

LEGAL MANAGEMENT

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OM Feature

OPERATIONS MANAGEMENT

Workplace Violence: Every Law Firm's Risk

Recognizing the warning signs can help prevent it at your workplace — and save lives.

The headlines tell the story. It's a sad fact of life these days that not a week goes by when we don't hear some kind of workplace violence occurring.



JACK VAUGHAN & JOHN LANE

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Risk Management Consultant

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*Director, Crisis & Resilience,
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When we think of workplace violence, we conjure immediately the many incidents in recent years in which an armed individual enters an office or other establishment and shoots multiple victims. Roughly half of these incidents in the past 15 years have occurred in workplaces. In two-thirds of these, the shooter had previously been employed there or had a relationship with an employee there.

Lawyers and judges have been the specific targets of hostile adversaries and disgruntled clients. When this happens, others in the law firm or office may become victims as well. So it can be reasonably asserted that law firms should pay extra attention to preventing or mitigating acts of violence.

Law firms and departments can no longer ignore this reality. Doing so brings risks to their most precious assets — their people. Even more tragic is that the training and education to provide a very real chance to either prevent or to mitigate the human consequences of workplace violence does not require much time or money.

Much has been *written* about active shooter response training. This training is critical, and law firms should conduct it every year. However, the primary focus of this article is on training employees to detect the potential for workplace violence — and how to prevent it.

QUICK HIT 1

It's become a reality that law firms and departments can no longer ignore. Doing so brings risks to their most precious assets — their people.

“We provide our people with training — including ongoing training for new personnel — on how to quickly and effectively respond to an active shooter event, knowing that this training can and will save lives wherever such a tragedy may occur.”

**CHARLES
O'DONNELL**

Chief Operating Officer
Duane Morris LLP



WARNING SIGNS

There is a range of behaviors that are problematic and can provide clues that an individual may become violent. They can be physical, verbal or electronic (email, texts, voice messages or the many forms of social media). The following is a reasonably comprehensive list of warning signs and risk factors that should cause concern, especially when an employee displays several of them:

- Threatens to harm him- or herself, his or her boss or other employees; actually assaults someone.
- Has a preoccupation with firearms, other weapons or violent events.
- Loses temper and self-control easily.
- Is upset over recent events or a personal crisis.
- Abuses drugs and/or alcohol.
- Uses words or actions suggesting radicalized ideology or views.
- Harbors grudges, cannot handle criticism, habitually makes excuses and blames others for his or her problems.
- Complains about persecution or injustice.
- Challenges or resists authority.
- Acts suspiciously, makes unwelcome romantic gestures or stalks a fellow employee.
- Communicates specific proposed acts of disruption or violence.
- Has difficulty getting along with others.
- Demonstrates paranoia; thinks others are out to get him or her.

Left unchecked, any of these behaviors can escalate into serious physical violence. And there is always the possibility that domestic violence can follow employees to their workplace. (The American Bar Association recently adopted a [model workplace policy on domestic violence](#).)

A key part of an effective program is to strongly encourage all personnel to report problematic behavior. There should be multiple reporting avenues, including some form of a hotline, usually anonymous. Obviously, employees should be trained to recognize problematic behavior and report it effectively.

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QUICK HIT 2

There is a range of workplace behavior that is problematic and can provide clues that an individual may become violent. These behaviors can be physical, verbal or electronic (email, texts, voice messages or the many forms of social media).

“Our workplace violence prevention program has had a positive effect on Weatherford’s ability to reduce the incidence of workplace violence both on a domestic and international level.”

ANDREW BAER

Director of Global Security,
 Weatherford International



ACTION ITEMS FOR YOUR LAW FIRM

A good place to start is the American National Standards Institute’s (ANSI) written standard on workplace violence prevention and intervention. It provides clear guidance regarding every aspect of a comprehensive workplace violence prevention program, with emphasis on effective dissemination of the policy and broad-based education and training of every member of the workforce.

This ANSI standard also effectively raises the employer’s bar for duty of care — a bar that will most certainly be considered when negligence liability is charged or considered during civil litigation.

“We [provide] our people with training — including ongoing training for new personnel — on how to quickly and effectively respond to an active shooter event, knowing that this training can and will save lives wherever such a tragedy may occur,” says Charles O’Donnell, Chief Operating Officer for international firm Duane Morris LLP. “We also train our personnel to be alert to certain behavior by a fellow firm employee that may indicate a potential for violence, and to report that behavior immediately.”

Other steps to implement in your workplace:

Pre-employment screening. Re-assess it. Does it go far enough and deep enough, including for entry-level employees?

Train and educate your people. Train them to be alert to behavioral “red flags” (threats, mood swings, signs of domestic abuse, signs of depression, discussion of violence or suicide, repeated grievances, personality changes, grudges, inability to handle criticism, always blaming others, erratic or impulsive behavior, high emotional stress, etc.). Train them on the basics of how to respond to an active shooter situation (the “run/hide/fight” protocol). Offer this training annually and make it mandatory for all personnel.

QUICK HIT 3

Lawyers and judges have been the specific targets of hostile adversaries and disgruntled clients. When this happens, others in the law firm or office may become victims as well.

A workforce trained to detect and report potentially violent behavior is the key to prevention, and prior training is the most critical factor in determining whether an individual will respond quickly and decisively to survive an active shooter.

"Our workplace violence prevention program has had a positive effect on Weatherford's ability to reduce the incidence of workplace violence both on a domestic and international level," says Andrew Baer, Director of Global Security at Weatherford International.

Encourage immediate reporting of problematic behavior. Instill in your firm's personnel that senior management views this type of reporting as the highest of priorities at the firm. Management must clearly send that message.

Try to get help for the afflicted employee. Consider an Employee Assistance Program (EAP). These programs provide short-term counseling and referral services to employees at no cost. Plus, they can help prevent workplace violence. Remember that if the employee perceives that the firm and its management are trying to help, the firm may prevent violence and save lives. This step must be done carefully and under the guidance of a professional.

LISTEN TO THE PODCAST



Jack Vaughan and John Lane recently joined ALA's podcast, *Legal Management Talk*, to discuss workplace violence prevention. With mass shootings in the news almost every day, it's important to remember that there are ways to help prevent these tragedies from occurring at work. [Listen online](#) or via iTunes.

DON'T PUT THIS OFF

Again, this education and training only takes several hours each year. There is no financial or other excuse for delaying it or denying that the risk exists. And this training will benefit your employees wherever they may be and whenever an active shooter event takes place.

ABOUT THE AUTHORS:

Jack M. Vaughan is the former Administrative Partner at Fulbright & Jaworski (now Norton Rose Fulbright), having retired in January 2013 after 27 years in that position. He now consults with law firms on risk management issues and is an adviser to Control Risks, an international risk consultancy.

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John Lane formerly served for 25 years with the Los Angeles Police Department, where he developed its Threat Management Unit and also founded the Association of Threat Assessment Professionals (ATAP). He currently serves as a Director within Control Risks Crisis & Resilience Consulting, focusing on issues of workplace violence prevention. He specializes in threat assessment, case management, and the creation of prevention programs.

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