



NHLAP

NEW HAMPSHIRE



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Newsletter

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NH LCL Monthly Meeting

Lawyers Concerned for Lawyers (LCL) is a monthly meeting on the **SECOND TUESDAY OF EACH MONTH** of NH lawyers, judges and law students who come together for free, confidential peer support for any issue that interferes with professional competence. Absolutely confidential.

November 12 at 6:00 p.m.

Airport Diner, 2280 Brown Ave, Manchester

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The NH Bar Association has made it possible for the bar-wide distribution of the monthly NHLAP Newsletter as of May, 2019. NHLAP is sincerely grateful for the leadership and assistance of NHBA in this endeavor.

VIOLENCE AGAINST LAWYERS: Not a New Phenomenon and It's on the Rise

Fellow lawyers, judges and legal professionals have been shaken with the recent news that one of our own was savagely attacked during a client meeting at a county jail. Luckily, that attorney will recover. Equally lucky, this is a rare occurrence. However, the fact that it happened is not entirely unexpected.

Violence against lawyers is on the rise. There are several reasons for this: emotions and stakes running high in legal matters, decline in civility in society, proliferation of violence as entertainment, lack of security planning and simply not taking the risk of violence seriously. The legal profession must take this risk seriously.

In June of 2013, the ABA published a report entitled "Violence Against the Nevada Legal Profession." That survey, conducted and reported by Stephen Kelson, Esq., demonstrates that violence directed at lawyers is large problem. Yet, it is often ignored by the legal profession. "Attorneys don't recognize the potential for violence. When they sit down with a client or sit across the table from the other side, they should evaluate who they're doing business with." *A Matter of Life and Death: Bar Associations Respond to Recent Attacks on Lawyers Judges*, by Robert J. Desrocher, ABA Bar Leader, Vol. 37, No. 5 (May-June 2013).

Statistics compiled by the U.S. Marshals Service and the Center for Judicial and Executive Security demonstrates that attacks against lawyers were on the rise at the time of the 2013 ABA publication. This data shows that a courthouse is where an attack will most likely occur. However, a lawyer's office, lawyer's home or even a lawyer's visibility in public spaces are opportunities for perpetrating violence against lawyers.

The Risk is Real Yet Manageable

Court Leadership

Conduct a Risk Assessment at Every Courthouse and Follow-Up with Necessary Changes to Enhance Safety Measures

Practice Active Shooter Drills at Every Courthouse

Establish or Reinvigorate a Court Safety Committee to Better Assess Risk and to Better Protect and Prepare the Court and Surrounding Community

Executive Leadership

Conduct Risk Assessments at Governmental Offices that Conduct Legal Business: Prosecutor Offices, Public Defender Offices, Registries, Records and Administrative Offices and Follow-Up with Necessary Changes to Enhance Safety Protocol.

Conduct Active Shooter Drills at Every Governmental Office.

Private Leadership

Conduct Risk Assessments at Law Firms, Large and Small, and Follow-Up with Necessary Changes to Enhance Safety Protocol.

Joint Bar/LAP Leadership

Sponsor CLEs with Experts in Safety and Implementation of Safety Protocol



No one needs an updated study to understand that the risk of violence to all Americans has increased exponentially since 2013. The proliferation of mass shootings in a variety of public spaces: schools, arenas, movie theaters, and churches (just to name a few) mandate that we in the legal profession take the risk of violence seriously.

There is updated data specific to lawyer safety. Steven Kelson updated his original Nevada study by surveying lawyers across 27 states in 2018. He found that MOST lawyers (89%) have received a credible threat within the last year. The bulk of lawyers that experience threats of violence are family lawyers (93%). 42% of lawyers have experienced a confrontation that fell short of assault but was perceived as a threat. 7% of lawyers have experienced property damage. **10 % of lawyers in either category have experienced violence.** [Family Lawyers and Other Lawyers.] (Emphasis supplied.) Survey Update 2016, Compiled by Lorelei Laird, www.publictableau.com (March 30, 2018).

Because one a NH colleagues was a victim of workplace violence, it is natural to expect that NH lawyers will be impacted. Direct colleagues and friends of the attorney attacked will, of course, be upset. Others who may feel naturally uneasy or shaken by this news are other criminal defense attorney who routinely meet with clients at detention centers. Others may be attorneys who used to do criminal defense and were previously exposed to similar risk but have moved to a different area of the law. Still others may be attorneys who have never taken a criminal case but still feel the impact of such terrible news because they meet with clients on a routine basis. No matter what the reaction, it is normal. Pay attention to yourself and to colleagues who seem preoccupied with this incident or similar incidents that trigger complex emotions. Vicarious trauma is real, it is easily addressed, and must not be ignored. NH legal professionals are fond of saying we are a small, caring, collegial bar. The surest way to demonstrate this is to take both workplace violence and the various trauma it inflicts seriously.

“As a family law attorney, there have been many times when I have been confronted in person...and threatened. It seems to come with the type of law I practice.”

-Anonymous Nevada lawyer responding to Kelson’s 2012 survey of the Nevada Bar.

SAFETY QUICK TIPS

Whenever possible, conduct meetings where there is more than one exit from the room.

Meet with concerning parties at a courthouse where they must go through security and security personnel are on staff.

Self defense training is always a good idea. Often the training will automatically take over during a stressful episode.

Take threats of violence or property damage seriously and report them to law enforcement. These are not “just part of the job.”

Ethics of Reporting Client Threats of Violence:
Rule 1.6 Confidentiality of Information

- (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out representation, or the disclosure is permitted by paragraph (b).
- (b) A lawyer may reveal such information to the extent the lawyer reasonably believes necessary:
 - (1) to prevent reasonably certain death or substantial bodily harm or to prevent the client from committing a criminal act that the lawyer believes is likely to result in substantial injury to the financial interest or property of another;

See complete rule, Ethics Committee Comments and ABA Comments to the Model Rule 1.6 for full text and commentary. NH R. Prof. Resp. 1.6.

NHLAP is a resource for support, education and referrals to help effectively address the issues surrounding lawyer safety. We are here for you.



FREE TOOL KIT FOR VICARIOUS TRAUMA



The Office for Victims of Crime now has a free [Vicarious Trauma Tool Kit](#). “The Vicarious Trauma Toolkit was developed on the premise that exposure to the traumatic experiences of other people is an inevitable occupational challenge for the fields of victim services, emergency medical services, [first responders] and other **allied professionals**. Organizations can mitigate the potentially negative effects of trauma exposure by become vicarious trauma-informed.” (See www.vtt.ovc.ojp.gov)

Make no mistake, the legal profession is an allied professional service that suffers from high rates of vicarious trauma. Just a few examples are: the criminal attorney who reviews graphic photos of crimes; criminal judges who hear personal victim impact statements; criminal prosecutors that must determine charges based on sexually explicit images of minors; family lawyers and judges immersed in cases of domestic or child violence; probate lawyers and judges who must work through cases of incompetency with often disturbing details of illness and suffering; agency and civil attorneys who must review details of illness or death caused by negligent companies or individuals; the list can go on and on.

Lawyers need to understand and recognize vicarious trauma in all its forms to sustain both individual wellness and sustained wellbeing of the entire legal profession.

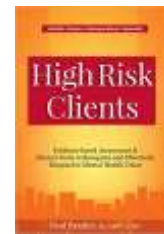
MONTHLY RESOURCE



SPOTLIGHT

BOOK PICK:

High Risk Clients: Evidence-based Assessment & Clinical Tools to Recognize and Effectively Respond to Mental Health Crises by Paul Brasler, MA, MSW, LCSW, PESI Publishing (2019)



Although this is a book directed at practicing mental health professionals, this is an invaluable tool for lawyers as well. Lawyers deal with clients and their families, often at some of the most stressful times in their lives. Recognizing when a client poses a mental health risk is the first step in keeping yourself and those you work with safe.

Helpful Articles

Workplace Violence and Security: Are Your Employees Safe? [Follow to Read More](#) From [Safety + Health](#), Official Magazine of National Safety Council (January 30, 2019).

Five Types of Workplace Violence Incidents (Criminal Intent; Customer/Client; Worker-to-Worker; Domestic Violence; Ideological Violence) [Follow to Read More](#) From Everbridge A for-profit company that consults on worker safety Issues.

Assaults Fourth Leading Cause of Workplace Deaths [Follow to Read More](#) From the National Safety Council which works to eliminate preventable deaths at work, in homes and communities, and on the road through leadership, research, education and advocacy.

Free Resource for Employers

Dealing With Workplace Violence: A Guide for Agency Planners [Follow for Free Handbook](#) From the U.S. Office of Personnel Management



WHAT IS NHLAP?

We are a confidential, independent 501(c)(3) non-profit to assist NH lawyers, judges and law students with any issue that may impact or impair the ability to practice law. Many lawyers think we only help with substance misuse. Although that is a very important part of NHLAP, it is not the sole focus of our work. We help with anything that has become problematic. Some examples are depression, anxiety and other mental health issues; grief; cognitive limitations resulting from aging; eating disorders; professional dissatisfaction and burn-out; work-life imbalance and time management strategies.

We are here to help before consequences of these issues become problematic, public or both. We are *not* part of the NH court system *nor* the NH Bar. Because we are solely funded by a per attorney mandatory assessment, we are akin to an additional lawyer insurance policy- we can help individuals or legal employers understand the risks in ignoring these very real issues and point to concrete solutions.

We are your resource. We are here to help make your legal practice something you enjoy, not something you endure.

1-491-0282

Add NHLAP to your social media accounts to receive wellness updates and links to wellness articles as they relate to the law. We are on Facebook, LinkedIn, Twitter and Instagram. Just click on the links on the first page to see how we are harnessing the power of social media to keep you better informed.



QUICK TIP

WELLNESS QUICK TIP:

REACH OUT

We are busy professionals. We can easily go days preoccupied with work, chores, family, bills, emails, errands and tasks. What gets lost in all this “busy work” is that we are unique human beings with individual stories, struggles and burdens. There is no one among us who is not bolstered by the simple kindness of a word or deed that demonstrates caring, empathy or compassion. Lawyers are no less in need of caring than anyone but often that is forgotten in our professional culture. Reach out. Ask if all is ok. You will be sending out a lifeline to someone as well as for yourself.



“As you grow older, you will discover that you have two hands. One is for helping yourself, the other for helping others.” -Audrey Hepburn