



Third Wednesday Webinar Series

LESSONS LEARNED THE HARD WAY

Four expensive and painful mistakes to avoid in your next employment discrimination investigation



Presented by **Frank S. James, Esq.**
and **Whitney R. Brown, Esq.**

ABOUT **EIS**

A **team** of attorneys and forensic accountants, including a former **EEOC investigator** and two former **Assistant U.S. Attorneys**, trained and experienced to investigate concerns of corporate malfeasance, workplace issues, and customer complaints.

NOT IDENTIFYING A DISCRIMINATION COMPLAINT AT INTAKE



Failing to ask, "On what basis [do you feel you weren't treated fairly]?"



Failing to recognize a clear protected class pattern.



Letting an exceptional circumstance override a pattern of complaints or less favorable treatment.

SELECTING THE **WRONG** INVESTIGATORS



Under-resourced individual or team in comparison to allegations



Investigators perceived to be biased.



Investigation team chosen solely because of, or with total disregard to, key circumstances



Investigators not vetted / qualified to stand up to judicial or agency examination

UNCLEAR EXPECTATIONS



There should be an agreed-on initial budget and timeline, including triggers for unexpected change in scope.



The investigator is not given a clear set of questions to answer.

INVESTIGATORS SEND THE **WRONG** **MESSAGE**



Investigators don't make (or fail to document) basic disclosures.



Investigators don't follow new leads, or allow witnesses to avoid answering.



Investigators telegraph desired answers or predetermined outcome.



Investigators give more information than they receive.

THANK YOU

EIS

No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.

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