

San Francisco attorney helps clients provide customers and employees with safer workplaces and premises

By Brian Cox



John Dahlberg
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John Dahlberg knows how to handle trouble — particularly the kinds of trouble that plague employers, retailers, and shopping centers across the country.

The San Francisco attorney helps clients deal with a range of security and law enforcement issues, and he has an effective solution to a vexing problem that many retailers have long concluded was intractable: people who are violent, threatening, or disorderly.

Shopping centers and tenant stores increasingly contend with disruptive behavior from people who loiter or trespass around the businesses' property. Some may beg, use drugs, yell, or fight with each other. Some harass, threaten or batter customers or employees. Dahlberg believes that the prevalent sentiment among store owners and security managers is that calling the police is always futile. That's where Dahlberg helps. He knows that conclusion is false because the police will enforce court orders to keep these offenders away from the workplace, stores, and shopping centers.

"If you have a loss prevention person who works for a big retailer, all they ever hear and experience is that when they call the police to deal with a situation, nothing happens," says Dahlberg, a partner with Dillingham & Murphy, LLP. "There is a great need that business owners have to preserve order but few of them know what they can do or how to do it with police assistance."

What Dahlberg encourages his clients to do is to get immediate civil restraining orders against anyone who is violent, disorderly, or a habitual nuisance. Business owners may initially assume a restraining order will not be enforced, but that is where they are wrong, says Dahlberg. In fact, police will arrest for violations, even in California. In fact, officers love these orders because they

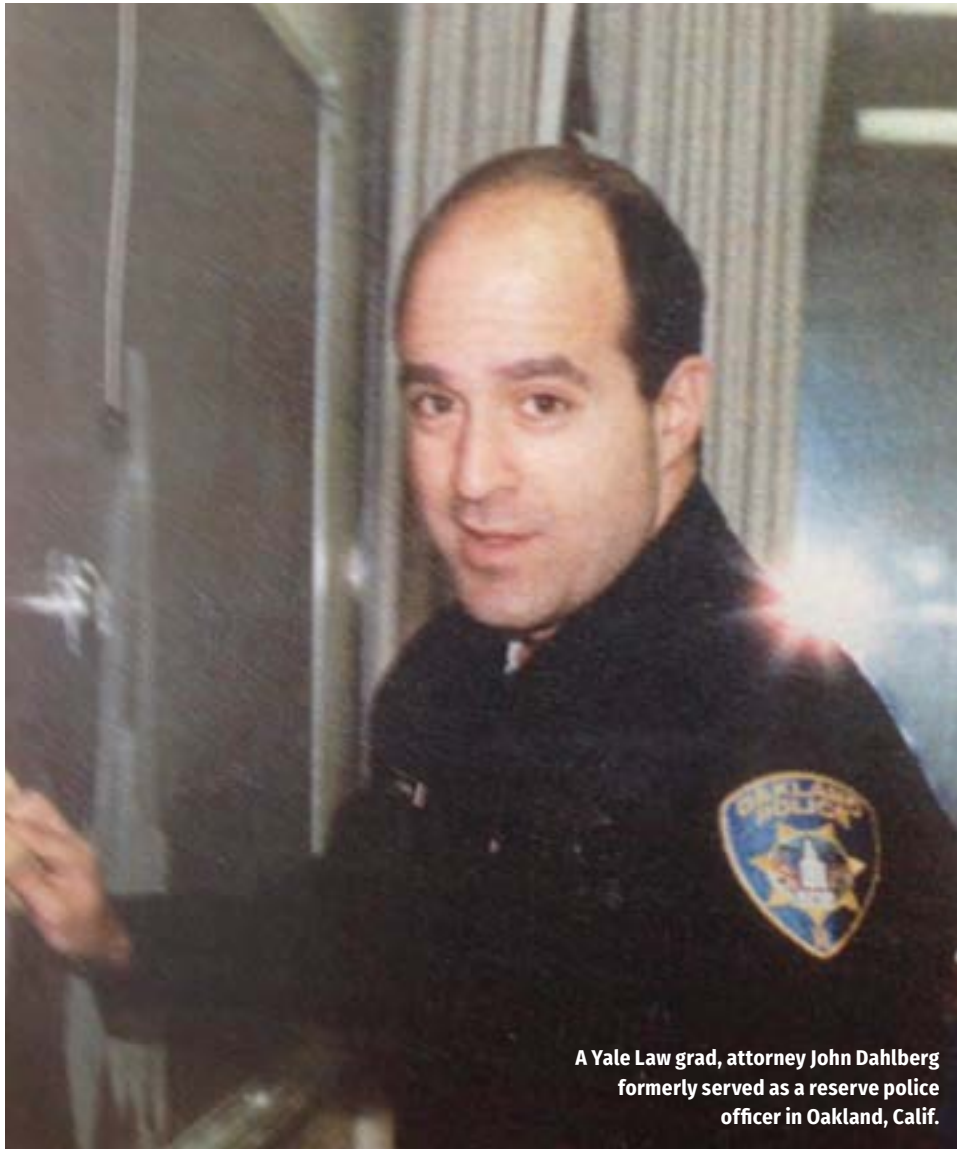
give the officer a tool to keep order and protect the community.

"In California, a restraining order has a very high priority with the courts and the police, especially if there's violence," he explains. "It's a technique that works really well, and unfortunately very few businesses and private security staffers know that. The vast majority of retailers in California never use this technique."

Dahlberg recently published an article in Loss Prevention Magazine that outlines when and how businesses should go about getting a restraining order to protect their employees, customers, and businesses. "Restraining Orders: The Secret Weapon of California Retailers" explains why restraining orders work even if police will not arrest offenders for mere trespassing. Restraining Orders: The Secret Weapon of California Retailers (losspreventionmedia.com)

"Court restraining orders are usually issued within 24 hours of court application. My experience is that people tend to obey restraining orders once they are served," says Dahlberg, who has successfully handled thousands of these issues for California shopping centers and retailers over the course of his career. "Many restrained persons have experience in jail or prison, and they avoid police contact, as can happen if they violate the orders."

In addition, police will arrest someone who is violating a restraining order — not because they are trespassing, but because violating a court order is the crime known as "contempt of court" which Dahlberg says has "much higher purchase" with police, prosecutors, and the courts. The arrest is uncomplicated because the officer needs only to confirm that the offender was served with the order and is in the prohibited area.



A Yale Law grad, attorney John Dahlberg formerly served as a reserve police officer in Oakland, Calif.

Restraining orders come in different varieties, according to Dahlberg. An anti-trespass or anti-nuisance restraining order is most often used by shopping centers or apartment communities to curtail non-violent but disruptive loitering and disorderly behavior. An employer can also get a special workplace violence restraining order, which protects an employee from threats, violence, harassment, or stalking.

“These two tools clear out a lot of bad conduct at commercial and residential premises if you use them,” says Dahlberg, who offers clients a 24-hour number to call if they want to request a restraining

order. In addition, he trains clients how to deal effectively and properly with these problems without the police or the courts in many situations, such as dealing with aggressive charity solicitors and petition circulators.

A native San Franciscan, Dahlberg was raised in the city. His father was a waiter and his mother a juvenile probation officer. He fondly recalls growing up in a city that was physically beautiful, tolerant, full of eccentrics, and safe.

“I could ride the city busses and the trolley lines anywhere when I was 7 or 8 and no one ever bothered me,” he recalls. “We

played outside all the time. Kids of my generation were under strict honor codes to be outside to play from the first sparkle of light to maybe half an hour after the last. We were expected to be out of the house, and we happily complied.”

Because of his argumentative nature as a child, Dahlberg says his parents dubbed him “the public defender” at an early age.

“I must have always had some kind of legal direction,” he says.

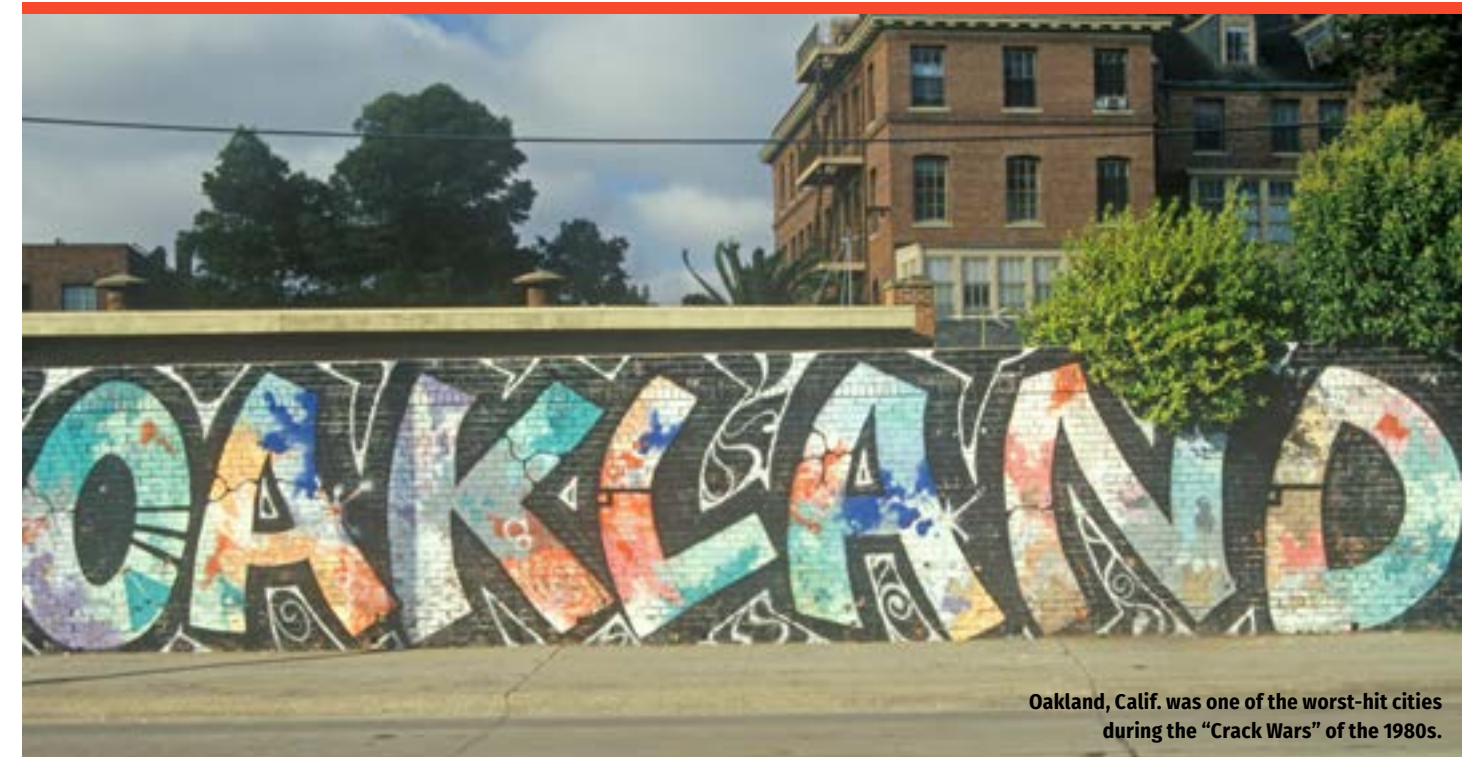
After graduating from the University of California, Berkeley, in 1975, Dahlberg got into Yale Law School, “a place for potentially troublesome and highly verbal people lacking high math skills to aggregate” and where the promise of reliably bad weather and good pizza was fulfilled. Neither he nor his friends took themselves too seriously.

“A lot of us were trying on pomposity to see if it fit us,” he says. “And for some of us it stuck and for some it didn’t.”

While earning his law degree from Yale, Dahlberg recalls late nights watching old movies and eating hot pastrami sandwiches with his classmates. He also attempted to apply to the local police department as a part-time police officer to make some money, but the Dean forbade such extracurricular activity.

A summer clerkship at Pillsbury, Madison and Sutro — an international law firm that traces its founding to 1874 — led to his working at the firm after graduation in 1978. At Pillsbury, Dahlberg became friends with Bill Murphy and Bill Dillingham. When “the two Bills” left to start their own firm in 1982, Dahlberg followed them two years later to help build and grow the firm.

“We were hustling for business,” he says. “When you’re a young lawyer, you’re often



Oakland, Calif. was one of the worst-hit cities during the “Crack Wars” of the 1980s.

dealing with young businesspeople. We grew up with many young businesses, but we were also very fortunate to represent very well-known established clients.”

Nearly four decades later, Dahlberg says it is the close personal bonds that exist between the attorneys, as well as their clients, that have ensured the firm’s growth and success.

“We work tiny cases and large cases. Matters that are over in 40 days and class actions. We do everything,” says Dahlberg, who enjoys the challenge of communicating with a jury and takes pride in being prepared to address a judge’s questions in a precise and pointed fashion.

Dahlberg attributes his skill at interviewing people to his years of experience as an Oakland reserve police officer.

“Police officers are usually better at figuring out what happened than lawyers are,” says Dahlberg. “Lawyers walk into a situation with a bond to their client, which means they have an innate confirmation bias. We tend to look for things that

support our client. We tend not to listen as closely to things that don’t. Cops are immune to the charms of clients. They are equally skeptical of everything unless they can find objective corroboration and, even then, they’re not satisfied. Police officers are better at finding the facts and they often ask open-ended questions to do that.”

For almost 10 years during the height of the “crack wars,” Dahlberg spent one or two nights a week on patrol. “Oakland was so broke, they did not relegate us to a lesser role – we dealt with every kind of call, often as the primary officer.”

His time as an officer taught Dahlberg how to be patient with people’s foibles and how to be respectful. “Good street cops, I observed, were very good at talking to people in all different kinds of situations,” he says. “They could calm them or let the extremely excited person vent. They could reassure the person who was suffering. They used humor when they could. Respect was key – everyone of age was Sir or Ma’am, you did not antagonize people in front of their families, and if you were inside a person’s home, you remembered that fact.”

He says he joined the police department out of a desire to give something back to the community and as part of a legacy from his father, who served in World War II, and his great-grandfather, who fought in the Spanish-American War one year after immigrating from Armenia.

“I think my generation was raised with a sense of obligation for what we had received,” he concludes.

As a police officer, Dahlberg found satisfaction in doing his part to bring peace and order to the communities on his beats. He sees the immediate use of restraining orders as providing a similar service to retailers and business centers.

“When people use violence, trespass, or create nuisances or annoy customers, we have to get them off the property and protect customers and employees,” he says. “It’s essential that we have ways to restore and maintain order.”