

# Tragedy of Mass Shootings Changes Life for All -- Risk Today is Real, Says Experienced Liability Attorney Irwin Gilbert

*Mass shootings force retailers, facilities, office buildings to change safety protocols and consider liability.*



FORT LAUDERDALE , FLORIDA , USA,  
April 7, 2021 /EINPresswire.com/ -- On

Tuesday, March 16, 2021, eight people died at the hands of a gunman at three Asian-run spas in Atlanta, Georgia. A mere seven days later on March 22, ten people were gunned down at a grocery store in Boulder, Colorado. According to [gunviolencearchive.org](http://gunviolencearchive.org), mass shooting incidents have grown from 269 in 2014 to 417 in 2019, with 117 deaths from mass shootings already reported as of the end of March this year.



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*Irwin Gilbert*

In addition to the immeasurable heartache caused by these violent acts, a ripple effect is felt by all of us, as

facilities, businesses, schools, night clubs and others try to shift to safer protocols. [Irwin R. Gilbert](#), Senior Partner at the South Florida-based law firm, [Conrad & Scherer](#), has been involved in more than 68 legal battles surrounding mass shootings and has seen this trend play out repeatedly. He has been involved in civil lawsuits after both the Pulse Night Club and Marjorie Stoneman Douglas incidents. He represented defendants in each of these cases and won dismissals for all of them.

"These tragedies have far-reaching consequences," he said. "After 9/11, for example, office buildings in major cities throughout the nation implemented tight security procedures, involving armed guards, i.d. checks and some installed metal detectors. Similarly, after the Las Vegas massacre, hotels implemented more careful entrance policies. Plus, advocacy around the Valentine's Day massacre at Marjorie Stoneman Douglas resulted in heightened security as schools nationwide."

As these incidents multiply, Gilbert warns that the legal standard of care may expand to anticipate these dangers. Gilbert predicts that the Boulder shooting may push grocery stores and other retailers to make difficult choices, some based on legal liability and some based on

public optics. Although laws vary from state to state, each incident results in civil lawsuits aimed at anyone that could possibly be liable. He points to one example in California where an online dating service is being sued after a member was murdered by someone he met on the dating site. The victim's family claims that the dating site failed to take adequate measures to protect from such attacks.

In the Pulse Night Club case, he adds, the employer of the gunman was sued based on the accusation that they did not properly vet him prior to hiring and then trained him how to use a firearm. Likewise, Walmart is threatened with suit after the El Paso incident, accused of inadequate security.



Irwin R. Gilbert, Esq., Senior Partner, Conrad & Scherer

The common thread, explains, Gilbert is the "Law of Negligence." "What is the duty of property owners to foresee certain incidents?" he said. "The laws in this area have been expanding over the years. The standard of care changes and the goalposts get moved."

Once an incident occurs, similar properties or institutions then have the duty to do what is reasonable to foresee similar events, according to Gilbert. Yet, the practical obligation can be fuzzy and legal exposure less predictable.

Complicating matters further is the problem created if a property 'undertakes' additional measures beyond the existing standard of care and then injuries are still suffered. This legal principle known as the 'Undertaker Doctrine' essentially punishes a property owner for undertaking measures but doing so negligently. "Once new safety measures are put in place they better be done right or that company is exposed to liability."

"Liability won't change if the duty of care doesn't change," he added. "But once a possible incident becomes more foreseeable, liability increases."

For the future of grocery stores or other retailers, Gilbert predicts a variety of new measures may be put in place in certain locations by select companies. For example, he believes armed security guards may be more visible, particularly closer to the entrance and exit areas. The security strategy would be to keep the offender out of the store and suppress the incident at the

entrance.

The addition of metal detectors may be more complicated, he explains, as the technology is expensive. "The type of metal detectors used at places like airports are too sensitive and wouldn't be practical. They are going to have to figure out what is realistic and commercially applicable."

"I am routinely asked by clients how to deal with risk," concluded Gilbert. We provide advice and guidance as the law evolves. "Unfortunately, in the U.S., everyone gets sued. It's a profoundly difficult situation."

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