologist and a private investigator; it provided autopsy services, medico-legal services, forensic consultations, and forensic technician services to families and professionals (attorneys, physicians, pathologists, coroners, hospitals and funeral homes), in the state of Washington.

Pathology Support Services, Inc. began providing private autopsy services in 1984, and by 2006 had offices in Los Angeles, Sacramento, Miami, Orlando, Nevada, and Texas. It claimed over 45,000 medical/legal and clinical autopsies, before it closed its doors to new cases upon the doctor's death.³⁴

Pacific Autopsy Services Medical, Concord, CA.

Pensacola Pathologists, Fort Walton Beach, FL.

Private Autopsy Service, LLC in Oklahoma City was established by a board certified forensic pathologist, and provided a wide range of services similar to those provided by 1-800-Autopsy, including death investigation and expert witness testimony.

Southeastern Autopsy Services, Birmingham, AL.

Tampa Pathology Laboratory provided private autopsy services to augment the laboratory work it sold to hospitals and clinics in Florida.

Business Strategy

From the start of Autopsy / Post Services, Inc., Vidal Herrera competed on the basis of service. The company promised customers that it would take calls immediately and provide service whenever possible within 4 to 8 hours, every day of the week, 24 hours a day. Moreover, the 1-800-Autopsy van, materials, supplies, and personnel could be quickly transported to the venue chosen for the autopsy: hospitals, morgues, laboratories, mortuaries, or funeral homes. The company promised answers: closure for the families, or perhaps evidence for a lawsuit. *"We find answers when people die unnecessarily,"* Herrera remarked. *"We are the last venue of truth for families."*³⁵

The business was run out of Herrera's home in La Crescenta, CA. Herrera organized the cases and managed the schedule and personnel. His wife Vicki, who had never attended an autopsy and had no intention of doing so, took care of most of the administrative tasks. For a long time, autopsies were not done on company premises. 1-800-Autopsy owned a laboratory /office building in East Los Angeles, which had been converted into a thanatology museum, and was available for rent. The company used a fully functioning laboratory accredited by the College of American Pathologists.

When he founded the company, Herrera sought a prestigious address; the firm's mailing address was a rented mailbox in Brentwood, near Beverley Hills, UCLA, and the offices of many top lawyers. *"They call them 'suites' in Brentwood,"* Herrera remarked. *"It's amazing what a change in your ZIP code can do for you. Instant credibility."*³⁶ In addition to the Herrera couple, the firm employed 2 full-time autopsy technicians and 1 part-time autopsy technician; all other personnel were contracted as needed and paid on a per-case basis. About 90% of the autopsies performed were on bodies from the Los Angeles area; the remainder was flown in from other states or foreign countries, and occasionally Herrera and his team would be required to travel out of state in service.

Services and Products

Since Vidal Herrera was not a doctor, he did not perform autopsies himself. Instead, he selected from a list of several board certified pathologists who were available on a fee-per-case basis. In effect, for its core service, 1-800-Autopsy functioned as a subcontractor to pathologists. Herrera provided the pathologist with the contact, tools, and technical and administrative support. The pathologist billed the customer directly and paid up to 50% of the fee to 1-800-Autopsy for the referral and support. The pathologist prepared and signed the official autopsy report, and as necessary (for additional fees) testified in the courtroom.

The company's price for a private autopsy ranged from \$2,000 to up to \$20,000 depending on the services provided, typically between \$2,800 and \$3,200. Specialized services such as forensic photography increased the price, and fees were higher for out of state services or when bodies needed to be transported from other states or foreign countries. A competitor, Northwest Autopsy Services, reported that its price for a complete autopsy ranged from \$2,200 to \$3,500, depending on the location.³⁷ One pathologist charged \$375 per hour, but noted that *"hourly fees have been largely replaced with a flat fee-for-service."*³⁸

In addition to medical or forensic autopsies, the company provided a full range of thanatology services, including forensic photography and videography. 1-800-Autopsy also retrieved tissue and organs for several medical schools and research institutes, and provided support autopsy (diener) services to Los Angeles hospitals that were frequently understaffed.

Exhumation and disinterment autopsy services required the digging up a buried cadaver in order to perform an autopsy. According to Herrera, this service was difficult to perform, but highly profitable. *"It's the most time-consuming job. It's like reconstructing a crime scene. We have to photograph the gravesite, the tomb, the casket, and the body."*³⁹ Toxicology and serology analyses were performed to detect the presence or absence of drugs or chemical substances in the body of the deceased. In some cases, analyses were made to detect the

presence of asbestos or other carcinogens for the purpose of obtaining evidence in civil lawsuits. Post-mortem diagnoses were made to detect neurological diseases, HIV and AIDS, and others.

Sperm and DNA procurement were other services provided. Post-mortem DNA was collected for analysis, typically to establish paternity. In one case, Herrera collected sperm from the body of a man for the purpose of impregnating his fiancée. Because semen only remained viable in the body for 36 hours after death, being on call 24 hours per day made all the difference. At 10:30 p.m., Herrera removed the man's sexual organs and delivered them to a sperm bank in plenty of time to extract semen.

Expert services were also provided by Herrera and his pathologists to families and their lawyers in medical malpractice or wrongful death cases. Herrera obtained written endorsements from a number of prominent lawyers, including the late Johnny Cochrane (of O.J. Simpson trial fame), Carl Douglas, and Milton Grimes (who represented Rodney King), which he proudly posted on www.1800autopsy.com. (See Appendix A.)

Other services varied from medical appliance recycling (for example, retrieving pacemakers) to reviewing autopsy report and medical records to packing and storing cadavers to post-traumatic clean-up services (also called *“crime-scene mop-ups”*).

A small line of business that may have struck competitors as bizarre was the company's online gift shop, which Herrera called his *“Casket of Goodies.”* The 1-800-Autopsy website offered such products as skull caps and T-shirts with the company's logo, coffin cases, and items that indicated Herrera's dark sense of humor: brain gelatin molds, artery pens, skeletons (*“perfect for home, school, or office”*), and black coffin gift boxes. His CoffinCouches.com augments that with sales of furniture built with recycled coffins.

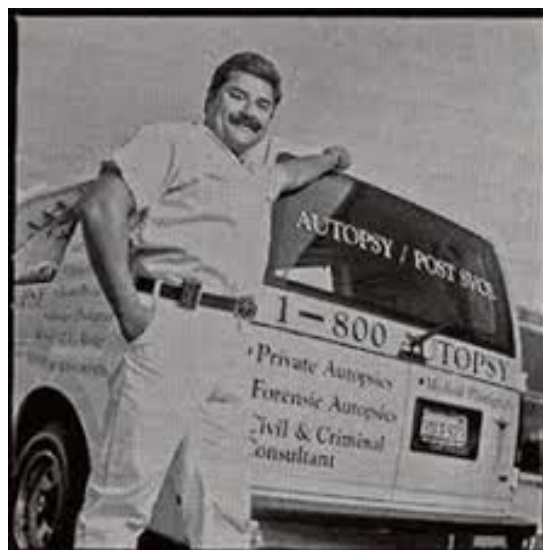
Finally, 1-800-Autopsy sold services to the Los Angeles entertainment industry. A former autopsy facility in East Los Angeles site had been transformed into a “fully dressed set,” which was rented to production companies for around \$5,000 per day. The set had been used for several movies and television series such as *Dragnet*, *Crossing Jordan*, *CSI: Miami*, *CSI: New York*, and *NCIS*. Herrera also rented morgue props to moviemakers through his *MorguePropRentals.com* and occasionally served as a consultant to scriptwriters and directors.

Creating a Brand

Herrera cruised around Los Angeles in his mobile autopsy unit, a white van with 1-800-Autopsy prominently written on its side panels, hood, and back doors. On the driver’s door was Herrera’s nickname, “El Muerte.” The van’s vanity license plate was YSPOTUA, or autopsy spelled backwards. The van was fully equipped with mobile telecommunications equipment, as well as surgical instruments and attire, photography equipment, and storage and packaging containers. It was a moving advertisement; while it generated some complaints, it kept his brand in the public eye (see Exhibit 1).

Exhibit 1. Vidal Herrera and the 1-800-Autopsy Van

Source: www.1800autopsy.com



Eager for the spotlight, Herrera took advantage of every available opportunity to generate interest in and news about his firm. He took advantage of opportunities for free visibility on the small screen. His business and his unique personal style were featured in over 75 newspaper and magazine articles, including the newspapers *Los Angeles Times*, *Wall Street Journal*, *New York Times*, *USA Today*, and magazines such as *Inc.*, *Entrepreneur*, *Playboy*, and *The Economist*. Some of the articles were short, others were detailed, and all of them served to increase interest in, and awareness about, his services.

His skills as a marketer did not go unnoticed; he was a runner up for *Inc.* magazine's 1997 "Marketing Masters" award.⁴⁰ He was invited to lecture at business schools in Los Angeles. Herrera and the company were featured on more than 20 television broadcasts, such as CNN, NBC's *Dateline*, ABC's *60 Minutes*, NBC's *Today Show*, and WB's *Making It*. Herrera remarked that every time he appeared on TV, volume peaked to such an extent that he could barely handle all the requests he got.

In 2002, Story House Productions, Inc. began following Herrera around with a camera for a series of shows for Court TV.⁴¹ In 2006, documentary filmmakers associated with HBO were in the process of gathering footage for a documentary. In 2013, the *Entrepreneur* magazine profiled his unique franchise. A 2015 YouTube video showcasing Vidal and his team had over 1.5 million views (<https://www.youtube.com/watch?v=xPPq5-9k6B4>). Prime Video even offered the documentary 1-800-Autopsy starring Vidal Herrera (<https://www.amazon.com/1-800-Autopsy-Vidal-Herrera/dp/B071DNMQ1H>).

Over many years there had been a great deal of interest in the company and the entrepreneur, and many opportunities had become available to build and expand the company.

Challenges and Opportunities

Given the decrease in hospital and state autopsies, the inevitability of death, and the high financial stakes of medical malpractice lawsuits, it was obvious that private autopsy was a growth industry. Several opportunities presented themselves to Vidal Herrera: the potential for evolutionary growth in core services, diversification of services, sale of the business, and franchising or licensing the brand to others.

Herrera had received tentative offers to sell the firm outright. The numbers thrown around in these discussions ranged from \$10 million to \$24 million, but Herrera had little interest in selling and no interest at all in getting out of the business.

Because of the many requests he received from out-of-state and even out of the country, Herrera sought a way to capture the demand outside of his core Los Angeles geography. In 1997, he first announced his intention to sell 1-800-Autopsy franchises. Articles subsequently appeared in magazines and newspapers, such as *Entrepreneur*, *Wall Street Journal*, and several California newspapers announcing the availability of a 1-800-Autopsy franchise: *"The world's first private autopsy franchise is now available."*⁴²

In 1998, the company rented a booth at the Death Care World Expo convention, attended by funeral directors and others involved with thanatology. Herrera announced that he would offer the following services to his franchisees: *"...thorough initial and ongoing training, materials, techniques, and guidance, and methods for operating the business. An operations manual [...with] specifications, standards, checklists, and procedures to follow for nearly every conceivable [situation]."* He remarked that his booth at the convention was visited by potential franchisees from around the world, including *"Japanese businessmen interested in purchasing 11 of his franchises,"* and a group from China that expressed interest in *"approximately 20 franchises."*⁴³

A few months earlier, a local newspaper reported that 1-800-Autopsy wanted to open “72 franchises in the United States and 16 in other countries.”⁴⁴ Herrera placed advertisements in business magazines nationwide, offering franchises in 24 locations.⁴⁵ He offered the franchise for \$30,000, not including the \$45,000 or so needed to purchase equipment.⁴⁶ In December 2002, the *Startup Journal* (*The Wall Street Journal*’s online center for entrepreneurs) named 1-800-Autopsy “the most unusual franchise we’ve encountered recently.” The journal reported that franchises were available for \$92,000, which would include “training, equipment and the lease of a specially equipped van with a big 1-800-Autopsy logo on each side.”⁴⁷

In May 2006, he was quoted in the press as saying, “I’ve been in this business 32 years, and in the past six years we’ve seen a steady increase. That’s why we finally decided we’re going to franchise.”⁴⁸ He suggested that 1-800-Autopsy could expand via franchises to Orlando, then possibly New York, Chicago, Houston, Denver, Seattle and San Francisco.⁴⁹

Although he made full use of the press to get out his message and his franchise offer, the 1-800-Autopsy franchise was a tough business undertaking. Not everyone was convinced that the concept would travel well. Jane Weber of Northwest Autopsy Services stated that she had heard about 1-800-Autopsy, but was unsure that the concept would catch on outside of its home market. “People used to chuckle about it. It is like, ‘Anything goes in L.A.’ That wouldn’t work so much in the northwest. It’s more conservative here.”⁵⁰

Herrera considered that one of the difficulties that potential franchisees had with 1-800-Autopsy’s model was its 24-hour on-call approach; many pathologists were unwilling to be on call during odd hours. “There are no appointments for death,” he remarked. “When death happens, we need to respond regardless of the time of day or night.” The target franchisee was not, in any case, a pathologist. Herrera believed that the concept worked best when an autopsy technician organized the services and contracted pathologists on a case-by-case basis. In Orlando, a potential franchisee was a funeral director.

In spite of the conventions, press releases, advertisements, television appearances, and Herrera's many discussions with potential franchisees, by 2019 he had no franchise locations open for business. He remarked that a couple of franchisees tried but never got off the ground for various reasons, including unscrupulous business practices. He was unsure what more he needed to do to move the franchising project forward. One idea was to provide a business opportunity to returning and disabled war veterans by training them for free and waiving the usual start-up franchise fees. He remained optimistic about his company's prospects, his chosen vocation, and his life: *"This job has made me value life more, because I look at death from a different perspective. I look at how the dead can help the living."* He still did not have any shortage of local orders, and his business remained comfortably profitable. By helping the veterans in a tangible way, Herrera once again hoped to spread his message and build his business. He just wanted to know how.



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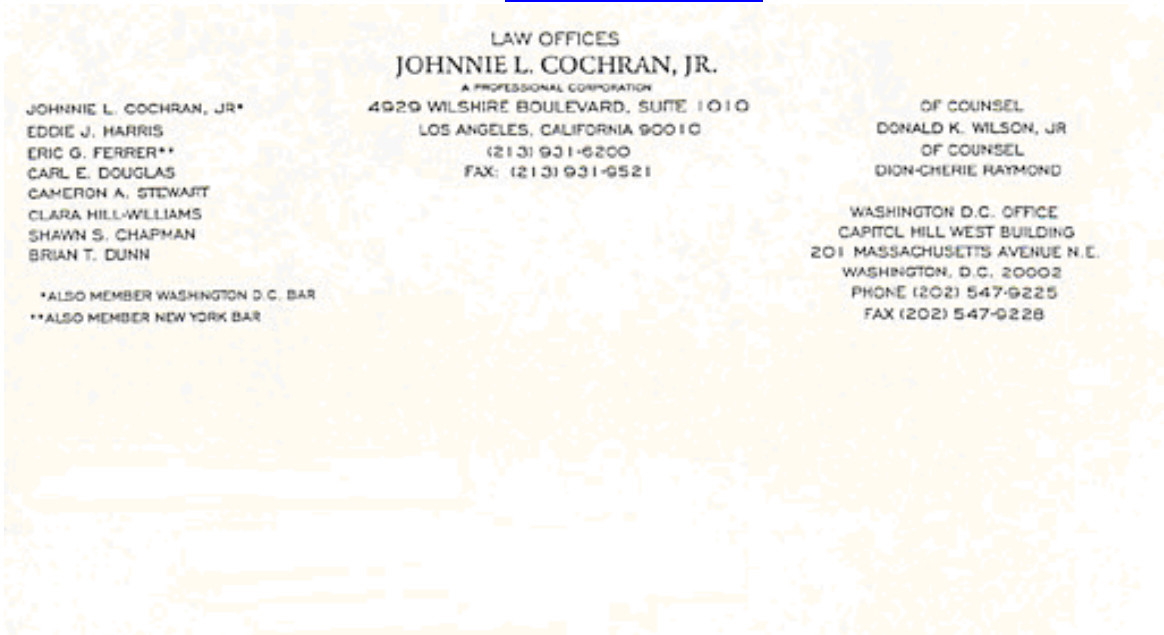
Andre S. Avramchuk

is Associate Professor of Management and Coordinator of the Healthcare Management program in the College of Business and Economics at California State University, Los Angeles.



Appendix A
Letters of Endorsement from Los Angeles Lawyers

Source: www.1800autopsy.com



JOHNNIE L. COCHRAN, JR.*
EDDIE J. HARRIS
ERIC G. FERRER**
CARL E. DOUGLAS
CAMERON A. STEWART
CLARA HILL-WILLIAMS
SHAWN S. CHAPMAN
BRIAN T. DUNN

LAW OFFICES
JOHNNIE L. COCHRAN, JR.
A PROFESSIONAL CORPORATION
4929 WILSHIRE BOULEVARD, SUITE 1010
LOS ANGELES, CALIFORNIA 90010
(213) 931-6200
FAX: (213) 931-9521

OF COUNSEL
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OF COUNSEL
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*ALSO MEMBER WASHINGTON D.C. BAR
**ALSO MEMBER NEW YORK BAR

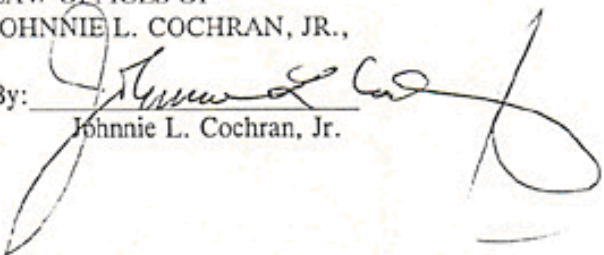
To whom it may concern:

I am writing to express my highest approval and recommendation for the services provided by Autopsy Post Services, and Videll Herrera, with whom I have worked on several cases. Throughout my dealings with Autopsy Post Services, I have found its staff to be knowledgeable, efficient, and courteous. Without fail, the autopsies and reports conducted by their independent pathologists, have been extremely well prepared and thorough, and have been highly effective in serving my clients' interests throughout the litigation process.

Do not hesitate to contact me or one of my attorneys if you would like to discuss some of the cases that we have prepared together.

Sincerely,

LAW OFFICES OF
JOHNNIE L. COCHRAN, JR.,

By: 
Johnnie L. Cochran, Jr.

BTD dkd.apa.twc

Appendix A, cont.
Letters of Endorsement from Los Angeles Lawyers

law offices of Milton C. Grimes

3774 WEST 54TH STREET
LOS ANGELES, CA 90043

Phone (323) 295-3023
Fax (323) 295-3708

RE: 1-800-autopsy

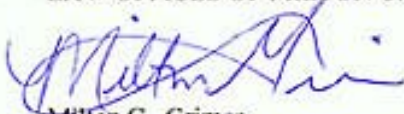
To Whom It May Concern:

In 1997, a young widow, mother of 4 small children, came to my office seeking justice when her husband was killed by police during a pursuit for suspicion of misdemeanor activity. We first contacted 1-800-autopsy when we were informed the County Coroner determined the cause of the young man's death to be heroine toxicity, yet his head and body were covered with bruises and abrasions. The medical professionals provided to our clients by 1-800-autopsy were nationally and internationally recognized as foremost experts in their specified fields. The independent autopsy revealed broken jaws, broken neck, and signs of possible strangulation and post mortem/post restraint boot imprints. The independent toxicology evaluation showed the levels of opiates were not sufficient to cause death. The medical science proved to be the greatest leverage for this family's financial recovery from such a life shattering experience.

Since then, we have continued to refer others to 1-800-autopsy as well as use them on other matters when the medical science provided by coroners are questionable and become an issue. We highly recommend 1-800-autopsy and their affiliated professionals.

Sincerely,

LAW OFFICES OF MILTON C. GRIMES



Milton C. Grimes
Attorney at Law

MCG:te

Appendix A, cont.
Letters of Endorsement from Los Angeles Lawyers

LAW OFFICES OF
CARL E. DOUGLAS
315 SOUTH BEVERLY DRIVE
SUITE 305
BEVERLY HILLS, CALIFORNIA 90212-4309
(310) 277-9595
FACSIMILE (310) 277-0177

Vidal Herrera
Autopsy Post Services
2222 Foothill Blvd., Suite E580
La Canada, California 91011

Dear Mr. Herrera:

This letter is written to commend most highly, the services of Autopsy Post Services. As a civil lawyer who handles a range of wrongful death cases, I have found the services rendered by Autopsy Post Services to be critical to the outcome in several of my cases.

Autopsy Post Services is most often called upon to perform a needed service at a time of great personal stress and urgency for family members of a decedent and under strict guidelines and time constraints set by counsel. They are well accustomed to these situations and handle them in a professional and compassionate manner. I have found their staff to be attentive and responsive to my needs and concerns, as well as experienced, in anticipating what is required.

In many cases, only the decedent can truly tell us what happened, and how and why he or she died. Autopsy Post Services has successfully assisted me in telling that story, without which, the outcome of these cases, would surely have been different.

Very truly yours,

LAW OFFICES OF
CARL E. DOUGLAS



Carl E. Douglas

CED:jb

Appendix B

Selected Items from the 1-800-Autopsy Online Gift Catalog

**Skull Cap - Item#: 106**

Close fitting stretch black knit hat with roll-up cuff emblazoned with our 1800AUTOPSY on front and on the back www.1800autopsy.com.

Price: \$ 18.00

Quantity:

**Woman's Tank - 1-800-AUTOPSY - Item#: 102**

Black with 2 color 1-800-AUTOPSY on the anterior. 100% pre-shrunk cotton. Sizes S, M, L, XL

Please Choose

Price: \$ 17.00

Quantity:

**Coffin Case - Item#: 129**

Each sturdy 10" x 5" x 3 1/4" purse has a soft faux velvet interior to help your valuables rest peacefully and a removable adjustable nylon strap that will slip comfortably over your shoulder. There's even a little oval mirror on the inside. The corners are protected by metal fittings and are held closed by a sturdy latch.

Price: \$ 28.00

Quantity:

Appendix B cont.

Selected Items from the 1-800-Autopsy Online Gift Catalog

**Phrenology Head - Item#: 132**

Used in the nineteenth century to map out a persons mental characteristics just like the gypsies utilize palm reading techniques. This unique updated modern version can be used a bookend, conversation piece, etc. The revised regions of the mind are on a 7" x 3 1/2" x 3" off-white ceramic head. 46 different sayings in all.

Price: \$ 20.00

Quantity:

**Brain Gelatin Mold - Item#: 122**

Fill the plastic mold with a gelatin mix and a few hours later, out pops a life-size anatomically correct brain. Yes, perhaps we have sick minds to think that anyone with brains would want to eat them. Recipe included. 8.5" x 9.5" x 3.5"

Price: \$ 11.95

Quantity:

**Box O'Bones - Item#: 118**

Sixteen pieces snap together to form a 12" skeleton that glows in the dark. Comes apart easily and fits back into the box. Comes with a loop at the top of its head for hanging.

Price: \$ 3.50

Quantity:

Appendix B cont.
Selected Items from the 1-800-Autopsy Online Gift Catalog



Petite Pete Skeleton - Item#: 128

This elementary-level model is flexibly wired to allow movement and positioning of the arms and legs. Perfect for home, school or office. Black plastic stand included. 8" tall.

Price: \$ 8.95

Quantity:



Classic Coffin Boxes - Item#: 131

Classic black coffin gift boxes made of heavyweight cardboard.

Quantity:



Artery Pens - Item#: 112

The artery pen is so comfortable to hold and compares a healthy cholesterol-free artery alongside a diseased artery, showing the harmful effects of a high fat diet. (Set of 2)

Price: \$ 3.95

Quantity:

Endnotes

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