**May 9, 2023**

**2023 Conference - Safety & Security in the Evolving Legal Environment - Preparation & Management of Cases that evoke behavioral issues with clients, witnesses and others involved in the judicial process.**

**What has Changed - WHY? Most of the time, your office and the people that are involved in your worker's compensation cases conduct themselves with the dignity and behavior expected in the offices of legal professionals. However, times & people have changed, some in not a good way.**

**Physical Assault - The Fifth Leading Cause of Workplace Deaths**

Every year, thousands of American workers report having been victims of workplace violence. In 2020, [assaults resulted in 20,050 injuries and 392 fatalities](https://injuryfacts.nsc.org/work/safety-topics/assault/#_ga=2.160881086.2078894905.1643033960-1441430512.1617649997), according to *Injury Facts®*.

Certain industries, including [healthcare](https://www.osha.gov/dsg/hospitals/workplace_violence.html), service providers and education, are more prone to violence than others. [Taxi drivers](https://www.hsdl.org/?abstract&did=737763), for example, are more than 20 times more likely to be murdered on the job than other workers, according to OSHA.

But make no mistake: Workplace violence can happen anywhere.

**The Numbers are Alarming**

According to the [National Institute for Occupational Safety and Health](https://wwwn.cdc.gov/wpvhc/Course.aspx/Slide/Unit1_5), workplace violence falls into four categories: Criminal intent, customer/client, worker-on-worker and personal relationship, which overwhelmingly targets women.

No matter who initiates the confrontation, the deadliest situations involve an active shooter. [U.S. Department of Homeland Security](https://www.dhs.gov/active-shooter-preparedness) defines active shooter as someone "actively engaged in killing or attempting to kill people in a confined and populated area."

A lot can happen in the chaotic minutes before police arrive; [DHS advises](https://www.dhs.gov/xlibrary/assets/active_shooter_poster.pdf) staying calm and exercising one of three options: Run, hide or fight.

● If there is an accessible escape route, leave your belongings and get out
● If evacuation is not possible, find a hiding place where you won't be trapped should the shooter find you, lock and blockade the door, and silence your phone
● As a last resort and only when your life is in imminent danger, attempt to incapacitate the shooter by throwing items, improvising weapons and yelling

**Every Legal Office Needs to Address Workplace Violence**

Leadership at every legal office should develop a policy on violence that includes:

Annual physical security inspections that review security features such as doors, windows, locking devices, electronic security (CTV, duress alarms, fire extinguishers, ballistic protection, CPTED practices in office space design and shelter in place plans that provide areas of security.

● Employee training and creating an emergency action plan
● Conducting realistic training exercises with local law enforcement
● Adopting a zero-tolerance policy toward workplace violence

Leadership should also ensure that the ability to know the location and activities of all legal staff - in the office and at other locations - at all times.

This also included adoption of "Lone Worker" protocols for staff that work alone. Many legal staff work long hours after the office is closed…..and this is a prime time to be stalked by a person who has a conflict with you.

Security technologies have an important role in reducing workplace violence. Implementing strategies and technologies such as weapons detection systems, panic buttons, cameras and more can help you prevent, mitigate and react to incidents of violence. However, be careful that you do not go overboard and create a prison environment.

**Know the Warning Signs**

Some people commit violence because of revenge, robbery or ideology – with or without a component of mental illness. While the ability to predict an attack is possible, there are many times that a person can be a target and not know it until the attack is in progress. However, now is the time to teach your legal and administrative staff to learn how to be aware of and detect certain key behaviors in co-workers, clients and others that might signal future violence.

Staff:

● Excessive use of alcohol or drugs
● Unexplained absenteeism, change in behaviors or decline in job performance
● Depression, withdrawal or suicidal comments
● Resistance to changes at work or persistent complaining about unfair treatment
● Violation of company policies
● Emotional responses to criticism, mood swings
● Paranoia

Clients:

* Veiled threats to do "some type" of harm
* Written (regular mail and electronic mail) that contain rambling, long screeds that contain vague threats or complaints that "blame" the firm and/or the staff over typical outcomes of a case that are simply NOT due to employee misconduct.
* Be aware of mail correspondence that is sealed with layers of tape, marked confidential and has writing scrawled all over the envelope and bears postage well in excess of the required amount.
* The subconscious part of the human brain is very good at recognizing threats and has been for millennia. Honing those recognition skills will help you navigate tricky situations in a dangerous world.
* Here are several threatening signs to look for.

### **1. Eye Contact**

* Eye contact is one of the biggest indicators of someone’s intentions. Unless they’re very shy, peaceful people will make normal eye contact. They will look you in the eye—but not too intently—and freely glance at an object you point to during a discussion. Someone who intends to harm you may look at you in one of two ways, and it will feel very different from regular eye contact.
* The first eye contact red flag you should notice is if someone seems to be looking through you instead of at you, like he or she is staring at an object in the distance. This indicates the person is about to make a move, either in a fight or flight mode (and to be safe, always assume the person will fight).
* A lack of response often accompanies this eye contact since the person is focused on their next move more than in the holding of a conversation.
* The second eye contact red flag you should notice is if someone seems to be staring intently at you. This can be an act of aggression or posturing, displaying a challenge to fight. Anyone staring intently at you without ever breaking eye contact should be treated as a threat. They have shut off their peripheral senses and are completely focused on you, which is not a good sign.
* **Want to prepare but not sure where to begin?**. Be aware of someone breaking eye contact with quick, darting glances. This is usually a sign this person is either targeting an escape route (and again, assume he or she will attack before they run away) or targeting a part of your body. This is also an indication of nervousness, and if something escalates that person’s stress level, he or she may react with violence.

### **2. Stance**

* Observing how people stand and carry themselves is also an easy-to-spot sign of their intentions. In typical, non-threatening conversation, most people stand squarely facing each other, their feet even with their shoulders. This is a neutral position.
* Someone who is ready to attack you typically will have his or her feet set in an aggressive stance, with one foot back and the other foot forward, typically at a 45-degree angle. This position places an attacker’s strong side back to prepare for a strike or quick motion.
* This is called a front stance, strong stance, blading, a boxer’s stance, or a weaver stance. Also, keep in mind that an attacker will often move back the part of their body concealing a weapon.

### **3. Hands**

* A person’s arms and hands can be another clear indication of whether they’re threatening or not.
* Relaxed people tend to have their arms by their sides, and assuming the power grid stays on, they may have one or both hands clutching a smartphone.
* People who are tense or nervous, however, may have their arms crossed or shoved in their pockets, even when they’re walking. In addition, open hands tend to send a peaceful signal, while clenched hands (or clenching and unclenching) tend to telegraph violent intentions.
* Someone intending harm may also be concealing a weapon in his or her hands, hiding them from view in an unnatural way that can be easy to spot.

### **4. Mouth**

* A person’s mouth—and any facial expression for that matter—often moves to mirror that person’s feelings. This usually happens unbeknownst to the person, but it can be a huge advantage to anyone paying attention.
* When people become angry and begin losing control of their emotions, this is usually reflected in a snarl or a clenched jaw. You can spot this warning sign easily and prepare to deescalate the situation, fight, or run away.

### **5. Pupil Dilation**

* Master manipulators and experienced people of violence can sometimes get to the point where they don’t telegraph their emotions and intentions on their faces, but even the best concealers can’t hide involuntary muscle movements like pupil dilation.
* When someone is in a stimulating situation, their body’s sympathetic nervous system reacts by dilating the pupils to receive the maximum amount of information possible. If someone’s pupils are dilated in broad daylight, this could be an indication they are about to snap into action.
* In addition, pupil dilation is an evident symptom of drug usage, and while it may not be fair to assume all drug users are about to cause you harm, it may shed some light onto your situation.

### **6. Pulse**

* Another indication that most attackers won’t be able to mask is their pulse. In anticipation of some sort of fight or flight response, most people’s heart rate will increase rapidly, and this quickening in pulse can oftentimes be seen on someone’s neck and temples. It is also a key sign of someone’s anger quickly becoming uncontrollable.

### **7. Sweat**

* The body produces sweat when it gets overheated, but it also increases visible sweating in high-pressure scenarios. Someone who looks unnaturally sweaty may be nervous about some sort of confrontation about to happen.

### **8. Shoulders**

* The position of someone’s shoulders goes hand-in-hand with their stance. A person about to attack or run typically has their upper body poised forward, balanced over the toes, while a relaxed person may have their weight shifted back on his or her heals.

### **9. Breathing**

* In addition to a fast pulse and sweating, heavy breathing or quick, rapid breathing is a clear sign that all is not well in the neighborhood. In contrast, people often hold their breath in tense situations. Anything out of the norm should be treated as potentially hostile.

### **Conclusion**

* Now before you go out and start checking everyone for signs that they’re about to attack, keep in mind that if someone is truly a threat, you’ll likely see several of the signs of aggression, not just one or two.

**Comments:**

As a legal professional, your are more equipped than most people to recognize behavioral clues and actions that could indicate a potential confrontation. TRUST those feelings and do not hesitate to ask for assistance, take a break form the activity that you are engaged in or otherwise get to a safe place.

Develop the following security plans: Office, Travel, Court, Transitioning from parking lot to venue; Home Security, Cyber Security, Staff Background checks, Concealed Weapon Carry Decision, Family Emergency Plan, School Security plan if you have children and an Active Threat Response plan.

Remember - YOUR safety is primarily YOUR responsibility. Do not hesitate to reach out to a security professional of proven credibility and credentials to assist you with the safety of you, your family, staff, office, home and other places where you may work.

**Suggested Office Guidance Plan:**

Violence committed by clients against attorneys and legal professionals is real. It happens in small towns and big cities, and in small and large legal practices. Some practice areas are more volatile than others, such as divorce and family law, dispute resolution, employment law and real estate litigation. Particularly in a bad economy with high unemployment, tempers are short and more people reach levels of desperation.

While dramatic cases like shootings at law firms make headlines, the majority of security incidents among attorneys and staff are unreported because they involve harassment and lower-level threats. In the privacy of attorney-client meetings, emotional and sometimes irrational individuals lash out at their lawyers. Money is often at the heart of disputes and many attorneys are confronted with disagreements about their billable hours. Clients become upset and irate about how their case is proceeding or the outcome of a case. Meetings that involve elevated voices and foul language can be the precursor to a physical altercation.

Receptionists and other staff in law firms also encounter angry, hostile clients. Although experienced receptionists have a thick skin and are sometimes trained in how to manage harassment by clients and opposing parties, there are situations when they are truly threatened and in danger.

Law practice management should include systems and procedures that ensure workplace safety and violence prevention for attorneys and staff. All law office employees should acquire the skills to recognize and manage threatening, potentially dangerous individuals. Client-facing legal professionals need tools to protect themselves and prevent early-stage situations from escalating into major, dangerous events.

**Here Are 10 Safety Tips for Attorneys and Legal Staff**

**1. Create a Safe Work Environment for Receptionists**

Ensure receptionists have a clear view of the office entry way with little opportunity for people to sneak in or hide, particularly doors, elevators, and all traffic flow. Design the front desk to provide a barrier between receptionists and clients but also allow easy escape. Delineate a clear understanding of where clients are allowed to be in the lobby and front desk area. Remove office objects from the front desk that are potential weapons and keep them stored in drawers or cabinets—staplers, scissors and letter openers. Keep computer screens and family photos away from public view.

**2. Establish Safe Meeting Areas for Clients and Attorneys**

Safe areas can include windows to allow co-workers to see what is occurring inside but still maintain confidentiality. Meeting areas should have two entrances so attorneys and staff can avoid being cornered. Before entering meeting rooms with potentially threatening clients, remove potential weapons from them.

**3. Install Security Technology**

Technology helps protect employees, reduces the severity of incidents and provides ways to quickly respond to situations. Consider installing buzzer doors that allow entry only after verification of the visitor. Provide panic buttons for attorneys, receptionists and other staff to discreetly notify others of a potentially dangerous situation before it escalates. Cameras and adequate lighting also help deter assailants.

**4. Train All Attorneys and Staff How to Handle Angry Clients**

Defusing skills and knowing how to de-escalate hostile behavior are essential for attorneys and client-facing employees. Listening skills, redirecting negative behavior, setting boundaries and assault awareness are all acquired skills that should be continually honed with training and practice. There are many free online resources and security consultants who provide these services.

**5. Establish a Workplace Violence Policy and Procedures**

These should include clear instructions on how employees can report any concerns. Just as important as the method of reporting is an environment where all employees feel safe

and supported. A danger that occurs in all workplaces, including law offices, is domestic violence spillover. When employees face domestic violence threats they must feel comfortable enough to inform their manager about embarrassing, private matters.

**6. Provide Employee Assistance Programs**

Employee issues also arise from within a law practice. Human resources should provide support programs to employees with disciplinary issues or personal problems. This type of support helps prevent acts of violence and helps create a stronger, healthier workplace.

**7. Develop Risk and Threat Assessments**

When a threat by a client emerges or is identified, a law office needs a process to determine the likelihood and severity of the threat. A process that gathers information, collects and reviews evidence and weighs warning signs is part of a good threat management system. Connections and relationships with local law enforcement and security professionals are paramount to risk analysis. Front desk personnel should be given descriptions of the threat with safety instructions should identified individuals arrive at the law firm.

**8. Utilize Legal Resources to Increase Employee Protection**

Workplace restraining orders and trespass orders can always be obtained. Misdemeanor charges such as telephone harassment, stalking or property damage can be levied to create a paper trail for a threat, and the charges warn the individual not to harass legal professionals pending the trial. Many states also have a victim notification system that automatically calls any phone number once a person is released from jail.

**9. Establish Emergency Response Procedures**

Should a threat ever become a reality, emergency response procedures help prevent a bad situation from becoming a complete catastrophe. A system that notifies all employees, has escape and lockdown procedures and support mechanisms for emergency response personnel are all components of crisis management.

**10. Coordinate and Communicate with Neighboring Businesses**

It is important neighboring businesses are aware of potentially threatening, dangerous individuals. When a man bent on killing an attorney opens fire, anyone in the vicinity can be a target. Not only can emergency management be coordinated, but the surveillance of individuals and potential risks is increased through such community partnerships.

Law firms committed to workplace security ensure safe workplaces through the design of their facilities and the implementation of accessible, sophisticated technology. They train attorneys and employees in basic security skills to help mitigate hostile encounters. Conscientious law firms provide support for employees in need and establish an environment where their concerns can be disclosed. Safe law firms establish and practice threat and emergency management procedures that are vital in maintaining a safe workplace. While shootings in law firms are rare, the much more common hostile encounters with clients are sometimes warning signs that should be taken seriously.

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These safety tips provide a general framework for establishing a safer law office, but the key requirement is to recognize threats against attorneys and legal professionals are real and can happen anywhere.

**END OF PRESENTATION**