

## **The Legal Investigator's Relationship with Families**

By Dean A. Beers, CLI

*I spent the first 18 years of my career as a legal investigator and then transitioned to work at the Larimer County Medical Examiner's Office in Colorado, part-time from January 2003 and full-time from November 2005 until returning to the private sector in September of 2008. My experience at the medical examiners' office focused on two things – working the case and maintaining positive contact and communication with the families. The communication skills I honed were focused on having a positive relationship with the families through their life-changing experience.*

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At the time of a wrongful death or personal injury lawsuit, the plaintiffs are still experiencing deep emotions from the trauma.

When you meet with them, you will get a feel for their emotions and animosity, memory and recollection, honesty and reluctance. These meetings may be in the presence of their attorney, or just between you and the victim and family. They will look to the attorney for advocacy and they will look to you for answers – some that you will not be able to give, such as when will they feel better again.

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### **Building Rapport**

It is important to establish both a business and a personal relationship with the client. Assuring and maintaining attorney-client privilege is started with the simple presentation of business cards from me and the attorney. Developing a

relationship on a more personal level with the client starts with accepting clients of all kinds and being sympathetic to their situation.

In my career, I always sympathized with the family – whether it was a gang member that was killed, the parents that lost a new born baby, or the family that had not seen their transient brother in 20 years. I could only tell the family that I understood their pain, grief, sorrow and anger, even relief and most importantly, compassion for how they were feeling.

Establishing the business relationship and being on a personal level with the client sets the tone and will allow for the free flow of questions and answers. It develops the client's confidence in the relationship you have with the attorney.

In a short time you will have developed a rapport, leading into asking very personal questions and reliving the trauma with them. This is the time that you will gain the knowledge and information needed. This is also the time that you will share with them your commitment to gather the facts, knowledge and information you need to assist the attorney with advocating for them. It is important that they realize that, as the investigator, you are an impartial collector of facts and information.

This is not the time to pass judgment, negative or positive, on the family, victim or even the opposition. Be supportive and comforting, and never be dishonest or embellish your role, the case, or the information you report. Maintaining case discipline is very important.

Our clients come from all walks of life – economic status, blue collar and white collar, races, color, religion and sexes...and we do not care. We have concern for our client, but our job is not to judge. Likewise, we do not care about the type of case. We are focused on the merits and facts of the case. Our chosen duties are to inquire, analyze, document and report. These are, in part, what defines us as professionals.

We must also follow the ethics of the attorney we are working under. Keep in mind that when you give your business card to the client and witnesses, you are also representing the attorney and law firm. During the course of your communications with the client and witnesses it is important to maintain their confidentiality and trust. You have a duty to report all of your findings to the attorney. However, it may not be appropriate to share the information with the client, and you should almost never share information between witnesses.

### **Maintaining Contact**

How and with what frequency you maintain contact with the client depends on many factors. These include distance, attorney preferences and contact, case needs and the needs of the client. Your initial contact with them should

instill the confidence that you are the right person for them and the job, and that you have their best interests as your primary mission. You may be holding their hand and assisting them through some very tough emotional times.

Making promises or predictions is not part of your job. Answer questions honestly and intelligently, keeping in mind that less is often more. It is better to give no answers than to give false hope. It is also better to be honest at the worst of times than not, which can unintentionally create false hope.

The victims and families often have information that they have not shared with law enforcement or even their attorney. This can be deliberate, such as from shame or embarrassment; or unintentional, such as problems with memory recall or failure to make a connection between previously unrelated events. Part of your job is making it possible for this additional information to be revealed.

As time goes on, you and the attorney have been through hearings and trials, meetings and strategy sessions. You have probably devoted a significant amount of time to the case and are nearing the fruits -- ripened or spoiled -- of your time and skills. You have been available at all times the client needed an ear, a hand, a heart and a smile.

### **Bringing Closure**

It is now time to prepare for the closure of your relationship. The chances are great that they experienced the trauma or the loss of a loved one without closure.

This is when you can share the feelings the client experiences – empathy can be sad or joyous. By now, you may have developed a quasi-friendship. How should you handle the close of the case with your client? This is not the same as your relationship with the attorney – you will continue working with them, but you won't work with this client again. You may have seen and helped your client through the worst times and brought them closure to their case. Now that it is over do you just stop? At some point, yes.

The time to say goodbye might be similar to your first meeting – with or without the attorney, in their home or in your office. This is the last opportunity for your client to ask questions and come to accept the fact that everyone did the best they could, regardless of the outcome of the case.

In a month, a year, or even a decade from now your client will reflect on the case, much as you might, and everyone reflects backwards – from the last communication, through the case to the beginning.

At the medical examiner's office I made every effort to keep in contact with the family. I never passed judgment, made any assumptions, or treated any

person differently or unfairly. Being a death investigator is a truly thankless job, but one that I did love doing. The final communication – when a family member thanked me for having a tough job – was the best part for me. In closing the death investigation, I would assure the families that if they ever needed to contact me they were always welcome to.

In the private sector, I have taken that important human touch and extended it to my business practices. When I say good-bye, my final obligation to the client is to bring closure to the relationship we have developed and the process through which I have supported them.

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*Dean A. Beers, CLI is a new member of NALI [National Association of Legal Investigators] and with his wife, Karen, owns Forensic Investigators of Colorado, LLC in Larimer County (northern Colorado). He is also the author of "Professional Locate Investigations," published in 2006. He can be reached at (970) 691-0813 or at [beersda@Forensic-Investigators.com](mailto:beersda@Forensic-Investigators.com)*