

Help to Protect Attorneys?

So this question might be totally obvious...but I'll ask it anyways. I did a divorce back in 2012 that ended with a stipulated support order that Husband didn't follow (I represented Wife). He was eventually held in contempt and a warrant was issued, he refused to appear at the hearing, despite me even sending him a form to appear telephonically. He has periodically sent threatening emails to me, the most recent one received today, threatening to end my legal career, etc etc. This email is 3 pages long and I think qualifies as a threat. "Your colleagues were very surprised to learn that you participated in such conduct", is an example of what's in it. Is there any recourse for attorneys in these situations? What should I do to put an end to this?

I get crazy emails all the time from former clients and pro se litigants on the other side and I just ignore them. Is it just him threatening to ruin your reputation or is he threatening actual harm? The answer to your question depends on the answer to that question.

Robert Louque, Louisiana

It's difficult to be objective in this kind of situation, yet you must. First and foremost, only you know whether anything you did in this case would warrant any disciplinary action. I'll go out on a really short limb and say that there probably isn't, so let's assume that there's nothing you did that could be the basis for any bar action against you. Bar action against you could end your career. His threat to end your career is nothing but hot air.

I suggest you save all of his e-mails, regardless of the looniness. At some point, his conduct may rise to the point at which you may want go to the judge and ask for a restraining order of some kind, and you'd want proof.

Take any threat to your person or property seriously. Report those threats to your local police, and adopt the personal security measures you deem appropriate. At an absolute minimum, the outside door to your office should be locked at all times, and all visitors should be allowed access after they identify themselves.

Good luck.

Barry Kaufman, Florida

This case is nothing outside of a normal divorce case, only odd thing about it was that a warrant was issued so quickly. During the divorce case, he lived in CA (I am in MI), but no way to tell where he is now. I don't think he's physically dangerous, but I do think he has the tech knowledge to ruin my reputation online. He's also blaming me for actions his ex-wife took, as though I could just go and withdraw all her motions without her permission. I think I am just going to ignore him for now, but I wish there was another option. In today's tech world, it's so easy to have your reputation smeared online. He's threatening to report me to the State's grievance commission, which I'm not worried about since I did nothing wrong, but is there a way to notify them that this loonie might do this? How do others handle these situations?

Allison Greenlee Korr

Which highlights the value of face-to-face networking and real-world relationships. Not to knock the virtual, but it pays to recall that one synonym for "virtual" is "make-believe".

Wishing you the best in dealing with this matter,

Robert Link

Years ago I had to deal with actual death threats from a man who owed money to my clients and had given my clients a mortgage on his home. He defaulted in making payments and after I sent letters requiring him to pay and his refusal, I sent a notice that we would begin foreclosing on his home. at that point he called my office and my home and left messages on my voicemail that were extremely threatening, filled with profanity, threatening to kill me and my family and saying that he knew where I lived and that he would make my life hell (I suppose the latter was in case he failed to kill me).

I called the police who did take a report at my home and suggested that I go to the criminal court to file a complaint with the ADA's office.

I did that too but they said they would not take a criminal complaint because I couldn't prove that he was the person actually making the threats, notwithstanding that he left his phone number and his name on the voicemails. His wife called a couple of days later to apologize for his actions. But I was very shaken up and upset by the calls.

I guess police and DAs handle things differently in different jurisdictions. Obviously, he did not follow through. And my husband kept telling me that creep was just a bully and wouldn't follow through.

Miriam Jacobson, Pennsylvania

I'm sure I already told this story on Solosez a few years ago but it seems appropriate to this topic.

It's been almost 40 years now but I still remember my Tort's professor taking a few minutes towards the end of the semester to give his thoughts on academia vs. private practice.

He mentioned that a few decades earlier he had been a solo practitioner focusing on family law and personal injury.

One morning he showed up early at his office and found the soon to be ex-husband of one of his divorce clients sprawled out in front of his office door snoring loudly and stinking of booze. When the cops came and rolled the guy over they found that he had passed out over an empty whiskey bottle and a loaded revolver.

I still remember my professor looking out at the lecture hall with a slight smile and saying something along the lines of "...and that ladies and gentlemen is when I decided I was going to be a law professor"

Kenneth Alan Forman, Florida

and that law professor was shot by a stressed out law student who was worried about a bad grade and no job prospects!

Michael Blake

Several years ago I had two eviction cases post-foreclosure where the person who was going to be evicted called the night before the constable went out with me on the actual eviction. The voice mails in each case were left shortly after 2 a.m. (bars close at 2 here) and expressly threatened to kill me when arriving at the premises for eviction. Knowing that the person was probably sleeping off a drunk the next morning, in both instances I told the constable about the issue but we found no one at the site and proceeded with the eviction.

I have had other cases with complexity, one where a house had been taken over by a militia, and another where a federal drug task force called right before going out and they had SWAT teams on standby. While all were interesting, only the last instance had much of a real threat behind it.

We have other members that have lectured on threat protection. Without belaboring the point, if you face an actual threat to your life, seconds matter and the police are minutes away. You need to have a well thought out plan to deal with the situation.

There are several steps to a protection plan. Everyone needs one. Hopefully you don't have to exercise it regularly but it is better to be prepared.

Darrell G. Stewart, Texas

Generally, I don't escalate when dealing with pro se people. Frequently I don't respond, or limit response, other than to provide notice of hearings or filings. If the pro se gets hostile, then all they are going to get are formal notices.

Many attorneys go to an approach where they only will talk to a pro se in front of a judge. Since the local judges expect you to confer, I will confer prior to a hearing with someone pro se, but the conference is necessarily limited.

Darrell G. Stewart, Texas