



PROGRAM MATERIALS
Program #30227
September 15, 2020

Corporate Investigations - The part they don't teach

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Corporate Investigations

The part they don't teach.

Jarrett Wolf

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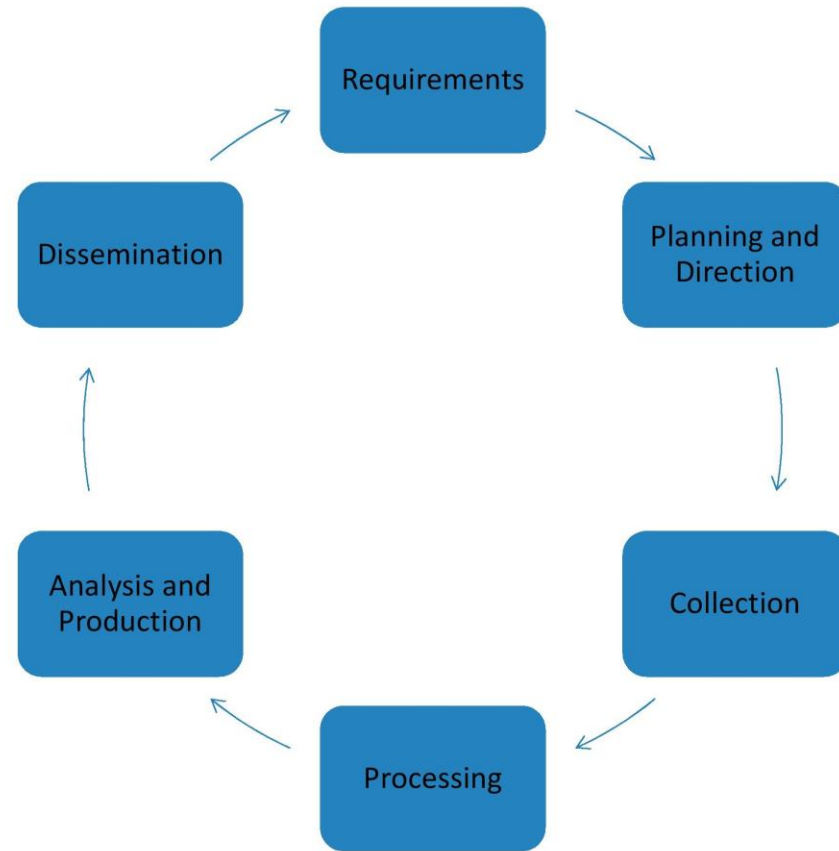
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Agenda

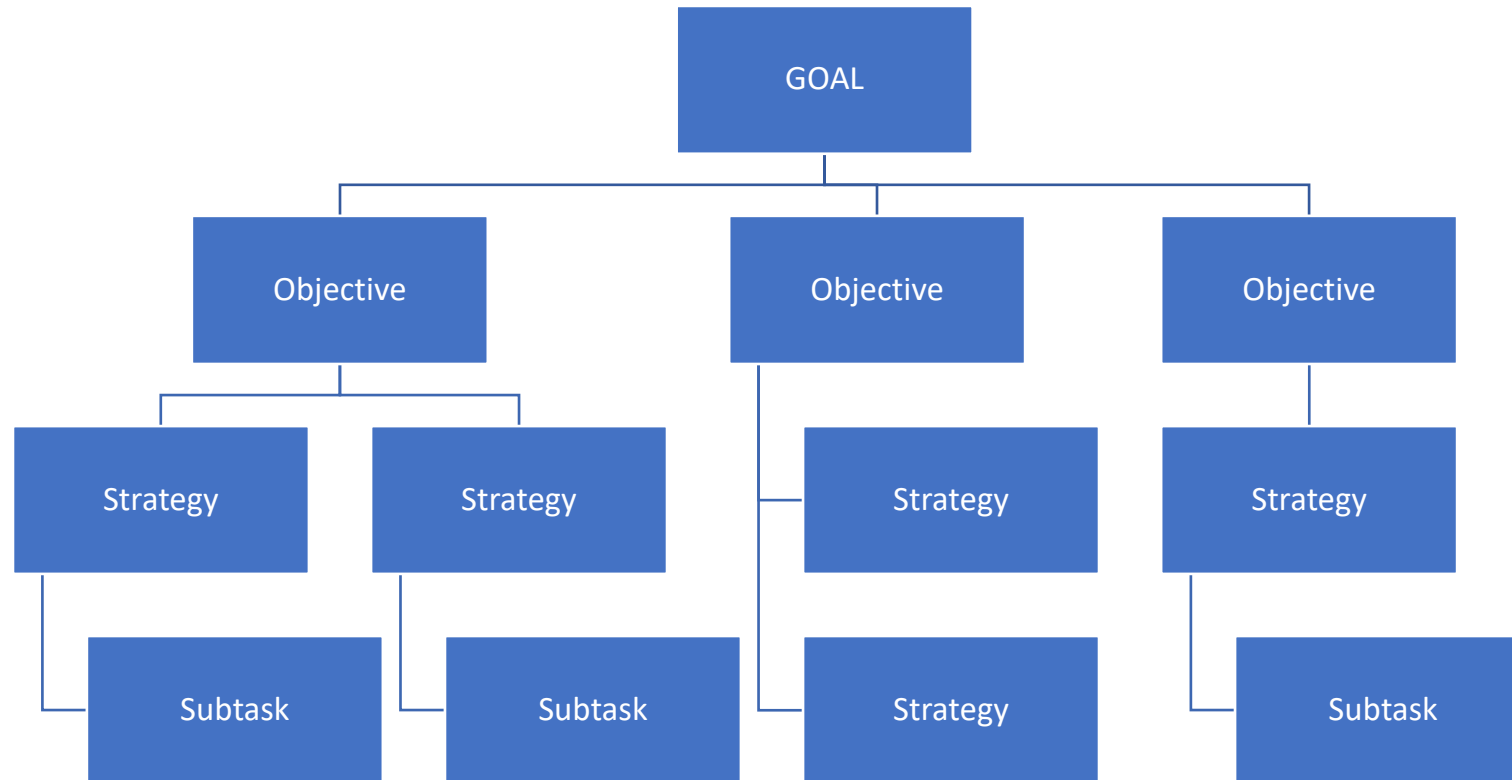
- Investigative Consulting and the Lawyer/Investigator Relationship
- Investigative Techniques
- Ethics
- Hypotheticals

Investigative Consulting and The Lawyer/Investigator Relationship

The Intelligence Cycle



Investigative Planning



Investigative Techniques

Intelligence, Investigative Research

- Restricted databases
- Internet
- Public records
- Police records
- Government databases and websites
- Westlaw

FOIA/Public Records Requests

Surveillance

- Static
- Drive-Bys
- Moving

Electronic Surveillance

- Oral intercepts
- Wire intercepts
- Electronic intercepts
- Mobile Tracking Devices

Forensic Accounting

Net Worth Analysis

Asset Tracing

Forensics

- Computer and digital forensics
- Audio and video forensics
- Video enhancement
- Audio enhancement
- Questioned documents
- Fingerprints

Debriefings

- Witnesses
- Eyewitnesses, Ear witnesses
- Experts
- Custodians of records
- Parties, including subjects or targets
- Employees - *Upjohn Company v. United States*, 449 U.S. 383 (1981)
- The Client

Polygraphy

Subpoenas, Requests for Production, Motions to Compel

Ethics

1.1 Competence

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/

1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_2_scope_of_representation_allocation_of_authority_between_client_lawyer/

1.13 Organization as Client

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_13_organization_as_client/

3.3 Candor toward the Tribunal

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_3_candor_toward_the_tribunal/

3.4 Fairness to Opposing Party and Counsel

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_4_fairness_to_opposing_party_counsel/

3.7 Lawyer as Witness

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_7_lawyer_as_witness/

4.1 Truthfulness in Statements to Others

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_1_truthfulness_in_statements_to_others/

4.2 Communication with Person Represented by Counsel

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_2_communication_with_person_represented_by_counsel/

4.3 Dealing with Unrepresented Person

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_3_dealing_with_unrepresented_person/

4.4 Respect for Rights of Third Persons

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_4_4_respect_for_rights_of_third_persons/

5.3 Responsibilities Regarding Nonlawyer Assistance

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_3_responsibilities_regarding_nonlawyer_assistant/

8.4 Misconduct

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_4_misconduct/

Hypotheticals

Additional Information

After Charges Against Former eBay Executives, It's Time to Rethink Investigations, Corporate Counsel, June 29, 2020

<https://www.law.com/corpcounsel/2020/06/29/after-charges-against-former-ebay-executives-its-time-to-rethink-investigations/?slreturn=20200630122721>

What Every General Counsel Needs to Know About the Intelligence Cycle, Corporate Counsel, September 28, 2018

<https://www.law.com/corpcounsel/2018/09/28/what-every-general-counsel-needs-to-know-about-the-intelligence-cycle/>

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