

# Investigating Sexual Harassment and Other Misconduct™

Presented by Michael Johnson, Clear Law Institute

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When investigating a “he said/she said” case of sexual harassment or other alleged misconduct, are you using scientifically-validated methods to interview witnesses, assess their credibility, and reach a defensible conclusion? Workplace investigators often receive training on “best practices” for investigations. But over the past 15 years scientists have found that much of the conventional wisdom on how to effectively interview witnesses and determine truthfulness is wrong. At the same time, courts have found companies liable for using scientifically unproven interviewing and other investigative techniques in workplace investigations.

Spend an engaging and informative day with former U.S. Department of Justice attorney Michael Johnson and explore how to apply scientifically-validated methods to your investigations. By examining videos and case studies, you will learn how to:

- Utilize the “Cognitive Interview,” the most widely researched interviewing technique in the world
- Apply research-based methods for detecting signs of deception and truthfulness
- Comply with the legal requirements of workplace investigations
- Follow a 6-step process for writing clear and concise investigative reports

**Register by 3/2/18 and save \$20.**

**Tuesday, March 6, 2018**

9 a.m.–4 p.m.

**Oregon State Bar Center**

16037 SW Upper Boones Ferry Road., Tigard

CLE credits: 5.5 General

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## LIVE EVENT



### Early registration discount

*Register by 3/2/18 and save \$20*

\$180 ONLD member

\$240 OSB member

\$250 Non-OSB member

\$15 Print course materials  
(Electronic materials are included with your registration.)

## LIVE WEBCAST



\$240 Webcast registration  
*(Includes online access to recorded seminar for 60 days after the live event.)*



### Questions or need help with registration?

Call the OSB CLE Service Center:

**(503) 431-6413 or (800) 452-8260, ext. 413**

50-Year and Active Pro Bono OSB members and Oregon judges and their lawyer staff – please call the OSB CLE Service Center at (503) 431-6413 or (800) 452-8260, ext. 413 to register for the live seminar.

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**8:30 Registration**

**9:00 Advanced Interviewing Techniques**

- Using a journalistic rather than prosecutorial interview style
- The “Cognitive Interview,” the most widely researched interviewing technique in the world
- How to respectfully challenge a witness whose answers contradict other witnesses or the evidence

**10:15 Break**

**10:30 Examining Credibility**

- Strategically approaching “he said/she said” cases or cases when there are no eyewitnesses
- Spotting verbal and non-verbal cues to deception and truthfulness
- Deception cues: science vs. myth

**Noon Lunch**

**1:00 Legal Requirements of Workplace Investigations**

- What to do if an employee refuses to be interviewed
- Circumstances when the names of witnesses should be revealed
- Factors to consider in imposing discipline

**2:30 Break**

**2:45 Writing Investigative Reports**

- What to include (and not include) in the report to ensure that it is legally defensible
- Best practices for documenting facts and credibility determinations
- Maintaining applicable attorney-client privilege

**4:00 Adjourn**

## Meet Michael Johnson

Michael W. Johnson is CEO of Clear Law Institute and a former U.S. Department of Justice attorney. He has trained thousands of lawyers and other professionals how to effectively interview witnesses and spot scientifically-validated signs of deception. He has provided training to organizations such as Google, the United Nations, the World



Bank, and the Washington, DC Metropolitan Police Department. Michael is a graduate of Duke University and Harvard Law School.

## General Information

**Cancellations:** Cancellation requests must be received by the OSB CLE Service Center at least 72 hours prior to the date of the seminar to qualify for a refund. Refunds are subject to a \$25 cancellation fee.

**Tuition Assistance:** Email a request stating your financial situation to [cle@osbar.org](mailto:cle@osbar.org) no later than one week before the seminar.

**Dietary Restrictions or Accessibility Accommodations:** Please make your request at least 72 hours before the date of the seminar.