

# Qualities of an Ideal Private Investigator for Family Law Matters

BY **ROBERT A. EPSTEIN, ESQ.**



In my family law practice, selecting the right private investigator for a given case can be the deciding factor in whether my client receives a successful outcome. As readers of this publication know however, no two investigators are alike. Investigators are often utilized in family law cases to perform services including, but not limited to, cohabitation-related surveillance, custody-related surveillance, work-related surveillance, hid-

den asset searches, and bug sweeps and other counter-surveillance measures. With such a wide range of potential tasks at hand, lawyers often consider the following attributes when hiring an investigator:

#### **PERSISTENCE AND CREATIVITY**

With so many available advanced technological tools, websites and more, a private investigator's ability to devise unique methods to uncover information while remaining receptive

to new ideas often sets him or her apart from others in the field. On many occasions, investigators will quickly conclude that a specific task cannot be done. Whether the reason is, for instance, that the particular location surveilled is too complicated or the asset at issue cannot be found, it is imperative that the investigator possess the same level of persistence and creativity as the attorney who brought the investigator into the case to uncover the information sought. Exhausting all available permissible and legal avenues, remaining covert at all times, and

constantly adapting strategies as events unfold are all characteristics of an experienced and reputable investigator.

#### ATTENTION TO DETAIL

As important a quality as persistence and creativity, an investigator's attention to detail is critical. Whether ensuring the capture of requisite surveillance footage in a clear and concise fashion, utilizing functioning equipment, or performing a thorough sweep that leaves no stone unturned, missing or failing to properly detail a piece of potential of evidence can make or break the utility of a final report. I also find that high quality investigators quickly develop an understanding of what the specific attorney involved looks for in a report including, but not limited to, how photographs should look, how information should be conveyed, and more.

#### EXPERIENCE AND CREDIBILITY IN FAMILY LAW MATTERS

Family law matters are highly sensitive, highly fact-specific disputes commonly involving emotionally charged litigants. An investigator experienced in such matters, as a result,

often understands how to communicate with attorneys and clients, how to work effectively, confidentially and efficiently, and, potentially, how to testify as a witness at a deposition or at trial. While the investigation is typically only one component of a litigant's case, understanding where he or she fits within the overall case strategy may aid the investigator in tailoring the work performed. It is also important for investigators to convey a sense of transparency and trustworthiness in how they operate to better develop a high level of credibility with the paying clients.

#### AGENCY SIZE

When considering retention of a private investigator, attorneys often examine the ability of the investigator to perform multiple tasks for a given case or, more simply, can the investigator timely handle the case while also simultaneously handling many other cases. Even in one particular case, if multiple sites require in-person surveillance or a location requires round-the-clock surveillance, does the agency have the requisite workforce to do the job? More importantly, does the investigator have the time

to conduct the surveillance, review the footage and write up a report on his or her own? How many cases does the investigator take on at one time and, as a result, can he or she handle the workload in the time required? Is everyone involved with the job available in a timely manner to discuss the case? Private investigative agencies should keep these considerations and more in mind when determining the size of the agency and the amount of work it can handle at any one time.

Private investigators possessing at least some of the attributes described above will, ideally, better serve themselves and their agencies, as well as attorneys and clients with any one of the many issues that may arise in the course of a given family law matter. **PI**



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