

LAWYERS JOURNAL

Aug. 24 CLE explores how attorneys work with private investigators

By Brian Knavish

Attorneys have partnered with private investigators in one way or another for nearly as long as the legal profession has existed. However, the ways and methods lawyers interact with PIs today has evolved greatly, compared to even just a few years ago.

The ACBA will explore the topic when it presents “Working with a Private Investigator,” a one-credit Substantive CLE, on Thursday, Aug. 24, at noon in the Gulf Tower.

The event, which is sponsored by Thomson Reuters, will feature a panel of experts on three different sides of the private investigator/attorney dynamic:

- Tina Miller – a criminal defense attorney with Farrell & Reisinger LLC – will discuss approaches to using private investigators in criminal cases.

- Gail Calderwood – a family law attorney with Raphael Ramsden & Behers, PC – will discuss situations and methods for using investigators in family law matters.

- Larry Forletta – a former DEA agent and current private investigator with Forletta Consulting and Investigation Services – will discuss best practices for working with investigators, modern technology used in investigations and riveting stories from the field.

The panel will dissect the “when,” “why” and “how” of hiring an investigator. One of the key points of discussion will be that, in today’s legal climate, private investigators are used in a wide variety of cases.

While criminal cases and family law matters remain common situations private investigators are hired, gone are the days of those being the only cases where lawyers engage PIs.

“I work with attorneys in a wide array of situations. It’s not just criminal cases and spying on cheating spouses anymore,” said Forletta. “Labor and employment cases are big, including workers’ compensation matters and local government internal matters.

“And there are such a wide variety of civil matters that call for investigators, everything from contract disputes to construction matters to termination of employees, including executives.”



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– Larry Forletta,
Private Investigator

The modern approach to specific investigation techniques – from polygraphs to surveillance – will also be discussed. The rapid evolution in technology means investigators must not only keep up with, but also stay ahead of that technology.

“The technology out there today is astounding,” said Forletta. “Cell phones, alone, contain so much information that can help an investigation. Even if you think you’ve set your privacy settings to hide or delete information, it’s still in there.

“Then there are automobile GPS tracking devices, photos and video from surveillance and much more. The important thing for an attorney is making sure they understand that often how the information is obtained – and other specific details about the information – can determine whether or not it can be admitted as evidence and help the case. We will talk a lot about that in this CLE.”

That last piece – helping to ensure a piece of information can actually be used in a case – is critical. After all, for attorneys, that is the ultimate goal.

Specific attention will be given to the attorney work product, when to document – and when not to document – an investigator’s findings, and approaches for working with an investigator that maximize the chances of the findings being used in a case.

Finally, the seminar will include plenty of “stories from the field” from Forletta, who worked with the Maryland State Police for eight years, the DEA for 21 years and as a private investigator for 11 years.

“Some of the stories I heard, even just in putting this CLE together, are fascinating,” said Michele Greenway, the ACBA’s director of membership and CLE. “We’ve all seen private investigators on TV and in the movies, but to hear how it really works is so interesting.” ■

If you’re going

What: “Working with a Private Investigator” CLE

When: Thursday, Aug. 24, Noon

Where: Gulf Tower

Register: www.ACBA.org or
412-402-6614