

Communicators and Lawyers: Winning in both courts

by John Deveney, ABC, APR, and Meghan Ozcan

Professional communicators and attorneys have long stood side by side as both fought to win in court—one in the court of law, the other in the court of public opinion. These two sometimes wary compatriots, however, are now beginning to partner more frequently to garner the best results for the executive suite.

An attorney's role is often to protect a position, while a public relations practitioner strives to improve upon or advance a position. The two professions have different perspectives. Success for an attorney frequently requires the opposing side to lose, while public relations professionals strive for win-win outcomes.

A working partnership starts with recognizing which team should lead, given the nature of the situation. Consider the following situations, which illustrate collaboration between lawyers and communicators.

Public Companies and IPOs

Public companies have complicated rules regarding disclosure of facts and the need for "broad dissemination" of information relevant to the company and its stock prices; lawyers should steer this ship.

For example, while working with a company traded on the New York Stock Exchange that is defending itself against a hostile takeover, Deveney Communication walks a tightrope on what can and cannot be released to media, what statements might require filing with the U.S. Securities and Exchange Commission (SEC), and what has to be released first to all stockholders. In short, this three-ring circus needs as its ringleader a trained attorney who specializes in dealing with public companies.

On the other hand, translating legalese into a cohesive storyline for the media or creating coverage out of a wire release often falls in the hands of the communication staff.

Online news conferences are good examples of effective PR applications for public companies. This tactic allows us to communicate in real-time with large, remote and varied audiences. This simultaneous communication is a requirement of most countries' regulatory bodies.

Initial public offerings (IPOs) are even more delicate arenas in which attorneys are best in the lead. Securities law firms should advise communication professionals about the minefield involved with publicity, marketing and advertising activities when a company is preparing to conduct an offering.

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As the national public relations firm for Ruth's Chris Steak House in the U.S., Deveney Communication has had to carefully navigate its communication strategy in light of the IPO process. Ruth's Chris' attorneys have been invaluable in counseling on regulations that are outside of Deveney's knowledge base and core services.

With Ruth's Chris currently in its quiet period, the key is to avoid hype that can be considered as paving the way for the offering. The SEC actually cites "astute public relations" to make an event "appear to have news value" as a violation. However, efforts aligned with prior practices are permissible. This fine line often leads attorneys to advise companies to carefully control release of all communications from the corporation.

Deveney passes each piece of communication, whether press releases, web site content or statements to the media, through the Ruth's Chris legal-consultant team for a final blessing. Their expertise helps Deveney fine-tune its media relations materials in light of the strict and extensive SEC regulations that govern communication issued from the company during the IPO process.

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Promoting Lawyers and Outside PR Counsel

Communication professionals are well equipped to take the lead in advancing a lawyer or law firm's reputation, and the potential tactics to achieve this are plentiful.

Advertising is increasing in popularity with law firms, but it is diminishing in effectiveness. Law firms gain from using sponsorships and community relations to advance their brand and drive business development. Of the tactics available, media relations offers the most successful and long-lasting results.

Law firms with marketing departments frequently bring in outside support in areas such as strategic planning, web site development and media relations. Media training demonstrates how the work of a consultant can provide enduring benefits every time the attorney stands in front of a camera or answers a reporter's question.

Understanding the mind, training and background of attorneys is crucial. Anticipating their questions and concerns is key.

"Attorneys learn in law school to constantly question everything," says Mary Margaret Gorman, marketing manager with McGlinchey Stafford, PLLC, a full-service law firm with eight offices strategically located throughout the U.S. "The key is to be prepared to answer every possible question at the onset in order to gain their support and respect."

Attorneys are averse to change by nature. They work in a field of time-honored, stable rules that are altered slowly through small adjustments by courts and legislatures. New technology and new ways of marketing their firm might be challenging for them to embrace if not presented properly.

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Ask questions and facilitate long-term, results-oriented action plans. The clearer the understanding of the business objectives and the more detailed the plan, the greater the chance of success.

"Lawyers sometimes need to shift their thought processes and activities to achieve their long-term goals," Gorman says. "If the law firm wants to expand its bankruptcy work, then focus on that, and ask the lawyers why they are spreading themselves so thin on an array of unrelated topics."

Gorman recommends maintaining clear channels of communication with the PR team to drive business objectives. Often, a small PR committee can provide advice about activities and approve tactics. This committee can also serve as the champion of marketing initiatives.

When Crisis Strikes

A controversy, crisis or misunderstanding played out in the media can cripple an organization. Handling the delicate, and often threatening, issues that litigation can cause calls for swift and strategic action by both communication and legal professionals. In the case of litigation PR or a crisis, it is often best to bring onboard a PR team trained in dealing with these situations.

The rules of engagement in the court of public opinion are complex, and a shade of gray can be as maligning as the black hat of the bad guy. Crisis situations call for quick coordination between a legal department and the communication team. The end result is far more positive when using this cooperative approach, which embraces important complementary disciplines.

You cannot necessarily control all crises, but you can control how your organization responds. During a crisis, you are publicly scrutinized; mishandling of the smallest issue can hurt your bottom line. The best time to prepare to deal with a crisis is before you have one.

During a crisis, the role of communication counsel is multi-faceted; some key goals include:

- Safeguarding the public good.
- Providing perspective.
- Being proactive.
- Thinking big picture, long-term, tiny details.
- Remaining an objective caregiver.

- Focusing on the goal.

Support for the legal team can include evaluation and analysis of public relations liability and damage exposure that could result from the situation. Key message development, training spokespeople and analysis of responses from all sides fall under PR responsibilities. The professional communicator should be an equal in the damage control effort, crafting and implementing the most valuable proactive and reactive strategies.

Wrapping Everyone into the Team

Legal and PR departments are increasingly being drawn together. From IPOs to product recalls to creating a public image, the two disciplines are learning to work more closely together.

The key to this working partnership is to involve each other...and communicate.

John Deveney and Meghan Ozcan are members of Deveney Communication (www.deveney.com). Selected by PRWeek magazine as one of the Top Five Boutique PR Firms in the U.S., Deveney Communication has earned top international awards, including eight Gold Quills and the IABC Research Foundation Jake Wittmer Award. Their experience in the legal arena includes supporting high-profile litigation; neutralizing multi-million-dollar lawsuits; and providing communication strategy for individual attorneys, law firms, the Louisiana State Bar Association and a large medical malpractice insurance company.