

REAL WORLD ADVICE FROM THE TRENCHES

When Legal Issues Become Public

By Andrea Obston, President, Andrea Obston Crisis Management

A client comes to you with a problem: they are closing their local operations, delivering a devastating blow to the small town in which they have operated for over 25 years. Or perhaps a client finds out that the local paper is doing a story about how their company is in financial trouble because their accountant pocketed payroll taxes and skipped town. I'm sure many attorneys have dealt with similar situations and know just how easily such incidents can take on a life of their own in the media and among stakeholders.

Attorneys provide counsel that keeps their clients functioning under a variety of conditions. Because of this, clients tend to turn to their attorneys for all kinds of advice, including how to deal with the media and their stakeholders in times of crisis. From Sony's exploding batteries to Ford's unstable SUVs, attorneys often find themselves in the middle of very public issues with wide-ranging implications.

Attorneys who deal with such volatile situations know that, like a medical crisis, there is a "golden hour" after a negative event that can change the outcome. Companies that move into action quickly have a much better chance of protecting their businesses, employees and the public while securing their future success. Unfortunately, many miss the boat because they are caught in a web of confusion during this critical stage.

They also know that the public judges the fiber of a company by the way it behaves under fire. If the company doesn't take command quickly, they allow others to shape their reputation and possibly affect the legal outcome of a crisis. Those "others" can include the likes of *The Hartford Courant*, the *Wall Street Journal* or bloggers with such seemingly harmless names as "Spazeboy" and "wizzer".

Throughout my nearly 25 years assisting attorneys with reputation management during crisis situations, it has become clear that it's imperative to manage both the legal and public aspects of a crisis situation. Experienced attorneys know that helping the client win on both the legal stage and the theater of public opinion requires different skills than what they learned in law school.

During a crisis, four goals should govern a reputation management strategy:

- Operate within the legal constraints of the situation
- Position the client so they are portrayed fairly, accurately and responsibly in the media
- Preserve their reputation, whether or not legal actions result from the initial crisis
- Enable the client to get back to business as usual.

Far-thinking attorneys make sure their clients understand the value of their reputation and the need to spot a crisis in its earliest stages. If clients are not prepared to respond in a timely manner when a crisis becomes public, they will end up where Sony is today – repairing damage to their reputation with stakeholders and stockholders.

When a crisis breaks, the gut reaction of most companies and attorneys is to circle the wagons and say nothing out of concern that any public statements could result in additional legal action. My experience is that attorneys who counsel their clients not to wait for such “fires” to turn into “firestorms” better serve their clients. In next month’s column, I will suggest some strategies that can help clients move through crises and safeguard the future of their businesses.

Andrea Obston is president of Andrea Obston Crisis Management which works with attorneys and their clients during all stages of a crisis, including pre-crisis planning and crisis management. All crisis management services are structured to secure the client’s reputation and future success. The firm creates pre-crisis reputation management plans, offers counsel during emergent crises, manages stakeholder and media relations and provides media training and crisis workshops. Andrea Obston Crisis Management is a subsidiary of Andrea Obston Marketing Communication, LLC. For more information, visit www.aomc.com or call (860) 243-1447.