



My Top 5 Media Tips for Lawyers

By Mary Flood

During my 30 years covering the business of law, most recently at the *Houston Chronicle* and before that, at *The Wall Street Journal*, I've interviewed more lawyers than I can count. Some of those lawyers reaped the benefits when the stories appeared in the paper or on the Internet. Others didn't do as well.

An unanswered or botched media call can be a lost opportunity for advocacy. It also can be a lost opportunity to build a relationship that can help you and your clients in the future, a lost opportunity to promote yourself, and a lost opportunity to help the public better understand the legal system.

Reporters and lawyers have different goals and different roles. The relationship can be symbiotic, but it isn't always. The media don't follow hearsay rules or the Federal Rules of Evidence, while the First Amendment often clashes with the Sixth.

Though not all reporters have the same intelligence or sense of fair play, most want to be fair, balanced, and accurate. Avoiding these common mistakes could help you better deal with the next media call:

1. Don't complain about the story if you weren't willing to talk

This is a classic, ill-advised tactic that usually backfires. Corporations in trouble often do this and only compound the problem. Reporters would rather cover all sides. Journalists get annoyed with lawyers and their clients who refuse to explain and then dub the reporter one-sided for not having ESP.

Also know that newsrooms generally don't run like normal hierarchical businesses. Some reporters have more stroke than their editors. Editors have to trust reporters or the system wouldn't work. Unless a reporter has actually made a grave mistake, angrily demanding to speak to the boss to make this complaint may simply amuse the newsroom.

2. Call reporters back quickly

Deadlines used to be hours or days away. Thanks to the Internet and a 24/7 news cycle, the deadline is often NOW. If you want to develop a relationship of trust with a reporter, or, if you want them to call you as an expert, take their calls and email or call back as soon as you can.



Super media-friendly lawyers sometimes have staff call back to say they are out of town and refer the reporter to someone else who can comment. Other media-savvy types clearly answer reporters' emails and calls before their family's. If they can't get you in time, they can't quote you and they may get someone else who doesn't say what you wanted said.

3. Don't lie, even "a little"

This means 1.) no blatant lies, 2.) no half-truths, 3.) no false impressions, 4.) no saying there is no documentation when there really is, and 5.) nothing else misleading. The loss of credibility can hurt lawyer and client, in both the current case and beyond.

Reporters want to be accurate and they remember those who led them astray. I still distrust a lawyer who lied to me in 1986 or so.

4. Speak in plain English

Most readers, viewers and listeners aren't attorneys. Ditch the *sua sponte*, collateral estoppel and especially the *res ipsa loquitur*.

If you don't want to work at dropping the jargon to help the reporter be clear, consider that jurors consume media too. You communicate more effectively with reporters and jurors alike when you use layman's terms instead of Latin and legal shorthand.

5. "No comment" gets you nowhere

It not only makes it look like you are hiding something or are ill-prepared, but it also means you are passing up an opportunity to explain something about the case or to say something positive about your client, the judge, the jury or even the process.

Disciplinary rules do not bar lawyers from explaining basics to a reporter, and you shouldn't use them as a convenient excuse to avoid media. It doesn't require a substantive statement about a client to explain what happens next, how long this could take, what the law is, or why the system works this way.

It's best to have a concise message and stick to it rather than say, "No comment." If you need time to prepare, call or email the reporter to say you'll get back to them by 4 p.m. and keep your promise. But before you say, "No comment," ask yourself questions like the following: If the plant exploded, can we explain safety procedures? If a trial is looming, why not explain discovery? If someone stole from the company can we discuss company policies?

Finally, reporters want to be able to show that they tried to get all sides. They want facts, they want documents, they want to know the applicable law, and they want someone to quote in order to show they did their job. That's why you see and hear "could not be reached for comment" or "did not return calls." There is no reason that has to be you who didn't take advantage of that media-given chance to advocate on behalf of your client.

Mary Flood spent 30-plus years as a reporter at the *Houston Chronicle*, *The Wall Street Journal* and other publications. A Harvard Law graduate, she also spent three-and-a-half years practicing law at firms in Washington, D.C., and Houston. Contact Mary at mary@androvett.com.