



On January 30, 2013, Arizona attorney Mark P. Hummels and his client were shot during a mediation session by a pro se litigant in a contractual business dispute. Both died as a result of the shooting. On January 31, Texas assistant district attorney Mark Hasse was shot and killed as he walked from his car to the courthouse where he worked. Two months later, Texas district attorney Mike McLelland and his wife were shot and killed in their home. Although these recent examples of violence against the legal profession received national headlines, they are generally considered extreme, uncommon occurrences. However, just because you don't hear about violence against the legal profession in the press, it doesn't mean that it isn't regularly occurring. The amount and level of violence against the Arizona legal profession is not as remote as you might believe.

From April 29, 2013, through May 17, 2013, the State Bar of Arizona conducted a survey of all active and judicial members regarding violence they have experienced in the practice of law. This article briefly examines responses to the 2013 survey. Those responses demonstrate that members of the Arizona Bar regularly experience threats and violence from opposing parties, interested parties, their own clients and even opposing counsel, at any place and at any time.

This article focuses on responses by all members of the State Bar who responded that they have been the recipients of threats and/or violence.

The State Bar of Arizona Survey

The survey sought the responses of all


active, in-state members. As of May 3, the State Bar of Arizona had a total membership of 22,523, including 17,383 in-state members and 5,140 out-of-state members. There were a total of 1,991 responses, representing 8.84 percent of the State Bar's total membership, and 10.6 percent of all in-state members. (For background on research on violence against the legal profession and the experience of other states, see the sidebar on page 24.)

The survey was conducted online through SurveyMonkey. All active members and judicial members of the State Bar of Arizona with available email addresses, consisting of 17,291 members, were requested to respond.¹ The survey consisted of 15 closed-ended questions with open-ended responses provided in three of the questions as they related to the category

of law practiced, types of violence experienced, and the relationship with the individual who most recently threatened/assaulted the respondent. One descriptive question was also provided; there, respondents could provide a brief description of any threat(s) or physical assault event(s) experienced in their legal practice.

Of the survey's 15 close-ended questions, five were demographic in nature and sought information regarding gender, in-state and out-of-state practice, age, primary area of practice, and years of practice. The remaining nine close-ended questions sought responses regarding:

- Whether respondent had ever received threats or been the victim of violence
- Types of threats and/or violence
- Number of threats received



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Arizona Lawyers Respond to Survey on

Violence

against The Legal Profession

BY STEPHEN KELSON



- Whether most recent threat and/or violence while employed in public or private practice
- Location of the most recent threat
- Association between threat and most recent assault
- Relationship with perpetrator
- Reported to police
- Change in conduct
- When threat and/or violence last occurred
- Demographic information

For the 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.” If a respondent indicated that they had not been a recipient of a threat or of a violent act, the survey skipped over otherwise-irrelevant related questions.

The Results

The survey received a total of 1,991 responses. The survey’s responses present sufficient results to provide a thorough analysis of each of the close-ended questions as they relate to the five demographic close-ended questions. However, for practical purposes, this article focuses on the responses to the questions themselves and to the demographic questions solely as they apply to whether respondents have ever been the recipient of threats and/or violence.

A. Threats and Acts of Physical Violence

The Survey’s primary question asked members if, while serving as a member of the legal profession, they had ever been the recipient of a threat or had been the victim of a violent act. Of the 1,992 responses to this question, 843 (42.3 percent) of the respondents reported that they had been threatened and/or physically assaulted at least once.

This percentage is in the median range of those reported by respondents in similar state bar surveys examining violence against the legal profession, including Utah (45.9 percent), Idaho (41.5 percent), Nevada (40.0 percent), Wyoming (46.0 percent), Oregon (36.7 percent), New Mexico (40.0 percent), Iowa (41.0 percent), North Carolina (32.5 percent) and Kansas (40.5 percent).

Approximately 42 percent of the respondents reported that they had been threatened and/or physically assaulted at least once.

Respondents to the survey provided descriptions of more than 548 examples of threats and/or acts of violence that had been perpetrated against them. While there are far too many examples to list in this summary, the following are provided to show the kinds of violence that the Arizona respondents reported:

- I have been confronted at my office by a man with a shotgun, at court by a man with knife, numerous verbal threats of physical violence, and more than two cases when a party or counsel have died.
- After being followed at court, jail calls revealed that the defendants were planning a “beat down[.]”
- Threats to my family. Shot out my car window when leaving visit of a child

when I was a [guardian *ad litem*].

- Opposing party in open court dove across her lawyer and the aisle to physically come after me.
- A client throwing chairs in my conference room.
- Verbal threats, window of office broken out, nails in tires, house shot up.
- Threatening communications, followed to a restaurant, had food and things thrown at me and my family.
 - Two dogs were taken from house and killed in past week.
 - Raw egg placed in gas tank, Tires flattened[,] Car was “keyed[.]”
 - At my residence, a man threatened to kill my wife.
 - I have received a myriad of threats from clients. Ranging from threats of physical harm, lawsuits, financial ruin, lying to the bar, and other lies posted on websites.
 - The opposing party begrudgingly handed me the (large) settlement check, told me I was a “vexation” to his patience and handed me a .38 caliber bullet.
 - (1) a lady hit me with her purse; (2) a man balled his fist at me and threatened to punch me; (3) a man threatened to kill all of

the attorneys at our firm if he saw us on the street; (4) a man spit on me at court; (5) a man threatened to kill my family (and told me their names and addresses)[.] Those are the most memorable ones in the past two years.

These responses are only representative of the numerous situations of threats and violence that members of the State Bar of Arizona reported.

B. Types of Threats and Violence

The survey asked respondents to identify the types of threats and/or acts of violence received relating specifically to the recipients’ responsibilities as a legal practitioner. There were 776 respondents who reported their responses, as set forth in Table 1



TABLE 1 Types of Threats/Inappropriate Communications

TYPE	n = 776 Number
Inappropriate communications	639
Inappropriate approaches	379
Physical assault	57
Combination of two or more of the above	126
Other	129

TABLE 2 Threats Experienced

	# of Respondents	n = 779 Percentage
None	16	2.0
1	208	26.0
2	203	25.4
3	133	16.6
4	40	5.0
More than 4	199	24.9
Total	799	100%

below. Inappropriate and threatening communications were those communicated by letter, phone, fax or verbal interaction. Inappropriate approaches included being followed, face-to-face confrontations or attempts at violence.

The majority of respondents identified inappropriate and threatening communications. These communications were made primarily in person or by phone, and often included veiled threats. For example, individuals made threats of: “You’ll regret it if ...”; “You better watch your back”; “Let’s settle matters outside”; “We’re going to get you”; “You’re gonna die”; “There will be blood on the courthouse steps”; “Now I know where you live”; and “We see your children when they go to school.” The vast majority of these reported threats were made directly against attorneys, but in some circumstances they were directed against attorneys’ family and children.

A total of 57 respondents (7.3 percent) who identified themselves as recipients of

threats and violence reported being assaulted physically. For example, in a divorce matter, the opposing party came to the attorney’s office with a gun. A fast-thinking secretary told him that he had to smoke outside. When he stepped out, she locked the door and called the police. In another case, an opposing party appeared at his deposition with a loaded gun and a knife and refused to disarm. The deposition was then cancelled due to the threat. In another

incident, a court-appointed guardian *ad litem* investigating parental abuse was shot at by parents being investigated.

Respondents who experienced other forms of threats and inappropriate communications were asked to identify how they occurred. In response, attorneys reported learning about threats and vio-

lence against them through other disturbing means, including: the injury and killing of pets, shootings at and vandalism to office buildings and vehicles, shootings, drive-bys, and vandalism to homes, notifications from mental health professionals regarding credible death threats, contact from authorities regarding contract “hits,” and warnings from opposing counsel.

C. Number of Threats Received

The survey requested those respondents who identified themselves as recipients of threats and/or violence to indicate the number of threats they received. A total of 727 respondents reported they had received threats in the practice of law. Based on the responses shown in Table 2, 530 (72.9 percent) of the respondents who were recipients of threats and/or violence have received more than one threat during their legal career.

D. Threats and/or Violence as a Public or Private Attorney

The survey asked respondents to identify whether the most recent threat(s) and/or violence experienced occurred while they were employed as public or private attorneys. Of 787 respondents, 482 (61.2 percent) identified the last threat and/or violence occurred while employed in private practice, 260 (33.0 percent) occurred while employed in public practice, and 45 (5.7 percent) identified that it occurred while employed in both public and private practice.

E. Location of Threats

The survey asked attorneys to identify the location/s where they most recently experienced a threat. (See Table 3.) Similar to the violence surveys in other states, responses indicated that the most prominent locations

TABLE 3 Location of Most Recent Threat

	# of Respondents	n = 790 Percentage
Business office	348	44.1
Residence	16	2.0
Courthouse	186	23.5
Elsewhere	108	13.7
Combination	132	16.7
Total	790	100%

TABLE 4 Perpetrators of Threats/Assaults

	# of Respondents	n = 687 Percentage
Client	161	23.4
Relative/associate of client	49	7.1
Opposing party	354	51.5
Relative/associate of opposing party	52	7.6
Opposing counsel	25	3.6
Unknown	46	6.7
Total	687	100%

of threats and violence have been the business office and the courthouse. However, more than 100 respondents reported that they experienced threats and violence beyond the office and courthouse, including at home and elsewhere. For example, one attorney reported that a dead rat was left on the doorstep of his house. A judge reported that the father of a convicted man threatened to kill the judge, and then went to his house. An attorney was approached by an opposing party at a grocery store and told “I am going to kill you.” The threat was reported, and he was arrested. Many attorneys reported property damage to their offices and houses from rocks and bullets. Multiple respondents reported incidents in which they were followed by opposing parties by car.

F. Threats and Subsequent Assaults

Attorneys who responded to receiving threats were asked to identify if the individual who made the threat was the same person or connected to the person who most recently assaulted them. Of 778 responses, a total of 35 incidents of subsequent physical assaults were reported, and an additional six could not identify whether the assault was related to the threat.

G. Relationship With the Perpetrator of the Threats/Assaults

Recipients of threats and violence also were asked to identify the relationship with the individual who most recently threatened and/or assaulted them. As shown in Table 4, the 687 respondents reported that threats and violence were primarily perpetrated by opposing parties and the attorney’s own client.² However, responses show that threats and violence can occur from any individual involved in a legal case, including, unfortunately, other members of the bar.

Many respondents reported incidents of threatening approaches, threats of physical harm and assault from opposing counsel. For example, during an expert deposition, opposing counsel pulled his arm back

to punch the respondent, and another attorney stepped between them to intervene. Another attorney reported that “[t]wo attorneys on separate occasions physically attempted to attack me.” Another recounted that an attorney in a contractual matter “wanted a copy of document he was not entitled to and grabbed me by the shirt and threatened to strike me (in front of my client).”

H. Responses to Threats/Assaults

Attorneys who reported being the victim of threats and/or violence were asked if it was reported to police. Of 758 respon-

An opposing party appeared at his deposition with a loaded gun and a knife and refused to disarm. The deposition was cancelled due to the threat.

dents, 229 (30.2 percent) indicated yes, whereas 465 (61.3 percent) said no. Though the survey did not ask why



respondents did or did not report threats and/or violence to police, some provided reasons in their open-ended responses.

I. Change in Conduct

The survey also asked those respondents who had received threats and/or had been the victim of physical assault if such threats

and/or violence had altered the way they conducted their legal business. Of 700 respondents to this question, 63 respondents reported that such incidents had affected their conduct a

TABLE 5 Most Recent Work-Related Threat or Physical Assault

TIME	# of Respondents	n = 784 Percentage
Within the past year	221	20.6
1-5 years ago	268	43.5
6-10 years ago	122	16.4
More than 10 years ago	173	19.5
Total	784	100%

What Research Tells Us

Limited research exists on the subject of violence against the legal profession. However, studies do show that a substantial amount of violence is regularly directed at the legal profession, and it appears to be increasing.

For example, statistics gathered by the U.S. Marshals Service provide troubling information regarding violence against federal judicial officials in the United States. During the 13 fiscal years of 1980 through 1993, there were a total of 3,096 recorded inappropriate communications and threats involving federal judges—an average of 238 per year.¹ In comparison, during the following seven fiscal years of 2001 through 2007, the Marshals Service reported a total

of 5,657 inappropriate communications or threats—an average of 808 per year.² The average number of inappropriate communications or threats has dramatically increased since that time. During the three fiscal years of 2008 through 2010 there were 4,062 inappropriate communications or threats—an estimated average of 1,354 per year.³

Table A shows that in fiscal year 2012, there were 1,370 threats and inappropriate communications.⁴

Although there is no national method for reporting attacks against the legal profession, analysis has revealed that those threats at the state and local court levels are far more serious and occur more frequently than those at the federal level.⁵

In 1999, a survey by the Administrative Office of Pennsylvania Courts found that of 1,029 judges, 23 percent had at some time received explicit threats; 17 percent reported physical assaults; and 44 percent experienced inappropriate approaches.⁶ In 2001,

the federal Bureau of Justice Statistics conducted a study examining workplace aggression as it relates to prosecutors and their office personnel.⁷ It reported that 81 percent of large state prosecutors' offices reported work-related threats or assaults in that year alone.⁸ In 2005, a Canadian study of 1,152 lawyers in Vancouver and British Columbia indicated that 59.2 percent (583 lawyers) reported varying degrees and numbers of threats.⁹

To date, nine other statewide surveys have been conducted regarding violence against the legal profession, and the results present surprising details of violence experienced by attorneys (see Table B).

Many of these threats included written letters, emails, texts, websites, verbal threats of physical violence and death threats. Violence included assaults, batteries and vandalism to the attorney's property. The results of these surveys show that violence against the legal profession is far more prevalent than reported by the media or commonly believed.

**TABLE A
U.S. Marshals Service
Survey of Inappropriate
Communications or Threats**

Year	#
2001	629
2002	565
2003	585
2004	674
2005	953
2006	1,111
2007	1,140
2008	1,278
2009	1,390
2010	1,395
2011	"App. 1,400"
2012	1,370

TABLE B Statewide Surveys 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	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

great deal, 330 indicated that their conduct had been somewhat affected, and 369 stated that it did not alter the way they conducted business.

These percentages may be associated, in part, to the perceptions reported by some attorneys in written responses that threats and violence “come with the territory” and are “simply part of being [an]

attorney.” Some attorneys reported taking protective measures, including instituting an inner-office code for danger and evacuation, carrying pepper spray, and taking a self-defense course. More members of the State Bar of Arizona, than any other of the state surveys, indicated that as a result of threats and/or violence they now carry guns and/or have guns in their offices.

J. When Threats/Assaults Last Occurred

Respondents were asked when they last received a work-related threat or were the victim of a physical assault. Results in Table 5 show that of 784 respondents to the question, the majority, 489 (64.1 percent), reported such acts had last occurred within the past five years.

endnotes

1. FREDERICK S. CALHOUN, HUNTERS AND HOWLERS: THREATS AND VIOLENCE AGAINST FEDERAL JUDICIAL OFFICIALS IN THE UNITED STATES, 1789-1993, 51 (U.S. Marshals Service, 1998).
2. See OFFICE OF PUBLIC AFFAIRS, MARSHALS SERVICE, PUB. NO. 23, FACTS AND FIGURES AT A GLANCE (2002); OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, PUB. NO. 23, Facts and Figures at a Glance (2003); OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, PUB. NO. 21-B, FACTS AND FIGURES AT A GLANCE (2004); OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, PUB. NO. 21-D, Facts FACTS AND FIGURES AT A GLANCE (2005); OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, PUB. NO. 21-D, FACTS AND FIGURES AT A GLANCE (2006); OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, PUB. NO. 21-D FACTS AND FIGURES AT A GLANCE (2007); see also U.S. Marshals Service: Judicial and Court Security, available at www.usmarshals.gov/judicial/index.html.
3. See Alan Silverleib, *Report: Threats Against Federal Judges, Prosecutors Rise Sharply*, CNN, Jan. 4, 2010, available at http://articles.cnn.com/2010-01-04/justice/judges.threats_marshall-service-federal-judges-report?s=PM:CRIME; U.S. Marshals Service, *Judicial Security* (2009), available at www.justice.gov/marshals/judicial/; *The Third Branch: Ensuring Safety and Security: An Interview With the Director of the U.S. Marshals Service*, March 2011, available at www.uscourts.gov/news/The_Third_Branch/11-03-01/Ensuring_Safety_and_Security_An_Interview_with_the_Director_of_the_U_S_Marshals_Service.aspx; U.S. Judicial Security, *Judicial Security* (2011), available at <http://usmarshals.gov/judicial/index.html>.
4. See OFFICE OF PUBLIC AFFAIRS, U.S. MARSHALS SERVICE, FACT SHEET: JUDICIAL SECURITY (2013), available at www.usmarshals.gov/duties/factsheets/jsd-2013.pdf (revised Nov. 29, 2012).
5. CALHOUN, note 1, at 29.
6. Don Hardenbergh & Neil Allen Weiner, Preface, in *THE ANNALS OF THE OF POLITICAL AND SOCIAL SCIENCE* 2001: 576, 13-15 (Alan W. Heston et al. eds., July 2001).
7. DeFrances, C.J., “State Court Prosecutors in Large Districts, 2001,” Bureau of Justice Statistics Bulletin. Washington, DC: U.S. Department of Justice (2001); DeFrances, C.J., “Prosecutors in State Courts, 2002,” Bureau of Justice Statistics Bulletin. Washington, : Department of Justice. (2002).
8. *Id.*
9. Karen N. Brown, *An Exploratory Analysis of Violence and Threats Against Lawyers* (2005) (unpublished M.A. thesis, Simon Fraser University) (on file with the Simon Fraser University), available at <http://ir.lib.sfu.ca/retrieve/2110/etd1740.pdf>.



TABLE 6 Threats/Violence by Gender

	Female	Male	Total
Number members	7,825	14,452	22,277
Percent members	35.1	64.9	100
Number responding	800	1,191	1,991
Percent responding	40.2	59.8	100
Number threats/violence	330	501	831
Percentage threats/violence	39.7	60.3	100

Demographic Survey Results

The survey's five demographic questions provide additional information regarding the distribution of threats and violence against

members of the Arizona legal profession by gender, in-state/out-of-state membership, age, area of practice, and years of practice.

A. Threats by Gender

Table 6 shows survey results regarding threats and violence experienced by active members of the State Bar of Arizona as distinguished by gender. Similar to surveys in other states, results of the Arizona survey reveal that more female attorneys and fewer male attorneys responded to the survey than is representative of the total active membership of the State Bar of

Arizona. However, the percentage of threats/violence reported by each gender closely resembles the representative percentage of

the responding in-state members, and 66 out-of-state members, identified that they had been the recipient of threats and /or violence arising from their work in the legal profession. Similar to the surveys conducted in Utah, Idaho and Nevada, which included active out-of-state members, the Arizona survey's results reveal that a disproportionately smaller percentage of out-of-state mem-

TABLE 7 Threats/Violence by Age Group

Age Category	<30	31-40	41-50	51-59	60-69	70+	Total
Number respondents	154	485	439	464	340	110	1,992
Percent respondents	7.7	24.3	22.0	23.3	17.1	5.5	100
Number threats/violence	30	155	194	236	172	54	841
Percentage threats/violence	3.6	18.4	23.1	28.1	20.5	6.4	100

each gender. Female attorneys represented 40.2 percent of the total respondents who identified they had been the recipients of threats and/or violence, whereas male attorneys represented 59.8 percent. Where a respondent's experience with violence in the legal profession might have been a motivating factor to answering the survey, a general overview of the results do not appear to show prevalence in threats and violence associated by gender.

B. In-State/Out-of-State Members

Of the 1,983 respondents who reported their in-state/out-of-state status, 777 of

members responded to the survey than did in-state members. The greater number of responses from in-state members arguably provides a more realistic representation of the level of threats and violence experienced by practitioners in Arizona.

C. Age

Table 7 sets forth the results of the survey regarding threats and/or violence experienced by members of the State Bar of Arizona of different age groups. The survey reveals an increase in threats and violence among age groups, with a peak in the age group of 51-59, followed by a decline in reported threats and violence among attorneys in the age groups of 60-69 and 70 and over. Interestingly, the responses from age groups 60-69 and 70 and over, do not appear to correspond with the number of threats experienced by years of practice. (See Table 9 p.24.)

TABLE 8 Threats/Violence by Area of Practice

	Number Respondents	Percentage Respondents	Number Threats/Violence	Percentage Threats/Violence
Judge	71	4.5	45	6.6
Criminal defense	225	14.2	141	20.7
State/federal prosecution	150	9.5	75	11.0
Family/divorce	179	11.3	100	14.7
Wills/estates	87	5.5	32	4.7
Administrative	86	5.4	28	4.1
Corporate/Commercial real estate	276	17.4	65	9.6
General litigation	414	26.1	155	22.8
Labor/employment/civil rights	98	6.2	39	5.7
Total	1,586	100	680	100

The survey also requested that respondents identify what area of law comprises the majority of their legal practice through listed categories.³ Table 8 shows that, by percentage, the greatest number of threats and/or violence were received by attorneys who practice in the areas of criminal defense, state/federal prosecution, family/divorce, and general litigation. However, results also show that a significant number of threats and violence occur against attorneys who practice in the survey's other identified areas of practice. These results are supported by similar results of the surveys of other states.

D. Years of Practice

Lastly, respondents were asked to identify the number of years that they have been in practice. Table 9 demonstrates the survey results regarding threats and/or violence experienced by respondents, as distinguished by their years of practice.

An examination of Table 9 reveals a general increase of the percentage of violence from new practitioners to those who have been practicing for more than 31 years. The dramatic decrease in the percentage of threats/violence experienced by respondents with 1 to 5 years of practice, from those with less than 1 year of practice, is arguably due to the limited number of respondents with less than 1 year of practice and limited responsibilities during the first year of practice.

Conclusion

The 2013 survey results show, contrary to the general assumption, that a significant percentage of attorneys in Arizona have and do face threats and violence in their practice. It should not be assumed that threats and violence against attorneys are purely random or can only happen to someone else. Moreover, these results strongly suggest that the issue of violence against the Arizona legal community is one that should receive more attention and discussion. ¹²

TABLE 9 Threats/Violence by Years of Practice

	Number Respondents	Percentage Respondents	Number Threats/Violence	Percentage Threats/Violence
<1	65	3.3	3	0.4
1-5	309	15.5	80	9.5
6-10	292	14.7	105	12.5
11-15	244	12.1	94	11.2
16-20	212	10.6	109	12.9
21-30	432	21.7	228	27.1
>31	438	22.0	223	26.5
Total	1,992	100	842	100

endnotes

1. The Survey questions consisted of a hybrid of several prior surveys, including the 1999 survey performed by the Administrative Office of the Pennsylvania Courts, and the 2005 survey conducted of lawyers in Vancouver and British Columbia, Canada.
2. While members were provided the opportunity to identify "Other" relationships with the individual who most recently

- threatened/assaulted the respondent, those responses inaccurately permitted excess responses to the question. Those responses are not included for purposes of this summary.
3. While members were provided the opportunity to identify "Other" areas of practice which comprise the majority of their legal practice, those responses inaccurately permitted excess responses to the question. Those responses are not included for purposes of this summary.