2016 LEGAL ASSISTANT CONFERENCE

April 29, 2016
Prescott Resort & Conference Center
Prescott, Arizona

DO'S & DON'TS OF COMMUNICATING WITH DEFENDANTS & VICTIMS

Presented By:

DANA OWENS
Deputy Yavapai County Attorney

Distributed By:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
1951 West Camelback Rd., Suite 202
Phoenix, Arizona 85015

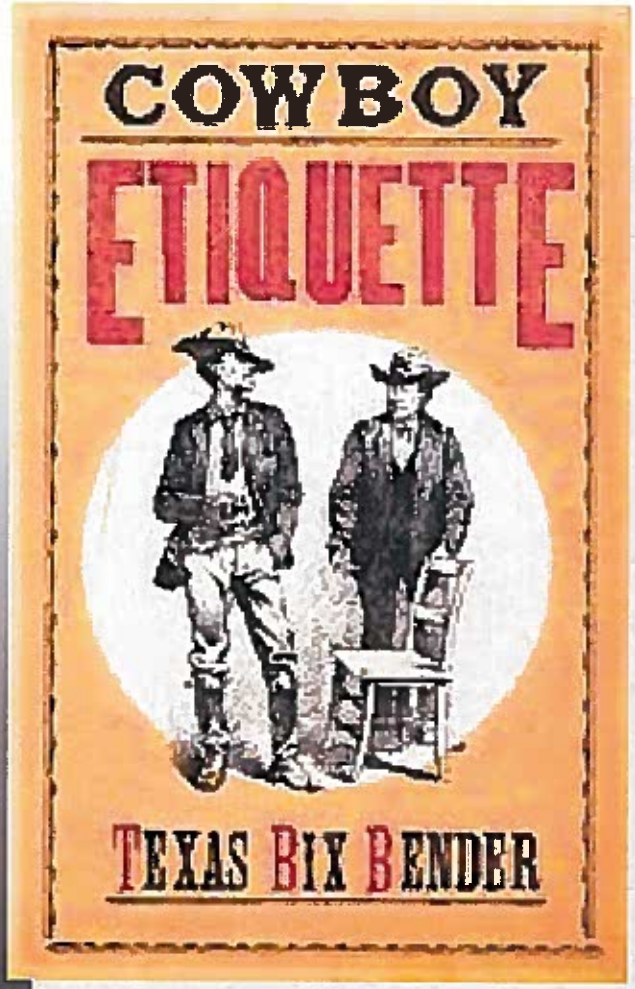
PROFESSIONAL COMMUNICATION IN A POST-POLITE SOCIETY

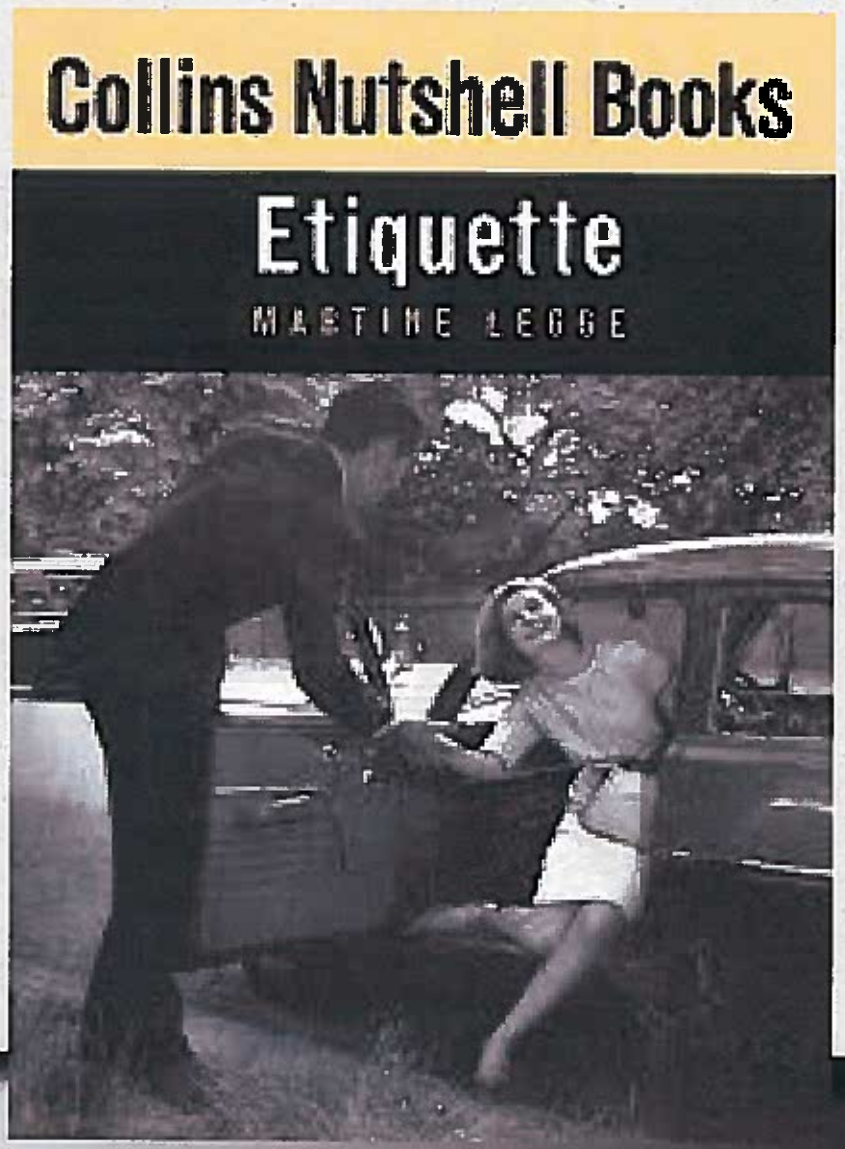
or

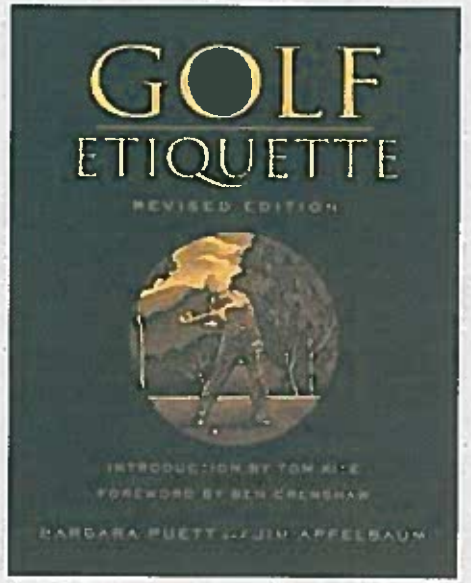
Strategies for Handling Telephone & Email Communication Without Losing Your Mind (or Your Job!)

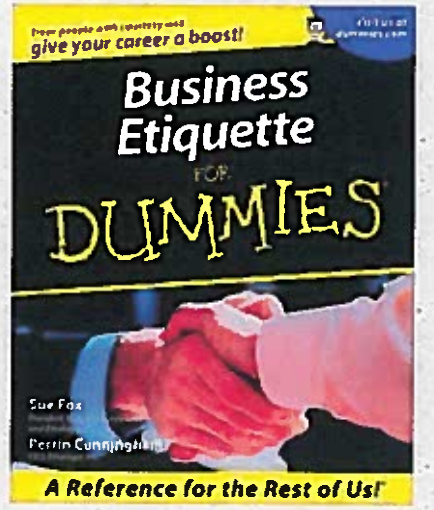
Etiquette

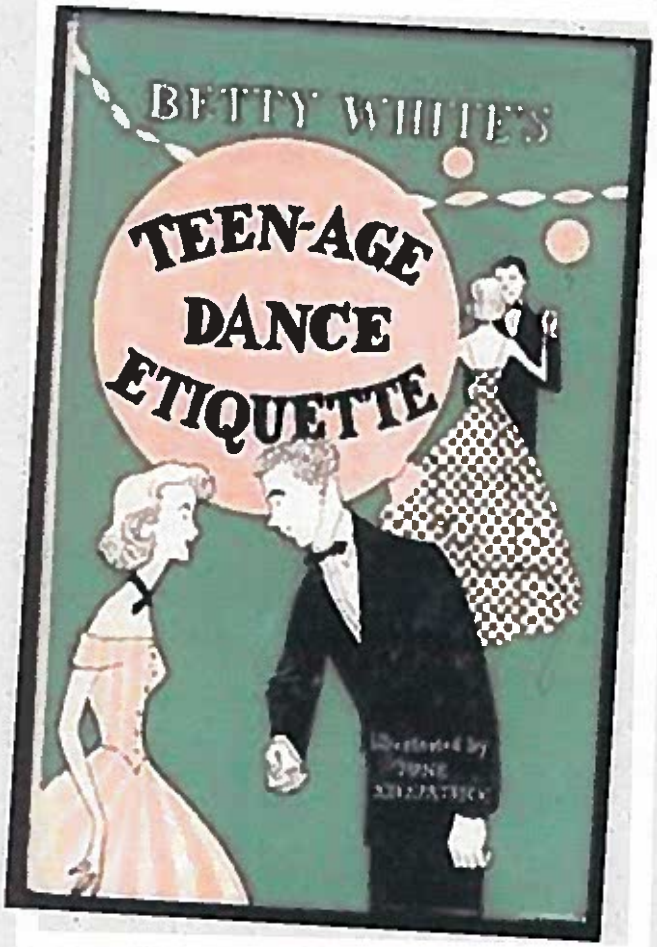
A code of behavior that delineates expectations for social behavior.

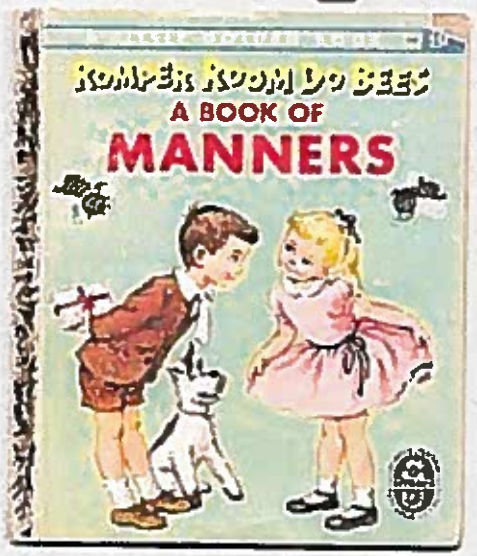

COWBOY
ETIQUETTE
TEXAS BIX BENDER

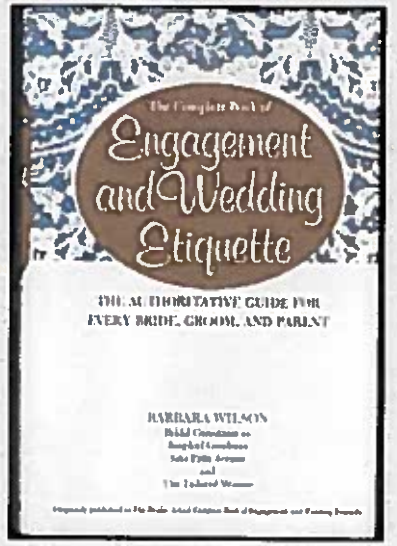

Collins Nutshell Books
Etiquette
MARTINE LEGGE

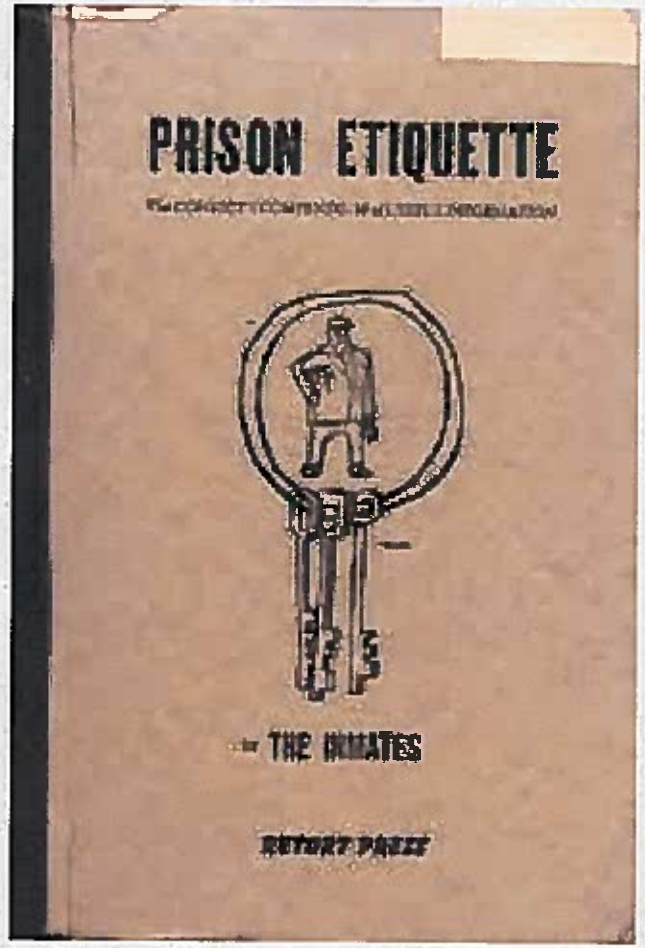

GOLF
ETIQUETTE
REVISED EDITION

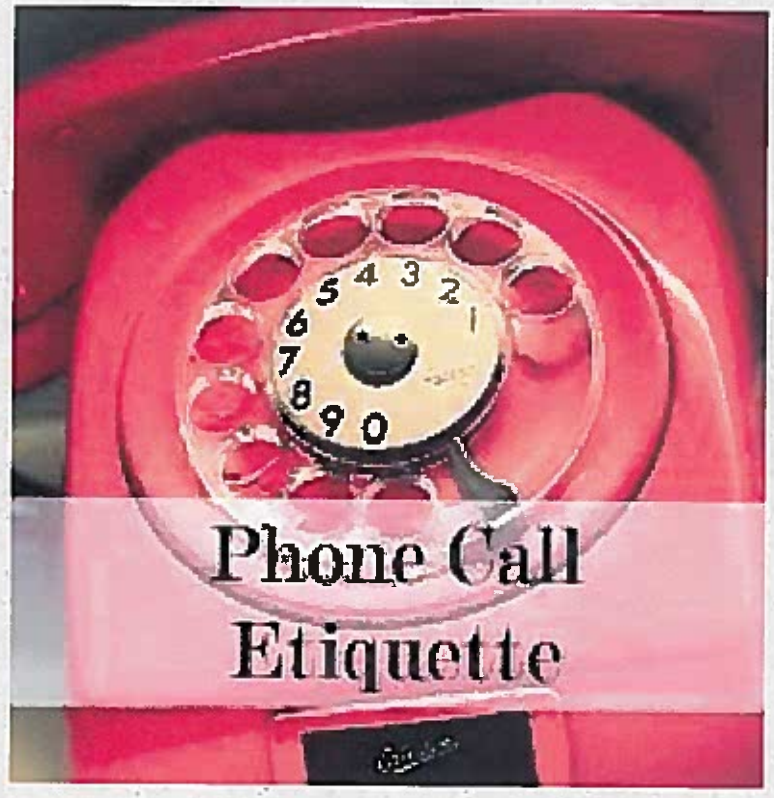

give your career a boost!
Business
Etiquette
FOR
DUMMIES
Sue Fox
A Reference for the Rest of Us!

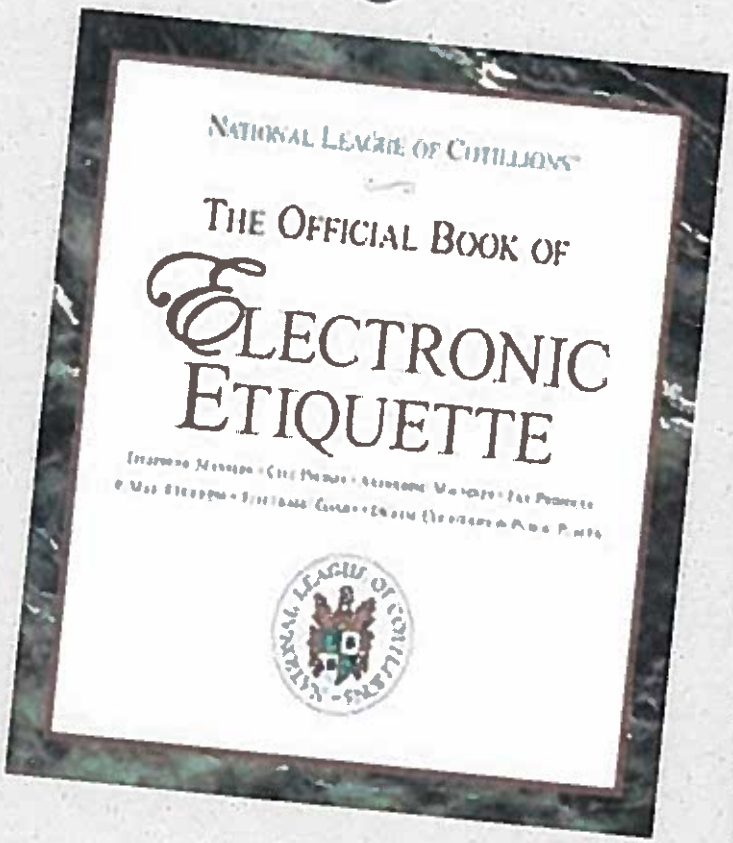

BETTY WHITE'S
TEEN-AGE
DANCE
ETIQUETTE


A BOOK OF
MANNERS


Engagement
and Wedding
Etiquette
THE AUTHORITATIVE GUIDE FOR
EVERY BRIDE, GROOM, AND PARENT
BARBARA WILSON


PRISON ETIQUETTE
THE INMATES


Phone Call
Etiquette


National League of Cotillions
The Official Book of
Electronic
Etiquette

Defense Attorneys

Defendants

Police Officers

Victims

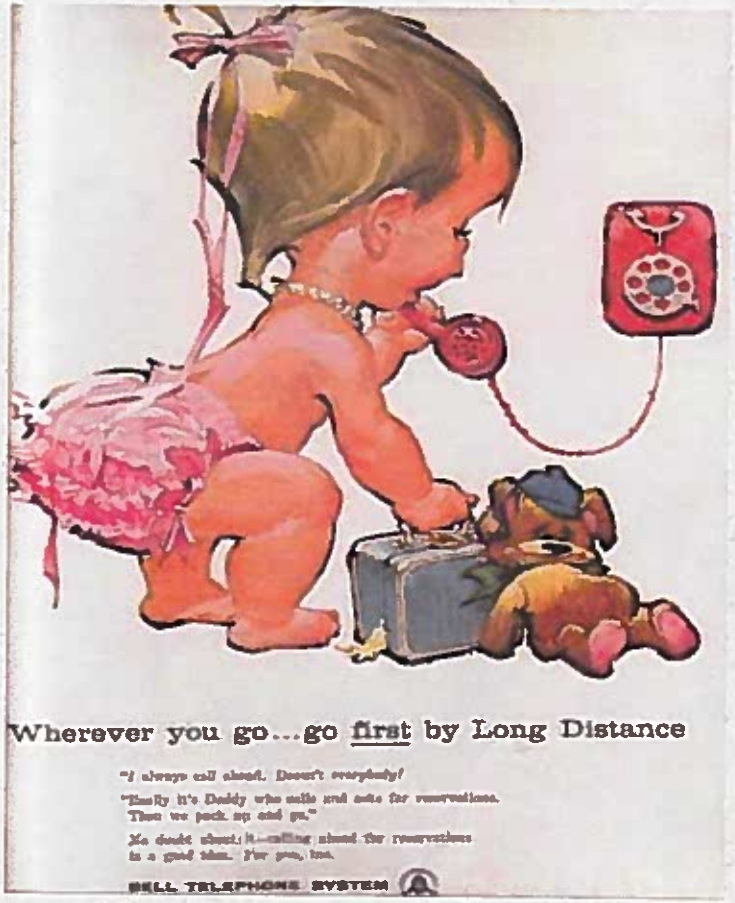
Witnesses

Other Agencies

Random Nuts

What are the Issues?

- Confidentiality
- Professionalism
- Security



"Girl Friday" to tend ten bosses
AE
CAN
DO

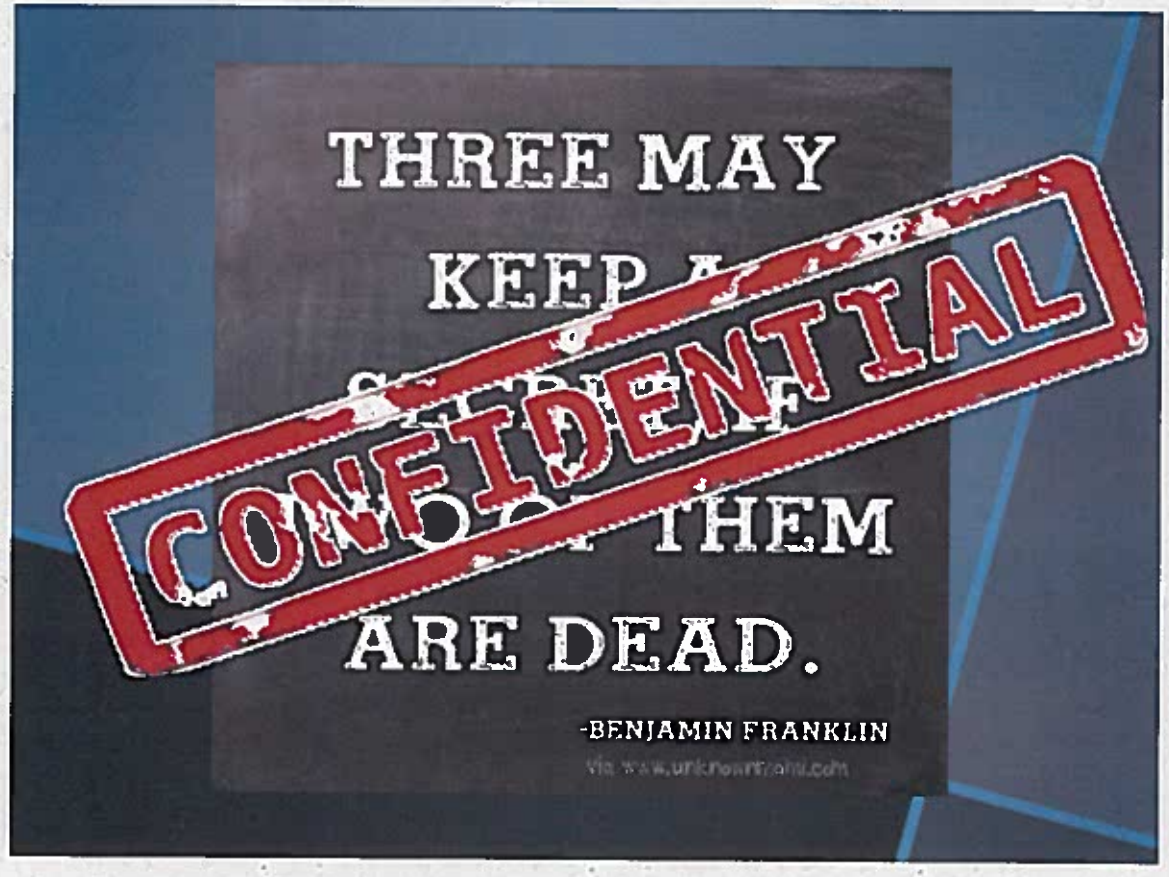
AUTOMATIC ELECTRIC

Confidentiality

THREE MAY KEEP A SECRET, IF TWO OF THEM ARE DEAD.

-BENJAMIN FRANKLIN

Via www.unknowntoyou.com


THREE MAY
KEEP A
THEM
ARE DEAD.
-BENJAMIN FRANKLIN
CONFIDENTIAL

"1. Done or communicated in confidence; secret.

"2. Entrusted with the confidence of another: a confidential secretary.

"3. Denoting confidence or intimacy: a confidential tone of voice

--The Free Online Dictionary

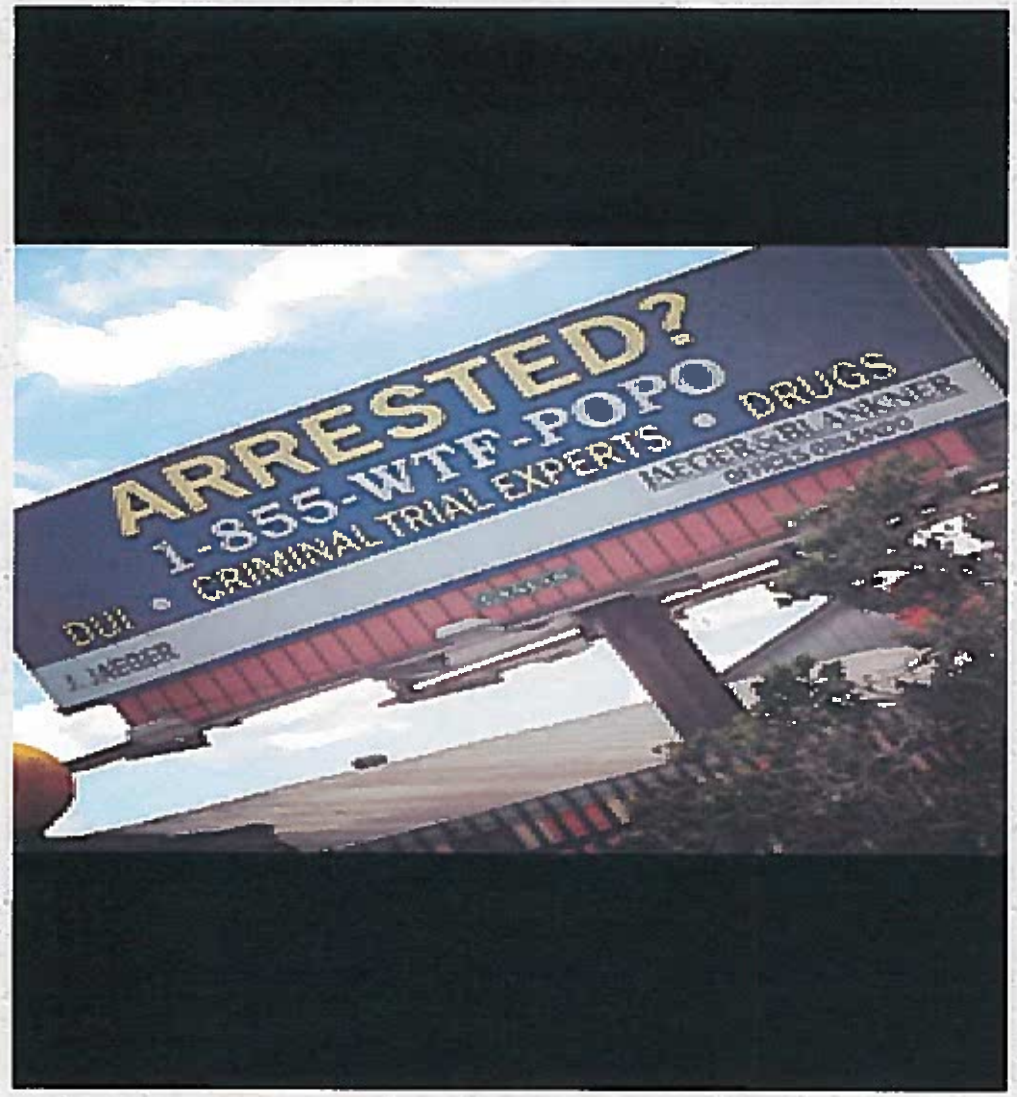
Defense Attorneys

Scheduling

Interviews

Disclosure

What else?

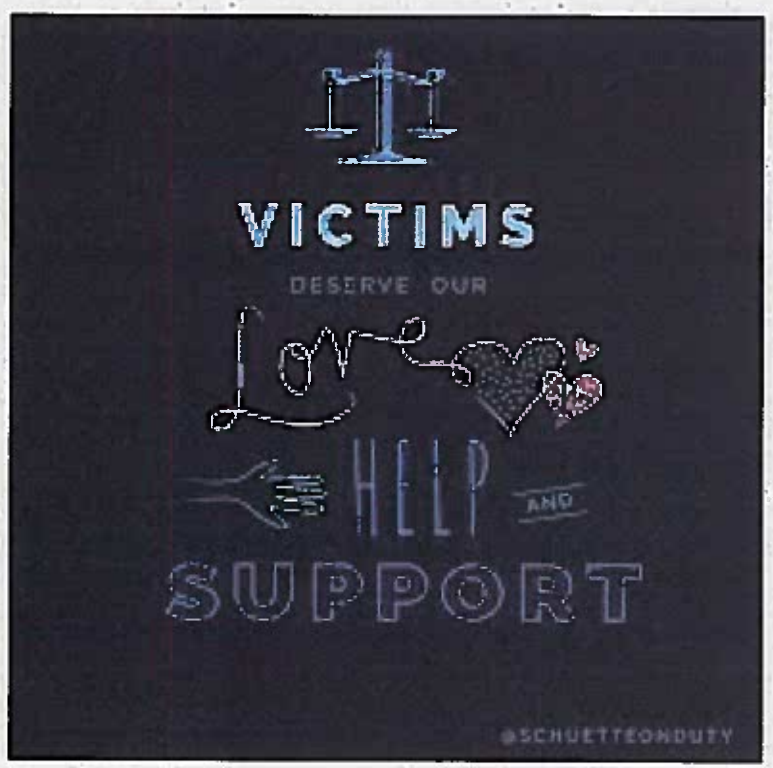

ARRESTED?
1-855-WTF-POPO
DUI • CRIMINAL TRIAL EXPERTS • DRUGS
J. JAEGER

Defendants

- Self-represented
- Gone Rogue
- Family Members

- Scheduling
- Interviews
- Disclosure
- What else?

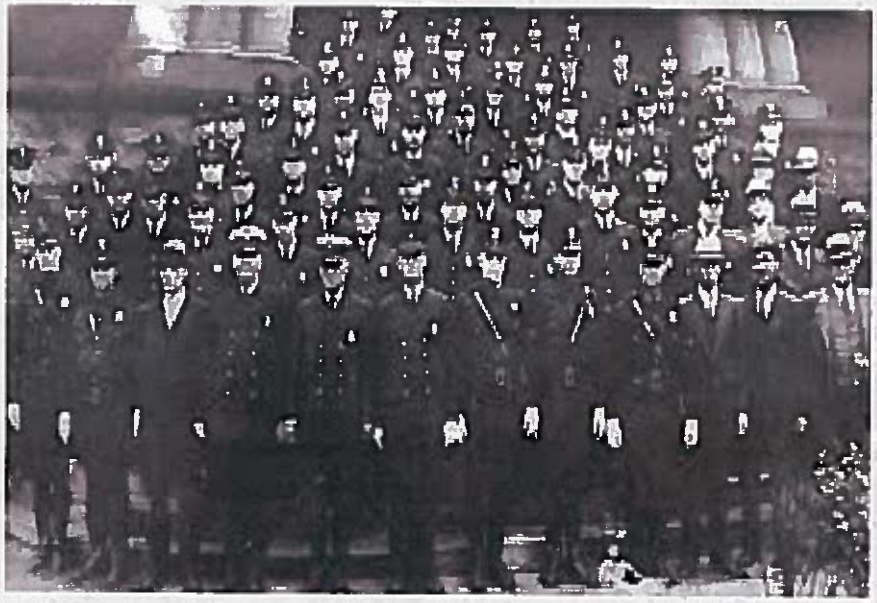
Victims



- Professionalism & support – always.
- What are potential issues in speaking with victims?

Law Enforcement

- Scheduling
- Interviews
- Evidence
- Subpoenas
- Issues?



Random Nuts

Random Nuts
(as opposed to those that are not random)

- Read about your attorney in the paper.
- Is an "expert" on (fill in the blank)
- Poses as a witness who has secret info on your case.
- Others?

Professionalism

Dr. Jekyll *and* Mr. Hyde At the Telephone

Courteous and considerate co-operation is as essential at the telephone as in the office or home.

In every use of the telephone system, three human factors are brought into action—one at each end, one or both anxious and probably impatient, another at the central office, an expert, at least as intelligent and reliable as the best stenographers or bookkeepers.

For the time being, this central office factor is the personal servant of the other two and is entitled to the same consideration that is naturally given to their regular employees.

Perfect service depends upon the perfect co-ordinate action of all three factors—any one failing, the service suffers. This should never be forgotten.

All attempts to entirely eliminate the personal factor at the central office, to make it a machine, have been unsuccessful. There are times when no mechanism, however ingenious, can take the place of human intelligence.

The marvelous growth of the Bell System has made the use of the telephone universal and the misuse a matter of public concern. Discourtesy on the part of telephone users is only possible when they fail to realize the efficiency of the service. It will cease when they talk over the telephone as they would talk face to face.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY
AND ASSOCIATED COMPANIES

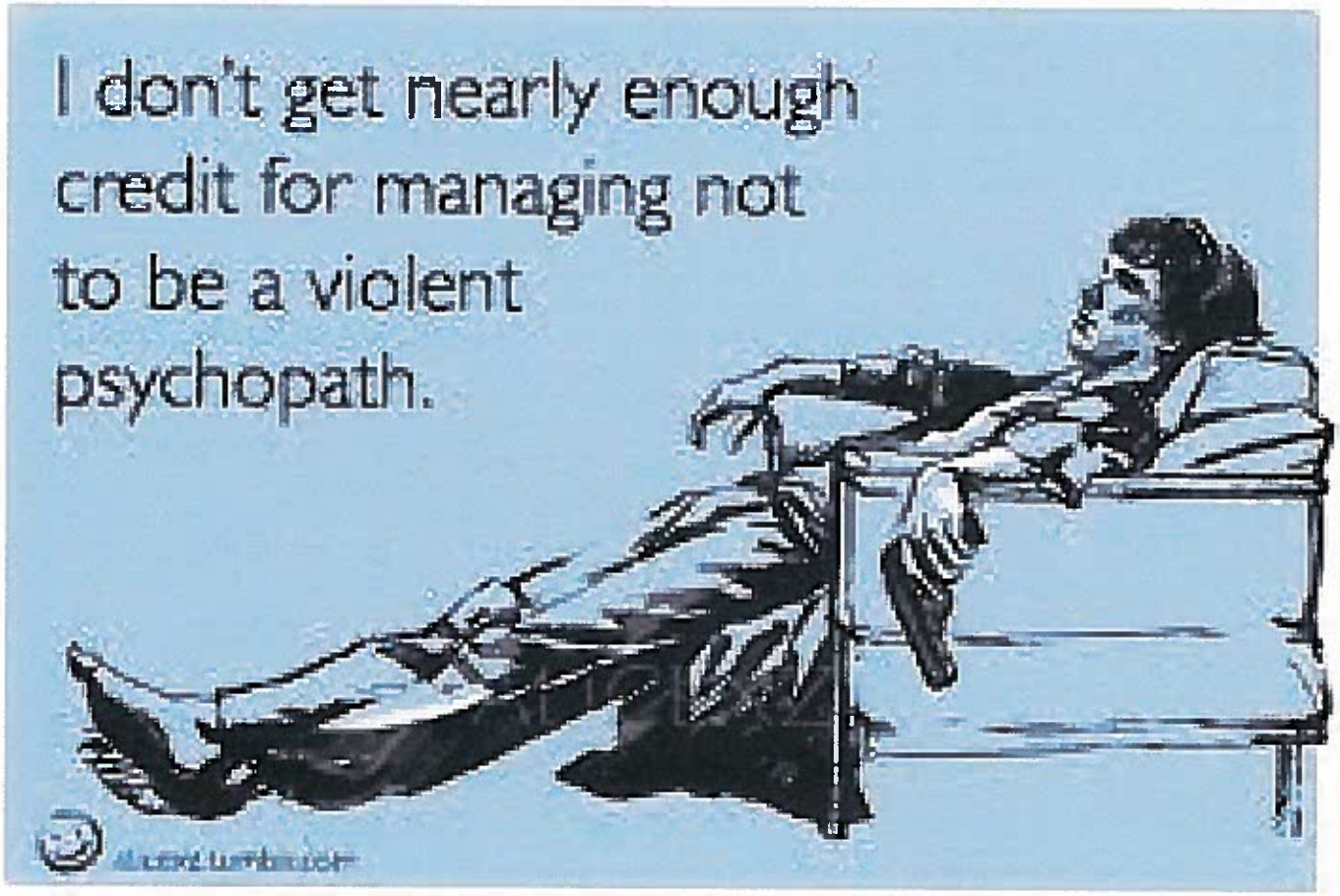
One Policy, One System, Universal Service.

Dealing With Difficult Callers

- Breathe.
- Establish who is calling and what they want.
- Listen. Sometimes this takes a while.
- Try to narrow down the problem: "What can I do to help you?"
- If you can't help, explain why you can't.
- If someone else can help, forward the call.

Dealing With Unreasonable Callers

- You don't have to listen to insults, profanity or name-calling.
- Do your <u>best</u> to try and reason with the caller.
- GENTLY hang up the phone. Document the call.


I don't get nearly enough
credit for managing not
to be a violent
psychopath.

REAL SIMPLE

THE TEST OF GOOD MANNERS

is

TO BE PATIENT WITH BAD ONES.

SOLOMON BEN YEHUDA IBN GABIROL

YOU

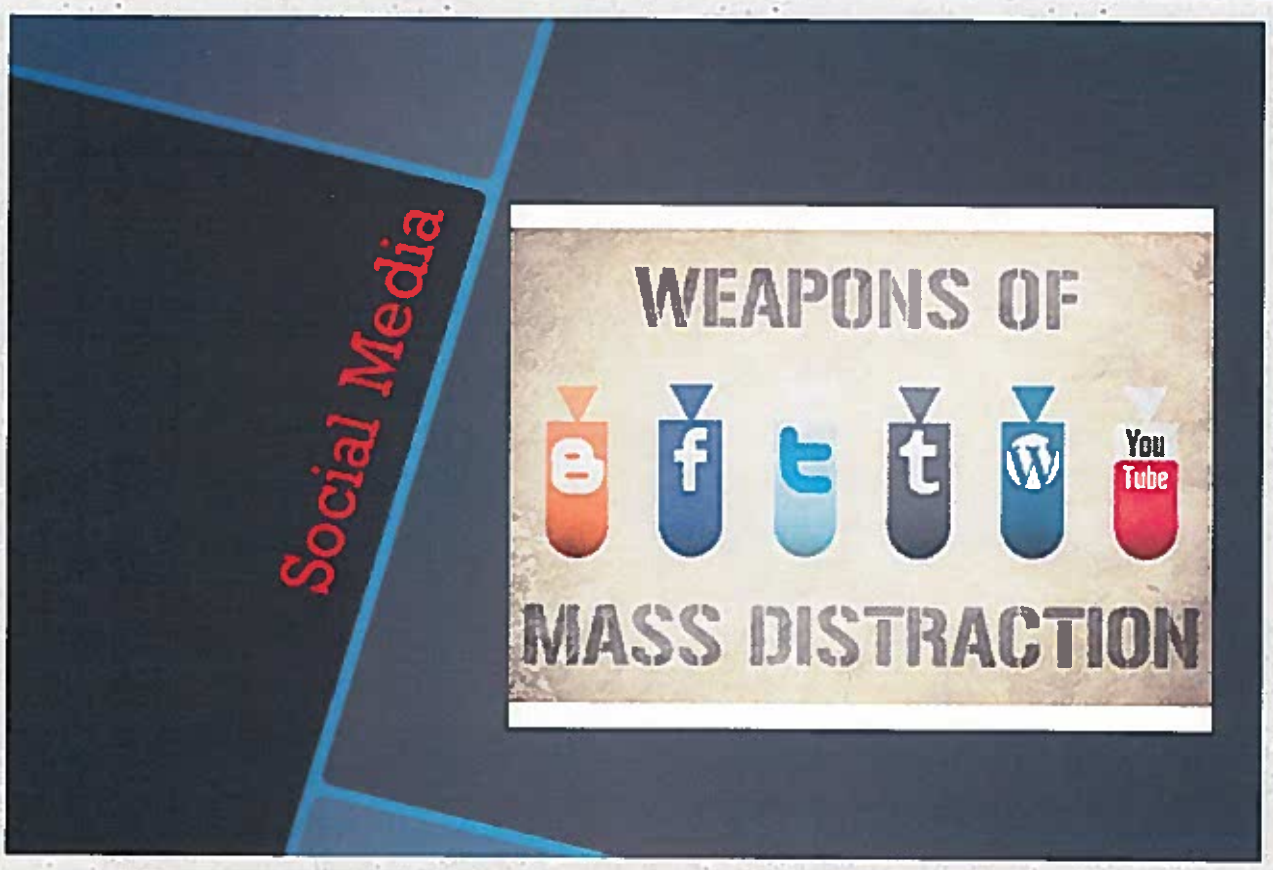
- Represent the attorney(s) you work with.
- Represent your elected / appointed official.
- Represent the State of Arizona.
- Represent – YOU.

PUT DOWN THE SHOE
WE CAN TALK THIS OUT

A Handy Guide to Understanding Attorneys

- We are thinking of 20 things. All the time.
- We are all on the sliding "Type A" scale.
- Every day we do things we have never done before, and aren't exactly sure HOW to do.
- We depend on you more than you know.
- We are scared to death that we will screw our cases up, even if we never say it.

Social Media



Social Media

"In New Orleans, Comments by Assistants Imperil Job of Federal Prosecutor"

New York Times, 11/21/2012

Social Media

Social Media

Security

ATTENTION!

Don't Minimize These Calls

- Threats of any kind to you, the attorneys, your office or anyone else.
- Repeated, harassing callers.
- Threats to harm self or others.
- Others?

ATTENTION!

Don't Minimize These Calls

- Get as much information as possible.
- Contact your supervisor immediately.
- Contact an investigator and / or law enforcement.

The safety of you and your colleagues should be paramount.

...but the most important family is your own!

☺

THANK YOU

We Couldn't do it Without **You!**