

Smooth Criminal:

Smoothly progressing through a criminal investigation of your hospitality business while avoiding civil exposure

- I. Potential criminal activity that can lead to civil exposure
 - A. Sexual assault by employees leading to negligent hiring claim
 - B. Sexual assault by independent contractors leading to negligence claim
 - C. Shooting/assault cases leading to inadequate security claims
 - D. Obvious intoxication and subsequent personal injury leading to dram shop claim
 - E. Serving a minor alcohol leading to a TABC violation
- II. Who you have to talk to versus who you should (and should not) talk to
 - A. Detectives
 - B. Other law enforcement
- III. Potential conflicts of interest that create legal and ethical obligations
 - A. Which types of attorneys to retain for your hospitality business versus your employees or independent contractors or third parties
 - B. What type of communications should be exchanged between employees or independent contractors or third parties
- IV. Best practices to ensure your hospitality business is not obstructing justice but is protecting itself on the civil front while preserving ethical considerations