

LAW OFFICE SAFETY

Recommendations

for

*Creating & Maintaining a Safe Work
Environment*

**Domestic Violence Advocacy Project and
Pro Bono Program
Committee on Law Office Safety
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Introduction

For clients seeking divorce and/or parenting plans where domestic abuse is a dynamic within the relationship this may be a highly lethal time. Domestic violence spills into all aspects of life for victims/survivors, but it is a particularly dangerous time when a battered partner attempts to leave the abuser.

This booklet has been created as a guide to assist practitioners in developing a safety plan for the law office. It is critical that law office managers implement policies not just to reduce risk but to reduce the conditions that cause risk. No two offices are alike therefore you should assess your own needs and adapt a plan that is right for you.

This booklet was developed by a sub-committee of the Domestic Violence Advisory Council. The Council coordinates and oversees the work of the Domestic Violence Advocacy Project (DVAP), a collaborative that includes New Hampshire Legal Assistance (NHLA), New Hampshire Bar Association's Pro Bono and Domestic Violence Emergency Project (DOVE) Programs, Legal Advice & Referral Center (LARC), and New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV). The mission of the Domestic Violence Advocacy Project is to provide access to high quality civil legal services for low-income victims of domestic violence in New Hampshire.

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Managing Aggression

Managing aggression is no different from managing anything else. One must control oneself, control the environment, and act proactively.

Concerning controlling oneself, this control must be both mental and physical. Both of these skills involve remembering to breathe. Try to breathe as if from your lower belly, rather than from high up in your chest. Not only will this keep you calm, but, remaining in control of something as basic, yet important, as your breathing will give you self-confidence and focus. As you try to breathe from your lower belly, keep your weight low as well. Bend your knees slightly. Try to relax your shoulders and upper body. Keep some distance between you and any aggressive person, about two arm lengths. Do not stand facing this person squarely. Take a half step back so that you are at an angle. This psychologically defuses a confrontation and also puts you in a balanced position and one from which you can more easily move in any direction, as needed.

Control Your Environment

If the incident occurs in your office, it is your office. A little thought as to what you would like to have handy in your office, how you would like to have the furniture arranged, which doors you would like to have locked, whom you would like to be near, where you would like to be able to easily go, will all give you an overwhelming advantage. And, more importantly, all these steps in controlling your environment occur at your leisure with as much thought as you wish to put into it, long before the incident begins.

When the incident begins, continue to control your environment. Utilize those advantages you have previously given yourself. Move to maximize your advantages. Move toward that portion of your office that gives you an advantage. Move away from that portion of your office that gives you a disadvantage. Lead or subtly move the aggressor to those portions of your office which will result in him or her being at a disadvantage. Perhaps something as clever as through a doorway, from which you merely step back and lock the door.

Being Proactive

Of course, what I've discussed above all involve being proactive, but it is so important I wish to discuss it in its own right. Being proactive is fundamentally acting, rather than being acted upon. You must do everything to suppress those actions through which the aggressor seeks to control you and encourage those actions through which you seek to control the aggressor.

Now, with these principals in mind, I will discuss specific applications.

In order to determine the appropriate response to, say, a disgruntled client, one must have some knowledge of the different stages of anger. Is this a client who can be easily appeased or redirected? Is this a crisis which is likely to have a bad ending or an opportunity which is likely to have a good ending? The beginning of anger is often a feeling of being wronged. Many feel wronged, and do nothing about it. Others seek "justice," whatever "justice" means to that person. This first stage is called the grievance stage.

Next, is the ideation stage. The person feels that only taking action can right the wrong and that he or she is justified in taking action.

The third stage is called anger leakage. At this stage, one begins "acting out." In this stage, the individual begins to make threats, posture, raise their voice, etc.

The next stage is called the defiant stage. This is a continuation of the anger leakage stage but now the acting out is focused on the object of his or her anger, you. This is the dangerous stage because now the aggressor will seek to move close enough to you to endanger you. In other words, closer than the two arms lengths I spoke of above. Obviously, objects, be they an ashtray or a hand gun, change this spatial limit.

The last stage is called confrontation. This is usually a physical attack of some degree or other.

Whether aggression manifests through correspondence, over the telephone, or in person, the methods for defusing it are the same. As I discussed above, you must control yourself, your environment, and the aggressor. Do not let their anger make you angry. Let them be irrational, you be rational. Let them be blinded by their emotions, you stay in control of yours. First and foremost you must remain professional, someone worthy of respect. Although in the situation it may seem illogical, the way to strive to maintain that position, the position of respect, is to show respect to the aggressor. The aggressor will seek to drag you down to his or her level or below. Do not cooperate. Maintain the high ground in every sense. Do not mirror mammalian posturing and aggressive body movements. Remain relaxed, centered, in an angular stance. Do not yell and scream back. Try to speak calmly and distinctly.

In that the aggressor is in an emotional mode, seek to control the aggressor by leading the aggressor into a logical mode. Ask questions of the aggressor. See what the aggressor wants. Engage the aggressor in explaining specifically what the issues are, what can be done. This is not a time to "cross-examine" the aggressor. Do not ask leading questions. Do not ask yes or no questions. This is a "direct examination." Ask questions which require that the aggressor think, and think of something other than doing you ill.

Restate the wrong or injustice as the aggressor has described it. This is not the time to tell the aggressor that he or she has it all wrong! This is the time to show empathy. This showing of empathy will do more to bringing this matter to a successful resolution than you can imagine. Only after you have demonstrated empathy, should you attempt to explain how you see the same situation. Do not come across as arrogant. As morally outraged and as victimized as you feel by the aggressor, the aggressor feels equally or more morally outraged and victimized, or you and the aggressor would not be in this event together. Having listened to the aggressor, demonstrated that you understand the situation, showed empathy to the situation, you will be more successful in having the aggressor show you the same courtesy. However, if it's not working, don't push it!

If things haven't gotten worse, begin the process of negotiating a solution. Don't give up on this aggressor. There is still the potential that he or she may become your friend for life. If you can reach an accord, immediately demonstrate that you intend to follow through with this agreement by taking an initial step, then and there. If you cannot reach an accord, attempt to schedule an opportunity in the future to sit down with this person and attempt to reach an accord. Perhaps you actually intend to have another meeting, perhaps you don't. In any event, this is the time to try to end the confrontation. I am confident that you will succeed!

I am so sorry you did not succeed, because now we must talk about more unfortunate and ill-omened ways of dealing with aggression. When to attack or when to retreat are very difficult things to gauge. And, of course, are specific to the situation. A 70 year old lawyer is unlikely to outrun an 18 year old disgruntled client, but anything is possible. On the same token, a 70 year old disgruntled client is unlikely to outrun an 18 year old secretary. But again, anything is possible. However, both the lawyer and his or her secretary have previously given thought to just this situation and the office/parking lot/foyer/courthouse/restaurant/home environment. The 18 year old disgruntled client will, of course, run slower if a chair is thrown across his or her path.

But, if retreat eludes you, and if rescue is not imminent, then you will be in the position of having to defend yourself. I'll discuss weapons later.

If an attacker grabs you, with very few exceptions you are only trapped if you submit to being trapped. Say your wrist is grabbed. It's only your wrist that's grabbed. That leaves you the rest of your body to move, either to retreat or attack. If you must attack, attack viciously. An ineffectual attack is going to do nothing except make matters much worse. Do not seek to strike the testicles. That's such an obvious attack, everyone knows to guard against. The eyes, the throat, the ears, raking, gouging, scratching, shrieking the whole time. That ought to do it. Then, see if an avenue of retreat has opened up.

Weapons. I am not a believer in anyone other than a trained marksman, who consistently trains, shooting a gun indoors. Bullets don't stop at office walls. In a

confrontation, twenty year veteran police officers routinely fire multiple shots at close range and miss. Also, a gun is only a thrusting weapon. It can only harm what's directly in front of it. A knife, however, is both a thrusting weapon and a slashing weapon. It can harm what's in front of it and also to the side of it. Some desk letter openers are very sharp. Similarly, some office decorations are very hard. Outside the office, at a farther range, guns have more utility. Again, they should only be considered by a trained marksman who trains regularly. They do have a deterrent value, of course. If the weapon is taken away from you, though, the deterrent value is lost.