**INNS OF COURT SECURITY PRESENTATION FOR May 17,2023 CONFERENCE**

Much of what we do as attorneys focuses on our clients and how to best represent them. Yet how we handle clients when the client threatens us or the Virginia Workers Compensation Commission, either directly, or through social media, seems rarely addressed. Unfortunately, threatening client behavior is now an issue both for defense and claimant counsel – so let’s talk about us.

Violence against attorneys has been in the news – specifically, just a few months ago, on 12/20/22, at a Greensboro NC personal injury firm, an attorney was shot and killed by a firm client. Again, just a few months ago, on 2/28/23, in Wisconsin, an accused killer attacked her attorney in court after a witness failed to appear to testify as to her mental state.

* What security policy does the Virginia Workers Compensation system have to handle threatening client behavior in their offices/hearings/mediations?

The protocol is:

1. If there is an immediate threat to you or your office, call 911
2. If the case is pending on a Deputy Commissioner’s docket, call that Deputy Commissioner’s office to provide details of the security concern
3. If the case is not pending on a docket, call the Clerk’s office to provide details of the security concern
4. If you prefer to put the concern in a confidential writing, file it either via fax or mail and request that it be sealed
5. Notify the Commission of a security concern as soon as possible; don’t wait until the eve of a hearing
6. Consider whether the hearing should proceed via WebEx to minimize any security threat and request same where appropriate

* What about law office security?

Keep main office doors locked, and consider having locks on inner office doors as well. Clients are only admitted for scheduled appointments unless they are already known to office staff. Have a lock box outside the office door where documents can be dropped as well. Place a note on the office door explaining admittance only with prior appointment and that documents can be placed in the lock box.

Cameras that record the area outside the office door, and also record areas inside the office such as the front desk and conference room are a useful deterrent. They also allow attorneys and staff to view areas remotely. Let the cameras be visible. A panic button can also be installed under a desk that connects to the police.

Keep a can of wasp spray near your desk and the desks of other co-workers. Wasp spray shoots a distance from the can, is an irritant when sprayed in someone’s face, and can buy you time to leave the office. Similarly, a fire extinguisher is also a good method. Even a large cup of liquid tossed in the face of a threatening individual can also buy a few moments to get out of danger.

* What else can attorneys do to stay safe:

Be aware of your surroundings! Look at your office before entering; anything seem out of place? Don’t sit in your car in front of your office looking at documents – keep situational awareness. Be aware of your surroundings when leaving as well and don’t carry so much with you that you are distracted.

Have an innocuous inter office code, such as “remember to water the plants” or anything else innocent sounding, that all staff understand really means “call the police.”

Notify police if you feel threatened.

There are de escalation methods , such as calling a client by their first name, making eye contact and asking what you can do to help. However, this needs to be balanced against the perceived degree of threat.

Trust your instincts – if you sense something is off, it probably is.

* What type of subtle warning signs attorneys be looking for so we can withdraw or take action before the situation becomes dire?

This is difficult as the stressors that can incite violence are those attorneys and the Commission regularly deal with within the workers compensation system – such as financial strain, injury/illness, conflict with employers, and legal issues. Physical behaviors to be alert for include argumentative or uncooperative behaviors, clenched jaw/balled fists, pacing or restlessness, violating others’ personal space, specific threats, or displaying a weapon.

* Do attorneys need to consider obtaining a concealed weapon permit for their protection?

The problem with obtaining a concealed weapon permit and keeping a gun near or on you (unless you are in court or other areas, such as schools, that you cannot carry concealed) is that you need to be ready to use the gun to kill or severely injure. Simply having it doesn’t help if you are not willing to use it. You don’t want your own gun to be taken from you in a confrontation, and so if you don’t feel comfortable with firearms or don’t have a fast reaction time using them, you may be better off without a gun. If you do concealed carry, have a car safe for your gun for places you can’t carry.

* What to do when faced with an active shooter threat

1. Try to run. Getting away from the shooter is the top priority. When in your office or conference room, be sure you have a clear path to the door. When elsewhere, have an idea where the exits are. 2) If you can’t run, then hide. Stay quiet and silence electronic devices, lock and block doors, close blinds, and turn off the lights. Don’t hide in groups – spread out along walls or hide separately to make it more difficult for the shooter. 3) As a last resort, fight. Act aggressively to stop the shooter – hit them with a chair, fire extinguisher, scissors, books, spray them with pepper spray, wasp spray, a fire extinguisher - whatever you have on hand to distract and hopefully disarm the shooter. Be prepared to cause severe or lethal injury to the attacker if that is what it takes to disrupt the attack and enable you to escape.

* Social Media issues – threats made to attorneys on Facebook, or other social media platforms

Most law firms have a social media presence. Consider also having an innocuous social media site that doesn’t seem connected or related to the firm, but that is linked to the law firm’s social media site. If threats are made and the aggressor is blocked on the official site, they may continue making threats against the firm, which can then still be seen and monitored on the alternative site.

If threats are made via social media, don’t retaliate and don’t respond. The aggressor may well get bored and move on. However, if they don’t, then consider hiring a security firm to handle it, and of course police involvement.

If an attorney has a personal Facebook or social media site, don’t identify as an attorney and avoid personally identifying information. Keep a low social media profile so that clients cannot identify your social media site.