

# Crisis Management (Before, During, and After a Public Relations Disaster) and the Corporate Client

The phone rings and on the other end is a reporter asking about an incident that just happened involving your

company. Would you know how to respond?

A crisis or unexpected event that focuses media attention on your firm can be disruptive to your normal business operations and have a real or perceived negative impact upon your company.

A detailed crisis communications plan will help you evaluate the scope and level of a crisis, while establishing a uniform communications system and procedures and protocols to help your company deal effectively with an unexpected emergency situation.

The goal is to provide accurate, consistent information—to the press, employees, clients, partners, etc.—in an effort to protect and preserve your firm’s image and reputation. If you do not provide information, the story can take on a life of its own—and not always an accurate one.

A detailed plan will outline who to alert, how to develop and implement your firm’s response to the crisis, and provide staff with the tools they need to handle the situation.

Whether you hire someone to develop a crisis communications plan for you or handle it in-house, you should have a cri-

sis communications plan in place *before* a crisis affects your company. In a nutshell, a crisis communications plan tells everyone exactly what to do when a crisis occurs.

## Who’s in Charge?

The crisis response team (CRT) is responsible for handling all aspects of a crisis situation. This team should include your president, director of marketing, and legal counsel.

One person should be assigned the role of point person. This is the person to whom all press calls will be routed in the event of a crisis, and their information should be posted on your website as the media contact.

Create a CRT contact sheet with the contact information for each member of this team so you know how to reach everyone in the event of a crisis. This information should be included in the crisis communications plan and distributed to everyone on the CRT. Be sure to give a copy to your receptionist as he/she may be the first one to field a call from the press regarding a crisis. Remember to update it on a regular basis.

## Dealing with the Media

An important component of any crisis communications plan is outlining how your firm will deal with the media. It’s not a bad idea to hold a practice session with your assigned spokesperson to make sure he or she is ready to handle the inevitable flurry of requests for an interview and/or comment.

Your plan should include guidelines for dealing with the media, such as:

- Return the call as quickly as possible. You can’t influence a story once the deadline has passed.
- If a reporter calls, and you’re not prepared to be interviewed, assure him or her you will call back before his or her deadline. Don’t feel compelled to be interviewed on the spot. It is entirely acceptable to call a reporter back once you’ve had a chance to gather the facts you need.
- The same is true if a TV crew shows up unexpectedly at your office. Escort them to an area where they will not have access to staff and clients, and have someone stay with them until you’re ready to speak with them.
- Don’t flatly refuse to answer. If something is too controversial to discuss, explain as much as you can. “No comment” sounds as though you’re hiding something.
- Until you have confirmed information, don’t speculate on the cause of the emergency, the condition of people involved, the resumption of normal operations, the dollar value of losses, etc.
- Answer truthfully. Don’t guess. If you don’t know the answer, offer to find out and tell the reporter you will get back to him or her.

## After the Dust Has Settled

After the situation is under control, gather your CRT together and evaluate your



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response to the crisis. Ask yourselves what worked, what didn't, and adjust your crisis communications plan accordingly.

A crisis communications plan needs to be a living, breathing document and something you visit and update on a regular basis. Too many firms either don't have a crisis communications plan or create one and stick it up on a shelf, gathering dust somewhere.

The more up-to-date your crisis communications plan, the better prepared you will be to handle a crisis professionally and with minimum impact upon your firm.

### The Role of Defense Counsel

Defense counsel is a critical member of the CRT. Defense counsel, claims professionals, and clients need to understand the impact of the media on your defense strategy.

Besides being able to offer insight and input on the message that should be conveyed to the public, clients, and any potential plaintiff, involving defense counsel early ensures that all communications between the client and the PR professional are cloaked by the attorney-client privilege. Consider whether the privilege, as defined by your state, allows your client to assert the privilege just by having defense counsel present or if it is necessary for defense counsel to retain the PR professional directly. Either way, make sure that defense counsel is included in every conversation and reviews any statements made to the media or public.

Defense counsel is also instrumental in identifying milestones in the crisis or litigation that will likely incite media interest in the catastrophic event. This includes filing of a complaint or responsive pleading (affirmative defenses send the media into an absolute tailspin!) and other commonly occurring litigation activities that are not "common" for the average journalist or layperson.

As a team, you should identify these milestones and prepare your comments in anticipation of these milestones. This means that as defense counsel you need to share these pleadings with the team prior to filing. Lawyers know that a plain old answer to a complaint includes 15-40 affirmative defenses, most of which are

asserted out of an abundance of caution. But, the one defense that the media almost always highlights is the one that asserts that the plaintiff contributed to his/her own injuries. You have to be prepared to respond to the opinions and commentary that will flow from the public discovery of this defense. It is not enough to regurgitate your response to the form interrogatory that asks you to identify each and every fact that supports the affirmative defense.

Defense counsel is used to sticking to "Just the facts, ma'am." Every lawyer has given the pre-deposition speech to their client or witness that reminds the client to "only answer the question that is asked!" "Don't volunteer information!" While that can be an appropriate response to media inquiry, it isn't always the best response. Defense counsel needs to understand and recognize that we need to volunteer some *facts* to help the media tell the whole story.

Staying "camera ready" is yet another critical component to a successful plan. You must prepare your client for dealing with the media the same way you would prepare your client for deposition. As shallow as it seems, it's not just what is said, but who is saying it. Know your audience. Understand public perception and put your best face forward.

Get authority! Many insurance carriers have policies that discourage or prohibit comment on ongoing matters in the media. Usually, that policy is in place for the benefit of the insurance carrier, not the insured client, but anything said or not said could ultimately impact the insurance carrier. The defense team includes your claims professional, so don't forget to keep them in the loop. Each claims professional may feel differently, but it is not necessary (and probably not appropriate) to include the carrier in every meeting. However, keep them apprised of the general plan and explain to them how important the PR component is to the defense.

Remember that perception is everything. If you are proactive, you have an opportunity to keep the media from staging a full-on attack. Again, the team is critical and each person's role is important. The minute you forget that is the minute that you fail. 