

# Private Investigator Evidence Only Protected If In Anticipation of Litigation

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**John A. DeMarr P.I.**  
PRIVATE INVESTIGATORS

Orange County Private Investigator

/EINPresswire.com/ -- In order to meet the criteria of attorney work product, a document must be "prepared in anticipation of litigation". This means that the evidence developed by the investigator is not protected from discovery by the other side until an actual dispute or claim has arisen.

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*John A. DeMarr, P.I.*

Attorney-client privilege and work product protection of internal investigations often turns on a complicated and fact intensive inquiry. Companies can protect themselves by properly structuring their internal investigations from the outset.

For example, if an employer believes that one of its employees has been embezzling money while working in the accounting department, it can hire an attorney, who can then

retain the services of an investigator, and they can begin preparing a case against the employee. The "work product" resulting from the work of the attorney and his or her investigator is then protected and the information they gather may be used for civil and possibly criminal prosecution. This is the point at which the 'anticipation of litigation' begins.

Even when a privilege applies to an investigator's work, it may be waived under the same rules and exceptions applicable to attorneys. By listing a private investigator as a witness, a party is deemed to waive the work product privilege with respect to matters covered in the investigator's testimony. *United States v. Nobles*, 422 U.S. 225 (U.S. 1975). Voluntary disclosure to others and failure to timely assert work product protection or attorney-client privilege are other common sources of waiver.

"[Private investigators](#) have an important role to play in litigation," says John A. DeMarr, P.I., a licensed [Orange County private investigator](#) since 1988. "Any investigation into the facts surrounding the situation at issue should be handled by a professional. Our 30 years of experience make all the difference - in the service levels and innovative approaches we can offer our clients."

To learn more about what a private investigator can do to assist you, [contact John A. DeMarr, P.I.](#), at (877) 433-6277.

Or go to: [www.demarr.com](http://www.demarr.com)

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