

In an Era of Crises and Controversies, How Ready Is Your Law Firm?

In today's media environment, crisis communicators must remain on full alert. Every day, if not every hour, we are bombarded by news stories on topics such as sexual assaults committed by celebrities and politicians, political party riggings and other shenanigans, allegations of fake news, mass shootings and gun control, insider trading and other corporate fraud, cyber attacks, cataclysmic weather events, and so much more. Although the current news cycle is a barrage of negative situations, the silver lining is that they offer law firms a wealth of teachable moments about the importance of preparing for and responding to a crisis situation.



Vivian Hood

Owner/CEO
Public Relations
904.220.1915
vhood@jaffepr.com

The Many Missteps of Equifax

Case in point: Equifax. The manner in which consumer credit reporting agency Equifax handled its PR following a massive cyber hack will go down as a textbook example of how NOT to respond to a crisis. The laundry list of reasons is extraordinarily long, with each one generating its own set of unique problems:

- The company waited six weeks to publicly announce its breach this summer.
- The lack of a central voice by the CEO as a spokesperson was noticeable.
- Equifax did not communicate directly with the 143 million affected customers, keeping them in the dark for too long.
- In lieu of direct communication, it instead, set up a website that that was rife with technical issues.
- Executives sold stock and made millions before the public announcement.
- It waived fees for credit monitoring but included stipulations about waiving the right to sue Equifax in return.

There were several other missteps, all of which have caused a very public outcry. It became painfully obvious that the company did not have clear control over managing its many crises. Additional fallout continued in the weeks following the disclosure when the CEO abruptly retired after other top executives departed the company, further eroding public trust. Time, and future communications, will tell if, and how well, the company emerges from this PR nightmare.

Assembling a Crisis Communications Plan

Given the speed with which an internal hot spot can turn into a global conflagration in just a few hours, legal PR communicators have no excuse not to be prepared with a crisis plan on the ready. The following are some of the essentials.

Prepare, and regularly update, a crisis plan. Ask yourself, "What possible scenarios could

happen?” Create checklists and instructions that address the needs of each scenario. Draft prepared messages and statements. Identify audiences that you will need to deliver the message to. Develop teams to assist with the response, including identifying a point person to manage external inquiries as well as someone to serve as the public voice of the firm. Understand ethics rules as well as any legal obligations or implications tied to the crisis. For example, if the triggering issue is related to a lawsuit or a potential lawsuit, know that your firm may not be able to issue a substantive statement due to the ongoing litigation. If it has been more than 18 months since the plan was last reviewed, dust it off and give it an update – in fact, make it an annual task. People move on, and technology changes; so should a crisis plan.

Acknowledge and apologize. Timing is everything, and delayed communications by the law firm is an obvious show of lack of preparedness and/or possible guilt. Such a misstep could erode hard-earned trust among the law firm’s client base as well as the general legal community. While you might not have all the information at hand, at least acknowledge the situation. The tone of the messaging is also important, so choose phrasing carefully.

On the topic of messaging, it’s important to understand that a poorly strategized statement can spark outrage, while a well-crafted message could invoke sympathy. For example, Kevin Spacey received tremendous backlash for his statement following accusations of sexual assault. Rather than keeping the focus on the victim and his apology, he deflected and took the opportunity to publicly announce his coming out as gay. Wrong place, wrong time.

After you gather the facts, continue to communicate with transparency and honesty. Contact clients to inform and reassure. Display compassion when warranted. And apologize, genuinely, as soon as possible, to accept responsibility.

Consider how to address the media. A crisis plan must include a media relations strategy that follows the firm’s media policy. Most crises are unlikely to stay internal, and the expectation needs to be that someone will leak it to the press. Once a narrative is out there in the media, it puts the law firm on the defense, and the longer a law firm waits to respond to provide its own account of events and add to the narrative, the less the firm will effectively be able to exert some control over the unfolding story. Furthermore, with technology like social media empowering the widespread distribution of information, a negative story in the press can now spread lightning fast, so preparedness is more important than ever.

When crafting your media relations strategy, ask yourself the following questions: Who is the spokesperson? Is he or she prepared and trained? Which reporters can be identified as having relationships with the firm? Also, have a general statement at the ready that can be updated when facts and details become known.

Manage your social media. A social media plan needs to align with the media relations approach during a crisis, with round-the-clock management of the firm’s online reputation, including monitoring comments and conversations among individuals and within online groups. Ideally, a social media policy at the firm should already be in place and adhered to. Because the Internet is a non-stop churn of commentary and content, a law firm

whose crisis spills online will have to be very savvy when it comes to understanding how to, and who will, respond to social media chatter as necessary. Also, don't forget to disable preloaded social media postings, as an ill-timed, cheerful message will further compound public image problems.

Reflect on lessons learned. After a crisis has blown over, your firm's reputation ideally has weathered the flurry of possible negative media reports, public backlash and general scrutiny. Now that you're confident the firm's positive image is preserved, take the time to do a review of your crisis communications processes to see what worked and what could be improved upon. It might spare you some pain if or when a crisis occurs again.

Crises are inevitable, and in certain ways, even predictable. It's important to honestly assess how well your law firm is prepared for a variety of negative situations. With proper organization, you can minimize the impact the situation has on the overall reputation of the firm, ensure the least amount of disruption and restore goodwill as soon as possible.

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