



PROGRAM MATERIALS

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Culture Repair™: What Attorneys Must Do After the Investigation Report

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— CONTINUING LEGAL EDUCATION • 1 CREDIT HOUR

CULTURE REPAIR™

What Attorneys Could Do *After* the Investigation Report

FROM INVESTIGATION TO RESTORATION

Natalie Holder, Esq., SPHR

01 THE AUTHOR

- Culture Repair: How to Take Your Organizations from Broken to Better after a Workplace Crisis (Coming in 2027)
- Exclusion: Strategies for Improving Diversity in Recruitment, Retention and Promotion (ABA Publishing)

02 THE INVESTIGATOR

- Starwood Hotels and Resorts
- Cornell Workplace Investigation certificate

03 THE STRATEGIST

- U.S. Capitol Police
- Stanford University's SLAC

04 THE EMPLOYMENT LAWYER

- NYC Commission on Human Rights
- Outten and Golden
- AXA Financial

— THE AGENDA · 60 MINUTES

Understanding and Recommending Culture Repair™

01 The Cost of the Bypassed Investigation

02 Diagnosing a Broken Culture

03 From Broken to Better

04 Becoming the Trusted Advisor

05 The Client Advisory Toolkit

The Cost of the Bypassed Investigation

THE CASE CITATION

Trader Joe's Co. v. NLRB

No. 24-60367 (5th Cir. Feb. 18, 2026)

A Houston employee pressed for COVID safety protocols and filed an NLRB charge. Management never investigated her concerns; it answered protected conduct with a written warning, a negative review, a suspension, and termination.

THE OUTCOME

Reinstatement and Back Pay

The Fifth Circuit enforced the NLRB's order: the company violated §§ 8(a)(1) and 8(a)(4), acted with unlawful animus, and failed to prove it would have disciplined her absent the protected conduct. Reinstatement, expunged discipline, and make-whole relief.

The lesson for counsel: A bypassed investigation is never faster. It simply moves the cost downstream, into litigation, attrition, and reputation, where the attorney is asked to repair what due process could have prevented.

— THE GUIDING METAPHOR

Kintsugi & the Work of Culture Repair

Kintsugi is the centuries-old Japanese art of mending broken pottery with lacquer dusted in gold. The repair is not concealed; it is illuminated. The flaw becomes the most valuable part of the object, and the vessel grows stronger than it was before it broke.

Culture Repair™ applies the same principle to organizations. After a workplace crisis, the temptation is to hide the fracture: to settle, to silence, to move on.

The gold seam you see throughout this deck is that act of repair, the thread that runs from broken to better.

Client Perceptions vs. Client Challenges

CLIENT PERCEPTIONS

“We just concluded an investigation.”

“We will not have another for a while.”

“This was a one-time event.”

CLIENT CHALLENGES

The culture that allowed the incident still exists.

“We're losing our best people. Not the underperformers; the ones we can't afford to lose. They're leaving for more money, and they're leaving because they've stopped believing leadership can fix what's broken here.”

“We spent \$200K on an investigation and compliance training, and the board just asked me what we've done to prevent this from happening again. I have nothing to show for it.”

“I keep getting told 'we already addressed this.' But addressed what? We addressed the person, not the culture that produced the person. And now it's producing the next one.”

“I sat through a conference session yesterday watching a competitor present their culture transformation. They had data. They had a framework. They had a story that made their CEO look like a hero. I have a binder full of completed trainings nobody remembers.”

“As a newly appointed Chief Human Resources Officer, I know how to handle the administrative aspects of HR. I am clueless around what we need to do to create an inclusive culture.”

The Indicators That Move Organizations from Broken to Better

Eight indicators to hand a client as a resource, not for the case that just closed but for the work ahead.

01

Your Ethics

When what leaders permit contradicts the values posted on their walls.

03

Informal Mentors / Unclear Expectations

When informal mentoring creates in-groups and out-groups, and outsiders get no guidance.

05

Setting Talent up for Failure

When initiatives untethered to the business produce optics without outcomes.

07

It's All Fun and Games

When jokes that go too far are met with no consequences.

02

Killing the Message with the Messenger

When an idea is rejected because of who proposed it, not its merit.

04

Bullying

The conduct that is allowed to humiliate others.

06

Invisible Processes

When due process is bypassed in the name of expediency.

08

Your Emperor Wears No Clothes

When a leader hears only from sycophants, and no one tells the truth.

The Ethics

THE LIABILITY

What leaders permit runs contrary to the lofty values posted on the wall. The disconnect between stated ethics and everyday decisions erodes trust and turns the workforce into whistleblowers.

STRATEGIES & RECOMMENDATIONS

- 01 Define the ethical standard before the decision, not after the backlash.
- 02 Apply the Define / Accountability / Surround method: name the value, build objective measures, invite Culture Repair thought leaders.
- 03 Audit who is disciplined and who is shielded, then publish the pattern.
- 04 Treat your own values statement as an exhibit that may be read aloud in court.

CASE STUDY New York City Fire Department (FDNY)

CASE CITATION

K.G.M. v. Meta Platforms, Inc. & YouTube, LLC
JCCP No. 5255 (Cal. Super. Ct. L.A. Cnty. Mar. 2026) (jury verdict)

First bellwether verdict of the youth social-media litigation: a jury found Meta and YouTube negligent in designing addictive features, such as infinite scroll and algorithmic recommendations, that drove a minor's compulsive use and mental-health harms.

CASE CITATION

District of Columbia v. Meta Platforms, Inc. & Instagram, LLC
No. 2023-CAB-006550 (D.C. Super. Ct. filed 2023)

The District alleges Meta violated the Consumer Protection Procedures Act, D.C. Code § 28-3901 et seq., by building deceptive, addictive features that exploit children, while publicly denying the harms its own internal research documented.

Killing the Message with the Messenger

THE LIABILITY

Leaders reject an idea because of who proposed it, not because of the idea's merit. Skill and expertise are sacrificed to personality rifts, and the organization loses what it needed most.

STRATEGIES & RECOMMENDATIONS

- 01 Apply the “Yes, and” approach: build on a proposal before finding its flaw.
- 02 Run the swap test: ask whether the decision changes if the proposer does.
- 03 Surface ideas from outside the favored inner circle through structured channels.
- 04 Track leadership rejection patterns for personality-driven bias.

Informal Mentors / Unclear Expectations

THE LIABILITY

Informal mentoring creates in-groups and out-groups, leaving outsiders unmoored without guidance or clear expectations for their role.

STRATEGIES & RECOMMENDATIONS

- 01 Adopt a multiplier-effect model: each leader's reports must mentor the next layer.
- 02 Set documented, role-specific expectations for every employee.
- 03 Audit who receives responses and investment across demographics.
- 04 Treat toxic favoritism in mentoring as a retention and promotion risk.

Bullying

THE LIABILITY

Pervasive conduct meant to humiliate, harass, or diminish. Ignoring it is weak leadership and leaves the organization without a proper mechanism to address complaints.

STRATEGIES & RECOMMENDATIONS

- o1 Treat bullying as conduct, not a personality dispute to settle among adults.
- o2 Investigate, give feedback and a genuine chance to improve, then act.
- o3 Hold top performers to the same code of conduct as everyone else.
- o4 Make clear that no one is above the code of conduct.

Setting Your People up for Failure

THE LIABILITY

Initiatives hastily assembled and untethered to the business produce optics without durable outcomes. Circumventing real process sets talent up for failure.

STRATEGIES & RECOMMENDATIONS

- 01 Tie every equity or talent initiative to documented business outcomes.
- 02 Interrogate processes that produce inequitable outcomes without bending the process.
- 03 Fully examine the talent pipeline rather than making exceptions.
- 04 Ground access to opportunity in fairness — with the business, not just the press, in tow.

Invisible Processes

THE LIABILITY

Bypassing objective investigation and due process in the name of expediency. Hasty, politically driven decisions invite reversal, reputational damage, and labor-market risk.

STRATEGIES & RECOMMENDATIONS

- 01 Slow down to understand and follow your organization's processes.
- 02 Build a solid complaint process and close the loop once a matter is resolved.
- 03 Adhere to standard practices and policies in every disciplinary action.
- 04 Flag anomalous departures from policy as the highest litigation risk.

CASE STUDY The Washington Post

CASE CITATION

In re Karen Attiah (Wash.-Balt. News Guild & Wash. Post)

Arb. Award (S.M. Espinosa, Arb. Aug. 2026)

Management fired the columnist by email for “gross misconduct” roughly four hours after learning of two social media posts, with no investigation. The arbitrator found no “good and sufficient cause,” called the rushed termination “absolutely disproportional,” and ordered full reinstatement with back pay and benefits.

It's All Fun and Games

THE LIABILITY

Jokes and “jovial” conduct that go too far. When leaders ignore it, the gains in team camaraderie are far outweighed by boycotts, ridicule, and public scorn.

STRATEGIES & RECOMMENDATIONS

- 01 Step in the moment a joke crosses the line.
- 02 Train managers in stand-up leadership: protect employees from inappropriate conduct.
- 03 Treat insensitive conduct by an employee as a workplace issue.
- 04 Make clear that allowing harm is not the same as allowing bonding.

Your Emperor Wears No Clothes

THE LIABILITY

A leader surrounded by sycophants: extreme followership with no accountability and no honest opinion. Better ideas are buried until the share price falls.

STRATEGIES & RECOMMENDATIONS

- 01 Build a personal board of directors with a role for each seat: the seasoned leader, the industry insider, the contrarian, and the employment/HR expert.
- 02 Invite the contrarian; reward dissent that surfaces better solutions.
- 03 Track the metrics of success, not the leader's pet project.
- 04 Learn to recognize when you are wearing the emperor's new clothes.

From Broken to Better

01

Diagnose

02

Determine

03

Repair

— SECTION 05 · THE VALUE CAPTURE

The Client Advisory Toolkit

Scan to receive the *Culture Repair* strategy that lets you walk into a client meeting holding the resources that they need.



SCAN WITH YOUR PHONE

Point your camera here to open the form, then enter your name, firm, and email and we'll send the toolkit straight to your inbox.

Let's Repair What's Broken.

If today's framework resonated, let's bring it to your team. I work with law firms, in-house counsel, and leadership teams across five formats, and stay in touch through a monthly newsletter with new Culture Repair™ insights, case studies, and resources you can pass along to your clients:

01

Workshops

Interactive, facilitated sessions that move a leadership team from a culture diagnosis to a concrete, owned repair plan.

03

Retreats & Off-Sites

Custom-designed leadership retreats that rebuild trust, reopen feedback channels, and align the team around durable governance.

05

CLEs

Continuing legal education that positions counsel as the trusted advisor who walks clients from broken to better.

02

Investigations

Independent, post-incident investigations that protect the messengers, preserve the record, and separate the event from the culture.

04

Client Presentations

Keynotes and tailored briefings for boards, partnerships, and executive teams on the Culture Repair™ framework.

CONNECT

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