

## *What Lawyers Want*

By Douglas S. Corleone

Attorneys are typically quite selective when it comes to hiring private investigators, and for good reason. A qualified private investigator can often mean the difference between a successful outcome in a case, and an abysmal one. But the question remains, what makes one private investigator stand out from the crowd from the perspective of an attorney? What exactly are lawyers looking for when it comes time to choose?

### **Education & Experience**

Attorneys most often start with a candidate's credentials. In addition to ensuring that a prospective private investigator or agency is properly licensed and holds a valid business permit, lawyers are seldom shy in asking individual investigators about their formal education and practical work experience. Formal education instills confidence that a private investigator will likely be able to assist the attorney with a variety of basic tasks. An educated investigator is apt to understand instructions, work well independently, and refrain from committing illegal or tortuous acts in the process of fulfilling their duties.

Practical work experience is of paramount importance. In a competitive market, experience can easily differentiate one private investigator from another. Experienced investigators, from the perspective of an attorney, are better suited to acquire information and produce results using unconventional means. In other words, practical work experience often translates into resourcefulness.

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## Resourcefulness

Resourcefulness is perhaps the most sought-after quality in a private investigator. Attorneys generally seek out the assistance of private investigators for tasks they and their staffs are unable to easily accomplish themselves. These tasks typically include locating, interviewing and taking statements of witnesses; asset searches; background checks; surveillance; perfecting process and the service of subpoenas. This last presents an ever-increasing market for private investigators and agencies. Perfecting process and serving subpoenas on uncooperative individuals is a skill, and nearly all attorneys rely on qualified and experienced servers to exercise their resourcefulness and serve the appropriate documents in a timely and lawful manner.

How a prospective private investigator presents these credentials to an attorney is vital. Many experienced attorneys will expect a formal, face-to-face interview with their candidates. Professionalism on the part of the investigator is essential for multiple reasons. Firstly, when an attorney retains a private investigator or agency, that investigator or agency becomes an extension of the hiring law firm. That firm's credibility hangs on the action or inaction of the investigators it hires. Secondly, when interviewing candidates, attorneys always keep in mind that they may very well need to call upon their private investigators at some point to testify. As such, lawyers prefer investigators who are articulate, well-groomed, and entirely credible, attributes which are essential to any effective witness.

## Specialization

Specialization in a certain area is helpful, if not key. Since most attorneys specialize in one or more areas of practice, they often prefer private investigators that specialize as well. Investigators who specialize in a certain area are more likely to have greater experience and be better educated in that area, and most importantly, they are more likely to know the applicable laws. Just as an accused client is best served by an experienced criminal defense attorney rather than a general practitioner, so too is a criminal defense attorney best served by a private investigator who specializes in criminal defense investigations. From the perspective of a criminal defense attorney, a private investigator who concentrates on criminal investigations is more apt to take the time to understand the charges and laws that relate to the crime, to find inconsistencies from one witness to the next, to know when to re-interview witnesses and revisit the crime scene, to comprehend ulterior motives and decide on the credibility of subjects, and to ultimately discover witnesses and evidence that will help the attorney to establish reasonable doubt.

While a degree in criminal justice (or any chosen area) is certainly helpful, attorneys are more likely to focus on a candidate's working knowledge and practical experience in a given field. Thus, it is imperative for a private investigator to be prepared to answer any and all questions an attorney may ask of him related to his background. A private investigator should not

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dismiss preliminary questions such as those regarding licensing and criminal history, but answer them in a succinct and serious manner. A candidate should be able to answer whether he or anyone employed by him has ever been arrested for a crime, or if the agency or any of its employees has ever been a defendant in a civil lawsuit or the subject of a complaint. Anything less than complete candor is likely to result in that attorney seeking investigative services elsewhere.

## **Reputation and Referrals**

When asked, most attorneys say that when it comes to private investigators, their hiring practices are based largely on referrals. In a competitive market, word of mouth - *reputation* - is extremely important. Reputation, of course, works both ways. If a private detective provides a less-than-stellar performance for one attorney, he cannot expect to be retained by that attorney, or any of those attorneys' colleagues, in the future. Conversely, a private investigator who exhibits the qualities attorneys commonly seek - resourcefulness, reliability, consistency, cleverness, a willingness to think outside the box - can expect to be rehired and to receive what all professionals in private practice seek: referrals.

Many private investigators openly state that nearly all of their new cases come from either referrals or recommendations by past clients. Maintaining strict ethical standards and developing a reputation for producing strong, consistent results are essential for any private investigator to receive a steady stream of referrals from attorneys. While networking with attorneys is extremely helpful, it is even more valuable for a private investigator to protect his standing in the legal community by exhibiting honesty and integrity in every endeavor he undertakes.

## **Associations**

Affiliations with organizations that pledge to the public that their members follow rigid ethical standards are beneficial in this regard. The National Association of Legal Investigators and the American Society of Industrial Security are two such organizations. Attorneys do value such affiliations but are reluctant to place too much credence in affiliations alone, since trial lawyers have their own associations and are well aware of their inherent limitations in correcting or compelling the conduct of their members.

It is probably fair to say that the majority of lawyers in private practice are also savvy businesspeople. They understand that private investigators perform valuable services, and that extraordinary service comes at a premium. Lawyers typically base their fees on experience and level of service, as well as on the prevailing market. For the most part, they expect other professionals to do the same. From an attorney's perspective, it is important that private investigators remain competitive in the current market. After all, lawyers often need to justify all costs to their clients. It is essential that private investigators state their fees with confidence,

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rather than preface them with apologies. Attorneys will generally respect and prefer competitive private investigators over discount investigators. In the law, the attorney charging discount rates is the attorney you hope your adversary hires. The same can be said of private investigators.

Searching for the right private investigator is a task most attorneys would prefer to do just once during the course of their career. Of course, this would be advantageous to all parties involved.

## Summary

Private investigators stand out to hiring attorneys when they can articulate their credentials, including their formal education, practical work experience, and professional affiliations. They stand out when they prove themselves to be resourceful and tenacious, when they conduct themselves in a professional manner indicative of an effective witness. Private investigators that specialize stand out to attorneys who specialize. They stand out when they possess solid reputations for both effectiveness and integrity. Attorneys in the twenty-first century are seeking twenty-first century investigators. Investigators with the technology and know-how to accomplish modern-day objectives using modern-day means.

Fit that bill and we're in business.

Robert J. Bellinson, a prolific New York City trial attorney says, "When I'm hiring an investigator, I look for someone who is thoughtful, tenacious and willing to think outside the box:

- Thoughtful in a sense that they understand what we need for them to accomplish - often on a tight deadline.
- Tenacious in that they will accomplish the task rather than reporting back the reasons why they couldn't do it - that doesn't do me any good as I'm hiring an investigator to accomplish a specific action.
- Willing to think outside the box in the sense of being inventive and creative in solving a particular problem - for example, if they cannot locate a witness to serve a subpoena, they can try learning from a friend or neighbor where the witness likes to go on the weekend and stake out that location.

When the clock is ticking, and action is needed, these are the qualities I look for in an investigator.

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## Sidebar

### *Preparing for the Face-to-Face Interview with an Attorney*

Private Investigators should be:

- Prepared to articulate credentials, including formal education, practical work experience and professional affiliations.
- Knowledgeable about the attorney's law practice, including its size, reputation, and specializations.
- Professional in speech, mannerisms and attire, as the attorney will be evaluating the candidate as he would a prospective witness.
- Confident when discussing fees for investigative services.

## Author Byline

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