

# If you bring in outside help, what kind of investigation should you choose?

For an outside investigation, organizations must often choose between attorney-led or non-attorney led. Both approaches can offer independence and a high level of skill. Both can seek justice and be trauma-informed. Ultimately, the skill of the investigator drives the result. Still, there are differences to consider.

## Non-Attorney Investigation

## Attorney-Led Investigation

### Independence

Operates independently from the organization and its interests

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### Commitment to Fairness

Varies by individual conscience and organizational affiliation

Professional ethical duty to be fair and follow due process

### Perceived Bias

Often trusted by advocates, survivors, and community groups

Often preferred by boards and leadership; transparency about a fair process builds more trust

### Fiduciary Duty

No universal standards; will depend on investigator

Legally and ethically obligated to investigate with neutrality and excellence:  
 1. Cannot also serve as your defense attorney  
 2. Limited to the investigation — no other roles in the same matter

### Legal Awareness

May have understanding of legal situations, depending on experience and training

Catches legal issues others might miss (ex: cross-complaints); avoids creating new problems; experience handling complaints

### Licensing

Should be licensed for your location

Licensed in your area or working under temporary authorization; either way, held to state bar standards

### Best Use Cases

Straightforward, simple, and low risk matters; also complex historic matters with lapsed statute of limitations.

High-stakes, sensitive, or legally risky matters, especially when leadership is involved or a lawsuit is possible

### Legal Compliance & Reporting

No professional requirements other than mandated reporting

Can handle mandatory (and other) reporting; prepares reports that meet legal standards

### Confidentiality Considerations

No legal guarantees of confidentiality or privilege

Attorney-client privilege creates safe space for honest discussion and organizational improvement; confidentiality of witness statements and organizational information and documents can be protected

### Crisis Response & Safety Planning

Depends upon expertise

Should be able to advise on crisis response and safety planning

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### Non-Attorney Investigation

### Attorney-Led Investigation

#### Clarity and Quality of Reports

No clear industry standard; depends on individual investigators

Trained for legal scrutiny in the court system, so usually reports are of high quality

#### Care for People Throughout the Process

Trauma-informed, depending on expertise, and sometimes victim-centric

Focus on neutrality and fair process; may be trauma-informed, depending on expertise.\*

#### Ongoing Guidance During Investigation

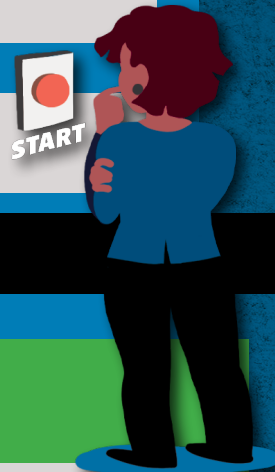
Depends upon the scope, contract, and competency

Professional competency for guidance on issues and process

#### Cost

Cheaper by the hour, but usually less efficient (could result in similar or higher cost)

Higher hourly rates but usually more efficient; lower legal risk



*\* Telios Law brings a trauma-informed approach — with guidance for organizations on how to support everyone involved.*

#### What to Look For

Experience varies. Regardless of investigation, watch for:

Experience in your ministry or industry

Alignment with your organization's values

Cultural awareness

Industry standards

Child forensic interviewing (if needed)

Working with outside experts, etc.

#### Care and Healing

### Non-Attorney Investigation

Recommendations may be made, but aren't legally protected; legal, psychological, or faith-based guidance is usually outside their scope

### Attorney-Led Investigation

*\*Can advise on next steps, including:*

Victim care and counseling

Psychological evaluations

Christian conciliation and restorative work

Policy and organizational changes

Apologies

*(All recommendations are privileged.)*

*\*Telios Law sees the care and healing stage as a critical for the investigative process to be useful.*