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[Home](#) > [Local Editorial](#) > [What to Do When Sh*t Hits the Fan: Lawyer Edition](#)

What to Do When Sh*t Hits the Fan: Lawyer Edition

By *Eden Gillott Bowe & Roger Gillott*

Every crisis affects your client's reputation, but not everything that affects reputation is necessarily a full-blown crisis. The two frequently blur and merge, which makes it difficult to tell where one ends and the other begins.

Crises are the event – missing money, being investigated or sued, allegations (whether true or false). Reputational threats are the perception. Can these people be trusted to manage a business or nonprofit? Are they guilty? The ultimate result is the same for either. Do I really want to do business with these people?

The best crisis is the one that never happens, or at least never becomes known. That's rarely a result of serendipity. It's never a result of sticking your head in the sand. It is a result of identifying an issue early and finding a solution before it becomes an unruly, public problem.

Crisis and reputation management is a mixture of protecting clients against outside influences that can do harm, as well as guarding against missteps that can tarnish reputation. Ideally, it includes proactive steps designed to control the story or manage the conversation.

Building & Protecting Your Reputation

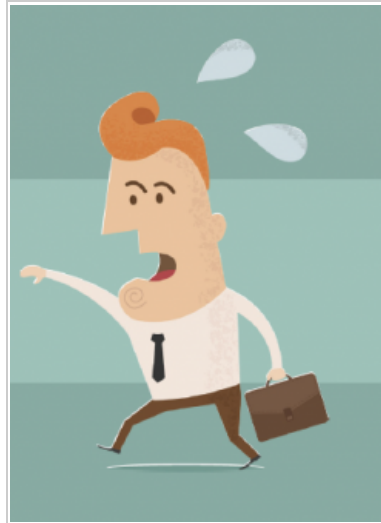
Businesses and nonprofits are like newborns – they start with a blank slate. However, it doesn't last long. In short order, biases will be imposed by journalists, opponents or proponents and by events (random or otherwise).

The best time to build up the bank of goodwill (i.e., getting positive stories placed that create or enhance your image) is when your client's reputation is good or neutral. In other words, before a crisis. While clients may hope they will never face a crisis, they should always have a contingency plan in place.

The cleanest and most desirable approach is to sidestep a negative issue by curing it quietly. Not only does the problem go away, it doesn't create undesirable public attention and give a black eye to your client's reputation. To achieve this, you must be attentive. You must also think outside the box. Is the cure obvious? Is it one you would normally employ? Or does the situation call for more creative solutions, such as regulatory and political lobbying? The ultimate goal is to fix the problem using whatever path works best.

Once your client's under fire, it's off to the races. At the first whiff of trouble, they should call you to arrange a crisis team. In addition to you, the team includes outside crisis PR counsel and accountants or financial advisers depending on the situation.

You have to make sure your clients' story is told on their terms. Don't let clients follow the urge to



stick their head in the sand. If you yield control of the story to the other side, you won't like the way it turns out.

Clients aren't always forthcoming. (Surprise!) Some believe if they don't admit the truth themselves, it isn't real. Others think if they don't tell their lawyer or crisis PR counsel the truth, it's easier to be defended, which typically isn't the case.

It's just as important to know what not to say as it is to know what to say.

From the beginning, you must make no mistakes or misstatements. The public loves to catch inconsistencies. They take on a life of their own, even if later proved untrue. At worst, they'll continue to be reported as fact. At best, it'll be reported that you were initially confused about the facts. Either way, you and your client's credibility will suffer.

To ensure your client's side gets told, your message to the media and public must be concise, simple and coherent. No wasted words. It must be packaged in a single cogent statement. You'll never get away with flat denials if the facts against your client are obvious or will soon become public. Being caught lying will destroy the reputations of you and your client and will undermine whatever goodwill you've both earned.

All actions and statements must be orchestrated. It's always best to have a single spokesperson to whom all questions are referred and who is most familiar with the nuances of the organization's message. There must be no rogue comments. This is critical to ensure that there is a single set of facts and a single message. Because the media will grab anyone they can for a statement, make sure all your client's employees know who's authorized to speak.

Use Social Media to Your Benefit

Your client's most loyal fans (and critics) will automatically look to social media for the latest information. It's crucial that you don't ignore this. This is your opportunity to tell your story on your terms. Reach out to your client's stakeholders on whatever platform they use. If you don't keep them informed, they will speculate – often erroneously.

Buy Yourself Time

Initial media statements can serve as pause buttons and they are an integral part of your long-term strategy. They briefly satisfy the media and public while you gather facts, polish your message, and get the tone just right.

Keep your message short and simple. Too much information isn't your friend. It creates confusion and leaves room for error (either on your end or theirs). Saying, "no comment" is always a bad idea, unless there is an overwhelming legal reason to do so. It appears you're hiding something and that creates a perception of guilt.

If a reporter sticks a microphone in your face, don't feel compelled to blurt out the first thing that comes to mind. The best response, in almost any circumstance, is a polite, "Let me check on that and I'll get back to you." This buys you time to refine your message.

Repairing Your Reputation After A Crisis

Whenever accusations are made in the public arena, you always face an uphill fight. In the public's mind, your client is presumed guilty until proven innocent. Even if the accusations are ultimately found false, the stench of perceived impropriety will linger.

Repairing your client's reputation has two parts. First, fix the immediate problem. Second, provide a narrative for long-term redemption. If you don't do what's necessary to repair your client's reputation for the future, the immediate fix might not hold and the tarnish will return.

Eden Gillott Bowe is president of Gillott Communications. She is a damage control expert and former business professor, and has nearly a decade of crisis PR expertise. Roger Gillott, a former business and economics reporter for The Associated Press and corporate public relations executive, is a PR fixer and founder of Gillott Communications. They resolve issues both in and outside the media's glare – from celebrity scandals and corporate fraud to criminal and civil litigation. They are the authors of "A Lawyer's Guide to Crisis PR" and upcoming "A Board Member's Guide to Crisis PR." For more information, visit www.gillottcommunications.com.