



# Violence Against the Michigan Legal Profession

Results of the 2014 Survey

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By Stephen D. Kelson

*The legal* profession is not exempt from work-related violence. In 2015, national media groups reported a number of sensational acts of violence against legal professionals. In Indiana, a family law attorney was targeted in an alleged murder plot by a mother and son with a syringe containing a lethal dose of anesthetic succinylcholine. In Mississippi, an attorney was shot and killed during a deposition. In Oklahoma, an attorney, in self-defense, shot and killed a client who attacked him. In North Carolina, a man drove a burning truck loaded with propane tanks and gasoline into the law office of his girlfriend's attorney. In Alabama, a city attorney was shot in the chest at his office. In Delaware, a man attempted to hire an undercover detective to kill his former defense counsel and a prosecutor. In Texas, a judge was ambushed and shot in front of her home.

These isolated incidents might lead one to assume that threats and violence against the legal profession are rare. However, that would be an incorrect

assumption. Many Michigan legal professionals experience threats of violence and actual violence in their practices.

To better evaluate and understand the nature and frequency of threats and violence against Michigan attorneys, all active in-state members of the State Bar of Michigan were invited in 2014 to participate in an online survey regarding violence and threats of violence they have experienced in the practice of law. This article provides a brief summary of the responses to that survey and a glimpse into work-related threats and violence experienced—but seldom discussed—by Michigan attorneys.

## Statewide studies of violence against the legal profession

To date, 22 other statewide surveys have been conducted regarding violence against the legal profession. The results offer surprising insight into work-related

violence and threats of violence experienced by attorneys, the majority of which have never been publicly reported (see Table 1 on the following page).

Acts of violence reported by attorneys in these state surveys include assaults and batteries and vandalism to attorneys' businesses and personal property. Numerous threats of violence include stalking, phone calls, letters, e-mails, texts, online posts, verbal threats of physical violence and death threats, and even attempts to hire hit men to kill attorneys. The results of each of these surveys show that violence and threats of violence against members of the legal profession are much more prevalent than reported by the media or commonly perceived by practitioners.

### The survey of violence against the Michigan legal profession

The 2014 survey was conducted in association with the State Bar of Michigan and administered through <http://www.surveymonkey.com>. The questions sought responses regarding:

- Whether the respondent had ever received threats or been the victim of violence
- Types of threats or violence
- Number of threats received
- Whether threats or violence occurred while employed in public or private practice
- Locations where threats occurred
- Association between threats and assaults
- Relationship with the perpetrator
- Whether incidents were reported to the police
- When threats or violence last occurred
- Change in conduct
- Demographic information

For purposes of the survey, a threat was defined as “[a] written or verbal intention to physically hurt or punish another, and/or a written or verbal indication of impending physical danger or harm.” In August 2014, the Michigan legal profession consisted of 35,824 in-state attorneys. The survey received 4,219 responses, representing 11.8 percent of all registered in-state attorneys. The following summarizes the responses of Michigan attorneys who reported they have been the victims of violence, threats of violence, or both.

### Threats and acts of physical violence

The survey's chief question asked attorneys if, while serving as a member of the Michigan legal profession, they had ever been the recipient of a threat or the victim of a violent act. Of the 4,219 responses to this question, 1,529 respondents (36.2 percent) reported they had been threatened or physically assaulted at least once.

Survey respondents provided more than 1,000 examples of work-related threats and violence perpetrated against them. Some examples of egregious threats and violence reported by Michigan attorneys included:

- I was followed by the defendant on I-75 for over 60 miles with him speeding up, passing me, getting in front of me and slowing down....
- A client who became threatening turned physically abusive at my home when I told her and her boyfriend I could not help them anymore. They attacked me, but severely beat the man who intervened to help.
- My car was blown up in front of my home.
- My vehicle was tampered with and the wheel came off.
- Client of co-attorney came into our office with a shotgun because he was upset that he was charged with a felony.
- [A]n opposing party tried to run me down with his tractor....
- Plaintiff handed me a bullet while in court and said he had another with my name on it.

### FAST FACTS

Threats and violence may be instigated by any individual involved in a legal case, including another attorney.

Michigan attorneys described more than 1,000 examples of work-related threats and violence perpetrated against them.

Threats and violence can occur regardless of an attorney's practice area.



**Table 1**  
**Statewide Surveys of Violence and Threats of Violence Against Attorneys**

Year	State	In-State Membership	Responses	% In-State Membership	Threats/ Violence	% Respondents
2006	Utah	6,832	904	13.2	417	46.1
2008	Idaho	3,627	780	21.5	319	40.9
2012	Nevada	8,245	1,039	12.6	412	40.0
2012	Wyoming	1,639	467	28.5	211	46.0
2012	Oregon	13,916	1,862	13.4	684	36.7
2013	New Mexico	6,170	919	14.9	369	40.0
2013	Arizona	17,383	1,841	10.6	777	42.2
2013	Iowa	7,329	1,333	18.2	547	41.0
2013	N. Carolina	21,856	2,251	10.3	732	32.5
2013	Kansas	8,177	1,185	14.5	480	40.5
2014	Nebraska	4,937	286	6.8	101	35.3
2014	Michigan	35,824	4,219	11.8	1,529	36.2
2014	Mississippi	7,048	422	6.0	195	46.2
2014	N. Dakota	1,663	243	14.6	113	46.5
2015	Louisiana	22,257	1,577	7.1	576	36.5
2015	Rhode Island	4,454	293	6.6	104	35.5
2015	Hawaii	4,122	356	8.6	134	37.6
2015	Alaska	2,444	471	19.3	195	41.4
2015	Alabama	14,509	1,088	7.5	440	40.4
2015	Washington	25,678	1,720	6.6	756	44.0
2015	Delaware	2,952	225	7.6	87	38.7
2015	Montana	3,247	403	12.4	169	41.9

- Client was angry over his bill and refused to pay it....He took a baseball bat and put a dent in the hood of my car.
- Letter threatening to burn my home and family. Telephone call implying harm to my child.... Tires slashed on two occasions. Acid thrown on vehicle.
- A client swung a chair at my head and then lunged at me.
- The opposing party [known to carry guns and use them to threaten people] followed me after mediation.
- I have had a gun pointed at me, [sic] by opposing client. I have also been threatened by opposing parties and witnesses, [sic] during depositions.
- I was sitting in my second-floor office when someone attempted to shoot me from...across the street with a hunting rifle.
- [I] have been stabbed with a pencil in court. I have had a former client kick in my [home's] front door and assault me.

As part of the survey, respondents were asked to identify the area of law that comprises the majority

of their legal practice. Not surprisingly, a significant percentage of respondents who reported threats and violence practice in the areas of criminal defense/prosecution (18.9 percent) and family law (16.4 percent). However, respondents in other areas of practice also reported being the recipients of threats and violence: judge (7.9 percent), corporate/commercial/real estate (7.1 percent), general litigation (15.6 percent), wills/estates (5.6 percent), and administrative (2.5 percent). Moreover, an additional 21.7 percent of respondents practicing in other areas of law reported being the recipients of threats and violence.

### Types of threats and violence

The survey asked respondents to identify the types of threats and acts of violence received relating specifically to their responsibilities as a legal practitioner; 108 respondents reported the answers identified in Table 2. Inappropriate and threatening communications were those communicated verbally (in person and by phone) and through letters, e-mail, text message, Facebook, and even by a newspaper. Inappropriate approaches included face-to-face confrontations, attempts to commit violence, and being followed. A total of 193 respondents (13.5 percent) who identified themselves as recipients of threats and violence reported being the victim of a physical assault.

Similar to the results of the other 14 state surveys, the majority of respondents identified inappropriate and threatening communications and approaches. Inappropriate communications were made primarily in person or by phone and included direct and veiled threats such as “I’ll get you,” “I’ll make you pay,” “I’ll kill you,” “I’ll make you disappear,” “You’re dead,” “I know where you live and I’m coming after you,” “I’m going to hurt your family,” “I’m going to blow your brains out,” and “Watch your back.” As described, the majority of reported threats were made directly against attorneys. However, multiple threats were directed against attorneys’ families and children. One threat stated, “I know where your children go to school and when the school bus picks them up and drops them off.” Respondents also identified pets being set loose and poisoned.

Many respondents described their experiences of learning of threats through other forms of inappropriate communications, including vandalism to vehicles (slashed tires, tampered wheels, rusty nails and

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screws in the driveway, keyed car, sugar poured in gas tank, window smashed, car bomb, etc.), offices (including rocks thrown through windows, shots fired at their office, exterior and interior office vandalism), and their residences (landscaping destroyed, graffiti, etc.). One respondent reported that a dead deer and other gutted animals were thrown onto his home’s driveway.

**Table 2**  
**Types of Threats/  
Inappropriate Communications**

Type	Number
Inappropriate communications	1,163
Inappropriate approaches	749
Physical assault	192
Property damages	130
Other	102
Total	2,336

### Number of threats received

The survey requested respondents who identified themselves as recipients of threats and violence to indicate the number of threats they received. Of the 1,423 respondents reporting they had received threats of violence in the practice of law, 1,068 (74.5 percent) received more than one threat during their legal career and 91 (6.4 percent) reported receiving more than 10 threats.



### Threats and violence as a public or private attorney

The survey asked respondents to identify whether the most recent threats and violence occurred while they were employed as public or private attorneys. Of 1,434 respondents, 944 (65.8 percent) identified that the last experience occurred while employed in private practice, 424 (29.6 percent) indicated it occurred while employed in public practice, and 66 (4.6 percent) indicated it occurred while they were employed in both public and private practice. As in other states, these responses suggest Michigan attorneys experience threats and violence regardless of whether they are in private or public practice, although the number of threats and violence may differ based on the specific practice area.

### Locations of threats

The survey asked Michigan attorneys to identify the locations where they experienced threats. Not surprisingly, the majority of respondents identified the business office (756 responses) and the courthouse (784 responses) as the most prominent locations of threats and violence. However, many respondents reported the occurrence of threats and violence at home (143 responses) and elsewhere (361 responses). For example, attorneys reported threats and attacks made while at jail; traveling to and from court; at grocery stores, shopping malls, bars, and restaurants; by car on roadways; and in public parking lots.

### Threats and subsequent assaults

Attorneys who received threats were asked whether the individual making the threat was the same person or connected to the person who most recently assaulted them. Of 1,434 responses, 84 incidents of subsequent assaults were reported, and only 32 respondents could not identify whether the assaults were related to threats.

### Relationship with the perpetrator of threats/assaults

Recipients of threats and violence were also asked to identify their association with the individual who most recently threatened/assaulted them (see Table 3 on the following page). As in the other surveyed states, respondents reported that threats and violence were primarily perpetrated by opposing parties and the attorneys' own clients. However, responses show that threats and violence may be instigated by any individual involved in a legal case, including another attorney. Examples of the 101 attorney-attorney threats and violence reported by respondents include:

- Opposing counsel stabbed me in the shoulder with a pen when she was sitting next to me in the courtroom while we were waiting for our case to be called.
- [At court, opposing counsel] charged and knocked down my older co-counsel onto a couch and began punching him.
- Opposing counsel threw a chair and backed me into a corner and threatened to hurt me if I continued the deposition and litigation.
- The partner I worked for kicked me in the shin, and also shook me by the back of the neck (two separate occasions) when he felt frustrated with my response to a request he made of me that I disagreed with.
- Physically attacked by opposing counsel in the elevator of the U.S. District Court in Detroit.
- Opposing counsel became enraged when I could not agree with his position during a conference in his office. Lunged at me across his desk.

**Table 3  
Perpetrators of Threats/Assaults**

	# of Respondents	Percentage
Client	290	20.2
Relative/associate of client	86	6.0
Opposing party	582	40.6
Relative/associate of opposing party	120	8.4
Opposing counsel	101	7.0
Unknown	48	3.4
Other	207	14.4
Total	1,434	100%

When threats/assaults last occurred

Respondents were asked when they last received a work-related threat or were the victims of a physical assault (see Table 4 below). Results show that of 1,434 respondents, the majority—738 (51.5 percent)—reported such acts had last occurred within the past five years.

**Table 4  
Last Work-Related Threat or Physical Assault**

Time	Number	Percentage
Within the past year	251	17.5
1–5 years ago	487	34.0
6–10 years ago	227	15.8
More than 10 years ago	469	32.7
Total	1,434	100%

Whether incidents were reported to the police

Attorneys who said they were victims of threats and violence were asked if they reported the incident to the police. Of 1,434 respondents, 516 (36.0 percent) indicated yes, while 746 (52.0 percent) said no.

Another 172 respondents (12.0 percent) did not find the question applicable.

Change in conduct

Respondents who had received threats or had been the victim of physical assault were asked if such threats/violence had altered the way they conducted their legal business. Of 1,407 respondents, only 96 (6.8 percent) reported that such incidents had affected their conduct a great deal, 464 (33.0 percent) indicated their conduct had been somewhat affected, and the majority—847 (60.2 percent)—identified it did not alter the way they conducted business. However, many respondents reported taking steps to protect themselves, including purchasing a weapon and obtaining a concealed weapon permit, withdrawing from cases, requesting security escorts to vehicles, abandoning specific practice areas, obtaining “safer” jobs, keeping weapons in the office, obtaining unlisted phone numbers and purging online directories of personal information, restricting building access, and screening office visitors.

**Conclusion**

The survey’s results show that many Michigan attorneys have experienced a range of work-related threats and violence, and it should not be assumed that similar threats and violence against attorneys are random or can only happen somewhere else to someone else. The reality is that work-related violence and threats of violence can come from any side of a given case and can occur beyond the courthouse and office, regardless of one’s practice area. Recognizing the reality of potential violence in the practice of law is the first step in helping to avoid becoming the victim of work-related violence. ■



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