

Avoiding Conflicts of Interest in Fire Investigation

Most professionals working in the field of fire investigation have been confronted with conflicts of interest. To minimize the chances of a conflict of interest, it may be prudent to inquire when retaining an expert if there are any potential conflicts based upon the initial information of the products or companies that may be involved in the investigation. Discovering a potential conflict of interest during the assignment phase can save time, costs and embarrassment. Examples of potential conflicts of interest include an assignment to investigate a fire which involves a product of a manufacturer for whom you have worked previously. Another example is a request to investigate a loss where you have already been retained by another party.

In a small organization it is relatively easy to identify conflict situations when a new matter is received. However, as companies get larger and more geographically diverse it becomes more challenging to identify conflicts as a conflict may cross office boundaries. With today's consolidations of investigative firms and the purchasing of smaller companies, it becomes even more problematic since each entity brings a client list into the relationship. This opens the doors to even more potential conflicts of interest.

The potential for a conflict of interest increases when there is no identified product of interest at the onset of an investigation. In the event a conflict of interest is later discovered, the investigator must notify the client and recuse him/herself from the exam. The client must then retain a new firm to continue the investigation. This delays the investigation and may also entail additional costs.

Investigators should be asked to run a conflict check prior to accepting the assignment. Details about the loss must be obtained and products of interest, the manufacturers of those products and other potential parties must be identified in order for the conflict check to be most thorough. Attorneys and insurance companies alike should enlist this approach.

Doing the due diligence to avoid conflicts of interest up front is the best approach. Hire a trusted partner. Consider a smaller investigative firm with less opportunity for conflicts of interest. When contacting an expert for a potential new loss assignment, it would be prudent to provide the expert as much information as possible regarding products and manufacturers of interest so that a complete conflict check can be run prior to accepting the assignment. While not all potential conflict situations can be known at the time of assignment of a loss, a proactive approach can minimize the impact that a conflict of interest can have on the investigation's budget, timeline and integrity.

About the author

Richard Kovarsky is the Founder and Principal Engineer of Pyro-Technical Investigations. As a well-respected engineer in the field of forensic engineering, Mr. Kovarsky is registered in numerous states as a Professional Engineer with additional certifications as a fire and explosion investigator (IAAI and NAFI). Mr. Kovarsky has conducted and supervised over 5000 investigations and has been accepted as an expert witness in multiple jurisdictions throughout North America.

