

Don't Be United in Facing Your Next Crisis

Already this year we have seen our fair share of public relations missteps by large corporations and high-profile individuals: Think Pepsi's flawed Kendall Jenner commercial or Sean's Spicer's confusing Hitler comment made during Passover. However, the one incident that caught – and held – the world's attention above all others was the video of the United Airlines passenger being dragged forcibly off a flight that had been overbooked. This video sparked outrage across the globe, resulting in a swift media storm of controversy for the company, with calls to boycott the airline for its treatment of the passenger and criticism of the CEO's response to the situation.



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As horrible as this was, from a public relations perspective, it is not the legality of United's actions that is so much the issue because it is clear they do have the right to remove passengers. (How they do that is another issue.) But perhaps the issue that could have the greatest impact on United is how the airline initially responded to the incident that helped fuel the flames of the controversy that turned a PR crisis into a complete disaster.

Before I recount a play by play of United's public relations missteps, keep in mind that law firms can learn from United's mistakes. Even if you follow the law and all the internal protocols your firm has in place, you may still find that your actions are seen negatively by clients and the general public. In situations where you believe you are in the right, the instinct is not to apologize. However, as the United situation proves, this reluctance to own up to a situation and make amends can have seriously dire consequences.

United's Major Missteps

Soon after the passenger was forcibly removed from the United flight, footage of the incident went viral on Facebook. Another video, this one posted to Twitter, showed the passenger with his face covered in blood and mumbling, "Just kill me," after apparently returning to the plane

United, which faced an earlier attack of bad press last month when it refused to allow two women to board a flight because they were wearing leggings, responded to the incident with, as one journalist for *Vanity Fair* put it, "a tone-deafness that will go down in corporate P.R. history." Specifically, a day after the passenger was removed from the flight, United Airlines CEO Oscar Munoz apologized for having to "re-accommodate these customers" and for the overbooking situation. He made no mention of the passenger who was bloodied, bruised and dragged off the flight. This was seen by many as callous and indifferent, and the term "re-accommodate" reeked of legalese.

What Munoz should have done was offer an unreserved apology to the passengers and to the public. Instead, Munoz went on to send a letter to United employees on Monday afternoon, describing the passenger as "disruptive and belligerent." He also said "employees followed established procedures for dealing with situations like this."

While Munoz does get some credit for standing behind his employees and not throwing them under the bus, it is never, ever a good idea to blame the victim. The internal communication may have been good for internal public relations/employee morale – since no one wants to work for a boss that hangs them out to dry at the first sign of trouble – but there was a way to do both. Munoz could have done more in his initial response to limit the damage the video had caused and not come across as dismissing the incident as no more than airline procedures.

Finally, two days after the video initially surfaced, Munoz issued a complete apology, calling the episode “truly horrific.” The irony is that earlier this year in March, Munoz was named by the magazine *PR Week* as “U.S. Communicator of the Year.”

Handling a High-Profile PR Crisis

So what if a law firm finds itself in a similar situation as United? While law firms may not be household names like a popular commercial airline, there are still many controversies that could attract a tremendous amount of unwanted attention and deeply damage the firm’s reputation.

Recently, my colleague Vivian Hood, CEO of Jaffe and head of its Public Relations Group, interviewed Scott Sobel, Senior Strategy Communications Executive with kglobal, about his perspectives on handling a law firm crisis. Sobel has handled high-profile crises throughout his career.

Sobel advised against, “Displays of arrogance, overconfidence about knowing the extent of the crisis, placing blame on others and saying you did nothing wrong are no-no’s.” He went on to advise that, “The initial crisis communications should also include a sincere apology, if warranted, and show compassion. It should feature short, simple, declarative action statements. When the timing is appropriate, explain what will be done to prevent the issue from happening again, and, as soon as you can – with permission – begin to talk about your solution. The media want succinct, non-jargon info, and they want it quickly.”

Corporations are hesitant to issue an apology in crisis situations because it may be seen as an admission of guilt. They also fear such an implicit admission could be used against them in litigation. For these reasons, you can imagine that a firm full of lawyers is likely to be even more hesitant to issue an apology. However, as Munoz learned quickly, not issuing an apology can fare far worse, and may result in long-term effects on the company’s brand and reputation, not just in the United States but worldwide.

If Munoz had effectively addressed the situation, press on the incident may have been limited to a couple of days. Instead, the initial news circulated within the news cycle for more than a week, and now with a lawsuit imminent, the scandal will linger on for months or even years.

Perhaps law firms would be wise to follow the advice provided by Sobel in an article from early last year, in which he said, “Every kind of company is vulnerable to a business-ending crisis. It’s how you prepare, how you execute plans and what you do for the long term that spells victory or defeat... If handled correctly, a crisis can be a catalyst for improvement.”

While law firms should certainly have a public relations crisis plan in place, protocol has little value if the real-world consequences result in a disaster like the one United is facing. Managing partners should work with their firm's marketing and PR personnel to assess the specifics of the crisis situation, revisit the crisis response plan and devise a series of actions that uniquely addresses the circumstances surrounding the crisis. Even if no legal wrong is committed, firms must still take into account the potential public fallout created by failing to issue a sincere and direct apology, if one is warranted.

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