



## DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

### LITIGATION PUBLIC RELATIONS

ACCA ANNUAL MEETING  
OCTOBER 4, 2000  
WASHINGTON, D.C.

#### I. Background

##### A. Opinion Research Corporation Study

1. Common ineffective media responses
2. Consumer buying habits affected by litigation allegations

##### A. "All News, All The Time"

1. Proliferation of network news shows and cable channels
2. Legal affairs increasingly capturing public attention
  - a. Ally McBeal, Erin Brockovich, and A Civil Action
  - b. Big Tobacco, Microsoft and O.J. Simpson
  - c. John Grisham novels

1. The internet effect

- C. "Sentence First, Verdict Afterwards"

1. Silicone breast implants
    2. Bendectin
    3. Fen-Phen ?

- I. Orchestrating The Media Response

- A. Litigation Communication Plan

- A. The Lines of Communication

1. One or several spokespersons?
      2. Media contacts
        - a. In-house counsel
        - b. Corporate communications professional
        - c. Outside counsel
        - d. CEO or other corporate officer

- A. What Form Will Media Response Take

1. Press releases and statements
      2. Litigation web sites
      3. Media briefings
      4. Interviews

- A. Know Your Media

1. Local, regional and national media

## 2. Broadcast vs. print media

- a. Deadlines
- b. Short quotations and other sound bites

## I. Presenting Your Story

### A. Missed Opportunities

1. No comment
2. The case is in litigation, we can't discuss it
3. We have not seen the lawsuit, so we decline comment
4. We can't comment without all the facts
5. We are not going to try this case in the media

### B. Misconceptions About Media Relations

1. Give a quick statement or you will make matters worse
2. It will die down, and the public will forget about it
3. One or two statements will be enough
4. Only provide a little information, even if there is more bad news

### A. Courtroom Strategy

1. Identify, emphasize and repeat main themes
2. Privilege issues
3. Defamation

## I. Limiting Publicity

### A. Court imposed gag orders

B. Confidentiality agreements and protective orders

II. Use of Outside Public Relations Consultants

A. Considerations

1. Who runs the firm?
2. Who will be working on my business?
3. What are you going to do for us – what is your sense of a PR plan for us?
4. In working with us, what would you see as your biggest problem?
5. If applicable, what is the biggest problem/criticism with our current public relations firm/consultant?
6. What accounts have you lost and why did you lose them?
7. What have you learned from the accounts you have lost?
8. May I call current clients and clients you have lost?
9. Billing retainer fee basis vs. hourly
10. How do you measure results and make adjustments to a PR plan?

A. Other Sources

1. The Public Relations Society of America ([www.prsa.org](http://www.prsa.org))
2. International Public Relations Society

This material is protected by copyright. Copyright © 2000 various authors and the American Corporate Counsel Association (ACCA).