

# Don't be a Victim: Avoiding Workplace Violence

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In Chesterfield County, Virginia, a man upset after a child custody hearing confronts the ex-wife's lawyer as he is entering his office building and fires a shot at him with a rifle. In Leesburg, Virginia, a lawyer is working late in the office expecting one final appointment, when he is summoned to the front door by the bell. The lawyer is shot at through the window. In Bucks County, Pennsylvania, at 9 a.m., two lawyers have just arrived at work and are talking in the parking lot outside the office when a man in sunglasses and a knit cap approaches and shoots one lawyer in the back of the head. In St. Paul, Minnesota, a man upset about losing custody of his child to his ex-wife walks into her lawyer's office on a Friday just after 5 p.m. and repeatedly stabs the lawyer, attempting to slit her throat.

As these cases illustrate, violence against those in the legal profession is a serious concern worthy of attention.

The number of Americans murdered on the job has grown steadily over the last ten years, and no office, including a law practice, is immune to violence. Many experts agree that the current recession has only increased the likelihood of violence in the workplace. There has always been a concern about third parties, such as angry clients or opponents acting out, particularly in certain practice areas, such as domestic and criminal law. But added to that risk should be employees, who may act out violently, especially in this stressful economy. Downsizing, lay-offs, and restructuring produce stress and increasingly harsh workplace environments. Another potential problem is domestic violence coming from an employee's home life. Law firms need to

consider all of these risks and should implement appropriate security procedures for their office. The comments below should help identify the steps you need to take and the issues you need to consider.

First, the firm should *identify the risks* (clients, opponents, past employees, current employees, spouses or significant others, etc.) that may pose a threat.

Next the firm should *create a plan* for providing protection and safety.

Once the plan has been finalized lawyers and staff should be *educated* regarding the procedures for safety.

The attorney and the staff need to be prepared to deal with upset clients, employees or other third parties who may create a security concern in the office. Some of the security issues that should be addressed in the employee manual and in training for staff and attorneys include:

- Information on how to handle abusive or rude individuals, on the phone or in person.
- Discussions/examples identifying at what point rudeness becomes dangerous.
- At what point should an individual be asked to leave the office?
- What action does staff take once the individual has been told to leave and refuses to do so?
- When should a lawyer or the managing partner be notified about a problem client or situation and exactly who within the

law firm should be notified if there is an on-site emergency?

- What is the procedure for handling a client, or even a non-client, who shows up at the firm upset or irate? For example, that person should be shown to a waiting area removed from the rest of the firm, the concerns about the client should be immediately explained to the attorney out of the hearing of the client, and a decision should be made regarding whether or not to contact authorities and to circulate an emergency e-mail to the rest of the staff to leave the building. An angry or hostile person should not be invited into the lawyer's office within the interior of the firm but is better kept waiting in a conference room where the staff and attorney can converse without further aggravating the situation.
- Have a contact list with important emergency numbers and information for lawyers and staff. If your building has security, how do you alert them to an emergency? This information should be readily available on a moment's notice.
- If possible meet with clients and others in a conference space at the front of the office rather than in an internal space.
- In some practices, based on the nature of the practice, the physical location of the practice and after-business-hours doors should be kept locked.

- Consider avoiding meetings with clients or adversaries when you're alone in the office, especially after hours.
- If staff or lawyers are aware or become aware of circumstance that could lead to a violent altercation, notify the managing partner so that decisions can be made regarding any additional safety precautions that should be taken.
- Consider removing your home address from the phone book.

## Tips for Avoiding Workplace Violence

**Evaluate your work environment:** Critically examine all areas of your work premises including parking lots, entryways, reception areas, work areas, and offices. Is the lighting adequate? Are there convenient escape routes? Do you have a method to summon assistance? Determine when doors should be locked (in some areas, it is appropriate to lock the front door and have a bell and intercom for clients to announce their arrival). Provide security for personal items such as purses, and after-hours procedures for employees' safety.

**Promote courtesy and respect:** One of the best ways to prevent violence in the workplace is to foster a day-to-day attitude of respect and consideration by everyone in your work environment, including clients, staff, lawyers and all other third parties such as opponents and their counsel.

**Identify and eliminate potential weapons:** Identify any objects available in your immediate work area that could be used as weapons. Remove or secure objects that could be used in a violent act.

**Pay attention to early warning signals:** Often, people who become violent reveal their intentions in advance or have a history of violence. Threats from clients, coworkers, or third parties should be immediately reported to the managing partner who can then report to local authorities if appropriate. Policies should encourage employees to report domestic violence occurring in an employee's home that could escalate into the office or into stalking behavior. Also, routinely contact references and conduct background checks on prospective employees, lawyers, and staff. If there is a history of violence or aggressive behavior, then you may not want to hire them.

**Listen to your instincts:** Don't ignore your internal warning system. If you sense impending danger, respond accordingly. If someone comes into your office in a trench coat in the summer ... trust your instincts.

**Know your violence response procedures:** Violence response procedures are simple plans designed to minimize injury during a violent incident. These procedures should include a plan to summon assistance and move people to a safe area. All employees should be educated on these safety procedures. Consider ePanic Button, an affordable means to summon support discreetly, ePanic Button is a software program that sends e-mails, text messages and pop up alerts through a worker's computer. It can instantly and discreetly summon support and it also provides report generation for tracking purposes.

**Zero-tolerance policy:** The firm should develop as part of its safety policy, a zero-tolerance policy for violent behavior or threats of violent behavior by employees. As well as potentially being held liable for negligent hiring, employers are increasingly held liable for negligent retention and negligent supervision of violence-prone employees. Firm policy should clearly state that inappropriate behavior in the workplace, such as violence or threatening behavior, is grounds for immediate termination. Policies should formalize employee access to management, and employees should be encouraged to report questionable behavior immediately. All complaints should be thoroughly investigated. Performance and behavior standards should discourage violent behavior and provide avenues for treatment or discipline, including immediate termination of potentially violent employees.



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