

Investigating in Texas

What Out-Of-State Counsel Often Miss

Texas - specific investigation traps that quietly create liability

Texas Investigation Traps You Will Not Expect

Who Is Legally Allowed to Investigate

- Texas licensed attorneys working in a firm
- Those supervised by a TX attorney in a firm
- A licensed private investigator licensing

Timing Standards

- Sexual Harassment must be investigated “immediately”

Individual Supervisor Liability Is Real

- Texas law allows supervisors to be named personally in certain harassment claims
- Exposure is separate from the employer
- Exposure is not shielded by an entity

Failure to Investigate

- Prior informal complaints can trigger “should have known” exposure
- Managing around issues compounds liability

How Texas Law Changes the Risk Calculation

- Out-of-state and third-party HR Investigators commit a felony when investigating
- There is personal liability for individuals in sexual harassment matters

*The investigation is not neutral in Texas.
It is often the source of liability.*

Out-of-state assumptions about timing, scope, and personnel can create exposure before conclusions are reached.

The Practical Takeaways for Out-of-State Counsel

Texas investigations have rigid investigator credentials.

Things get personal real fast in Texas.

Consult with an investigations credentialed Texas attorney before proceeding.