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Crisis Comm & Media Relations E-Newsletter

December 1, 2011

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Our regular office number is 216-321-7774.
However, if your situation is DEFCON 4 (critical and extraordinarily time-sensitive),
please call our 24/7 Emergency Crisis Comm Hotline at 216-223-8771.
If necessary, leave a voicemail and we'll get back to you within 30 minutes.

For those of you keeping track, our last issue was dated October 15, 2011.
Reason for the delay: we moved our offices to downtown Cleveland; please see below.



Hennes Paynter, The Atlantic, NY Times & Advertising Age

Joe Paterno & Penn State

"You can't spin your way out of bad behavior."

Don Etling, Fleishman-Hillard

Without a doubt, the Penn State child molestation controversy is the biggest sports scandal in years. It's also a fascinating case study for executives with responsibility for an organization's largest uninsured asset - its reputation.

Since the scandal broke, we've read hundreds of articles about the situation. As always, the Hennes Paynter Crisis Comm & Media Relations E-Newsletter brings you the best of what's been written. But first, a few words:

From the Desk of Barbara Paynter...

There has been a lot written about Penn State University over the past few weeks. Clearly, this is not just about crisis communications. Two fundamental questions come to mind that offer lessons for every organization, not just universities.

First, how could so many people know about allegations of abhorrent criminal behavior and not report it? This speaks volumes about the culture within the organization and should lead us to reflect on our own organization's culture. If someone in your organization came forward with disturbing information or challenged a popular leader, what would happen?

When we create a Strategic Crisis Communications Plan for an organization, one of the first steps is to conduct a Vulnerability Audit. Simply put, we ask people from various disciplines

within that organization to tell us what they worry about. What keeps the CEO up at night is often quite different from the nightmares contemplated by the head of H.R. or I.T. Frequently, someone in the room will argue "that" couldn't happen here. Why not, we ask? The answer usually has to do with the organization's policies and procedures.

But bad things DO happen, even within good organizations. What's the culture within your company? Is it safe for employees to ask questions about today's realities and tomorrow's contingencies?

That leads us to the second fundamental question. Why wasn't Penn State prepared to communicate quickly? Several high-level officials within the organization knew about the investigation well before the indictments were announced. Why didn't they prepare a communications strategy? Imagine how different things would be today if they had decided to tell the truth, tell it first and tell it all.

Perhaps they hoped no one would find out. In hindsight, that sounds ridiculous. But it is not uncommon, in the face of a crisis, for key executives to express the hope that maybe this will remain secret. We tell our clients to hope for the best and prepare for the worst. Had Penn State done that, they would not have bungled their communications so badly.

No one can undo the damage done to the young victims, which should be the most important concern for everyone. The damage to the university could have been mitigated with appropriate and timely communications.

From the Desk of Bruce Hennes...

Barb's comments above are right on target; here are two more:

1. The first and most important lesson of Penn State isn't about communications, i.e. public relations. It's about doing the right thing. There have been more than 150 issues of this Crisis Comm E-Newsletter and almost each one has included this admonition from our colleague, Don Etling: You can't spin your way out of bad behavior.
2. Regardless of your title, it may fall to you to be your organization's Chief Ethics Officer, someone who can stand up to the boss, the senior VP, the board or the wealthy philanthropist and say, "no, that's wrong." This task is especially difficult when you're new in the job, when you aren't a direct report to the CEO, when you're scared of challenging the status quo, concerned about losing your job or you know you haven't the gravitas - or gray hair - to pull it off. Had someone done the right thing earlier, Penn State would be a minor footnote in sports history, rather than the Exxon Valdez of this generation. This is why it's vital to have us in your speed dial. As outside, experienced crisis communications specialists, we can talk to the CEO, chairman, corporate counsel or big donor, firmly and dispassionately draw the line in the sand and say things you can't.

You can't spin your way out of bad behavior...

From The Atlantic on November 16: Exposed to the first glimmers of sunlight, the rats of the Penn State University rape scandal are scurrying for cover. And so far they are proving to have been more adept at the alleged cover-up than they are at minimizing their own legal exposure now that the matter is out in the open. It's only Wednesday, and so far the week has been riddled with questionable moves by these suddenly questionable men. Former assistant coach Jerry Sandusky, accused of child rape, doomed himself Monday night during a powerful interview conducted by NBC's Bob Costas. Coach Mike McQueary, who reportedly saw one of Sandusky's alleged rapes, appears to have contradicted himself over who he told about what he saw. And The New York Times now reports that Joe Paterno himself, the legendary coach, transferred the deed to his home to his wife for \$1 this summer, a move his

lawyer said was routine estate planning but which raises legitimate questions about pre-litigation protective transfers. These are all the actions of men who know that things are likely to get much worse before they ever get better. [READ MORE](#)

You can't spin your way out of bad behavior...

From the New York Times on November 21: In his 16 years as (Penn State) president, Spanier and his administration had a history of circling the wagons in the face of criticism or scrutiny, fitting into what many say was an insular Penn State culture that preceded his tenure. It occurred when high-profile Penn State employees came under fire, when student actions threatened to embarrass the university, and when people sought to obtain information that almost any other public institution would be required to release. That instinct might have accelerated Spanier's downfall. On Nov. 5, when Gary Schultz, a senior vice president, and Tim Curley, the athletic director, were charged with perjury, Spanier released a statement saying he had "complete confidence" in their handling of the accusations against Sandusky - a statement that incensed university trustees, according to people briefed on their deliberations. [READ MORE](#)

What about the students?

From Advertising Age on November 21: It's a sign of just how the sex-abuse scandal that has tarnished Penn State's prized football program is now casting a larger, dark cloud over the entire university. And it's also a sign that -- along with the public and the alleged victims' families -- the college's students are desperately seeking answers, befuddled by University leaders' delayed and seemingly haphazard approach to the situation. Despite months of advance notice, Penn State's board didn't enact a communications plan, and waited until after the arrest of former defensive coordinator Jerry Sandusky was all over the news (before hiring a PR agency to assist)... "As you can imagine, the current crisis is permeating every aspect of our university," Dr. Robert Baukus, head of the department of advertising and public relations at Penn State, told Ad Age. "The topic is discussed in our classrooms from a variety of perspectives. Usually, the discussions hinge on how the crisis was managed from a public-relations angle." ...Said Mr. Baukus: "I believe that many of the well-known crisis communication management techniques were overlooked or inappropriately implemented. The adage to 'tell the truth and tell it quickly' surely was ignored when one considers the timeline of the alleged events. Also, the lack of forthright information flowing from a central university spokesperson only helped fuel speculation and enhance distrust." ...the only positive thing that could possibly emerge from the scandal..."These [students] will remember this whole evolution and the discussions we've had, and they'll go out in the real world and remember what Penn State did, what was wrong and what was right, and apply it to the companies they work for." [READ MORE](#)

The power of words - confusing sex and rape

From The New York Times on November 19: As the Jerry Sandusky case at Penn State University shows, reporting on allegations of sex crimes poses a challenge not only to get the story right but to deliver it in language that puts the facts in the proper light. Some readers, responding to The New York Times's first reports on the case, strongly objected to wording in the articles that, in their view, either underplayed the details or wrongly applied the language of consensual sex to the narrative. [READ MORE](#)

What's next?

We agree that bringing in an outside investigator like former director of the FBI Louis Freeh, with impeccable credentials and no previous ties to the university, was the right move, but is it too little and too late? [READ MORE](#)



American Bar Association

High Profile Litigators Advise on High-Profile Cases in Media

Trying a case within the crucible of the courtroom presents enough challenges for litigators, but the impact on lawyers, clients, witnesses, judges and jurors can be profound when a case attracts a significant amount of media attention. "The kind of scrutiny that you, your client, the case and your witnesses get from the press is very different from the kind of isolated luxury that most of us have when we're preparing the normal case," said David Boies, chairman of Boies, Schiller & Flexner in Armonk, N.Y. His latest clients include National Basketball Association players and the National Football League. [READ MORE](#)

Video Bonus: [So You Want To Go To Law School](#)



Peter Sandman

Occupy Wall Street

Peter Sandman is generally regarded by crisis communications consultants as a real giant in the field of [risk communications and risk management](#). Sandman regularly consults with large corporations and government agencies. An astute dispassionate and scholarly observer of the scene (though with major-league real-life experience), Peter recently commented on the Occupy Wall Street messaging - and on Wall Street's response (or lack thereof). Without a political or partisan agenda of his own, Sandman's analysis and suggestions are timely, strategic and thought-provoking:

Occupy Wall Street is an expression of outrage. It's not (at least not primarily) an effort to arouse outrage. The outrage is already widespread and the movement is simply channeling it. This is a kind of precaution advocacy I haven't written much about. Let's divide precaution advocacy into three tasks:

- Arousing outrage
- Expressing outrage
- Distilling outrage

The toughest precaution advocacy task is arousing outrage: trying to get people outraged who aren't but you think should be. That's how activists earn their stripes. They can't manufacture outrage out of whole cloth, of course; the outrage has to be latent in the situation. Activists are skilled at making latent outrage manifest.

But outrage at Wall Street is already manifest - not just outrage over Wall Street's role in our economic problems, but also outrage over its unwillingness to acknowledge its role and accept some punishment and some reform. So the task of Occupy Wall Street is a lot easier. It doesn't need to arouse outrage; it merely needs to provide a means and a venue - hundreds of venues, actually - for its expression.

Distilling the outrage into an economic and political agenda is the third task. David Meerman Scott complains that Occupy Wall Street hasn't taken on that third task. He's right. It hasn't. Maybe the second task is enough. [READ MORE](#)



New York Times

When Business Can't Foresee Outrage

A good rule of thumb for companies and politicians is to avoid becoming the butt of jokes on late-night TV. While most business executives understand this principle, they evidently don't know how to act on it. Consider Bank of America's move to charge customers \$5 a month to use their debit cards. The bank eventually decided against the fee, but not before helping to create a storm big enough to induce many people to move their business away from large banks to credit unions. [READ MORE](#)



The Atlantic

When We Were Still Getting Used to Traffic Lights

Check out this educational film produced by Chevrolet in 1937, titled Seeing Green. It's easy to forget that at one point in our history, there was no national standard that red meant stop, and green meant go - many cities operated their own unique versions of automated traffic signals, some with four colors, and others with only two. The film also explains some of the basic mechanics of how lights were coordinated across a city at the time. [READ MORE](#)

Hennes Paynter Communications

News From Hennes Paynter



We've Moved

After 22 years in the suburbs, we've moved our offices to [Terminal Tower](#) in downtown Cleveland, Ohio. We're on the 32nd floor of this historic building, built in 1928, with panoramic views on three sides of the building. If you're in the neighborhood, please stop by.



photo above taken with a cell phone camera from BP/Huntington Building

Please change your records to reflect our new contact information:

3200 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
office: 216-321-7774
fax: 216-916-4405

[Hennes Paynter Communications](#) is one of the few agencies in the U.S.
focused exclusively on crisis communications. Contact us at 216-321-7774.

Hennes Paynter is proud to support [WCPN-FM](#) , Cleveland's National Public Radio affiliate.
If you hear one of our underwriting spots, drop us a line, would you?



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Corporate Counsel & International Business Times

Herman Cain Harassment Flap Puts Pressure on General Counsel

David Machlowitz spent enough time as a general counsel to suspect that many fellow GCs would rather be "negotiating with the Taliban right now" than sitting in the hot seat occupied by Peter Kilgore, the general counsel of the National Restaurant Association who is dealing with the fallout from the Herman Cain sexual harassment allegations. Machlowitz, retired GC of giant Medco Health Solutions Inc., was joking; but Kilgore probably isn't laughing. He's too busy fielding the legal and media demands after being thrust into the spotlight when allegations arose that Cain harassed one or more female employees while president of the association between 1996 and 1999. [READ MORE](#)

[Cain Shooting Himself in Foot with Fumbling Responses: PR Experts](#)



Continuity Central

Joplin Tornado Offers Important Lessons for Disaster Preparedness: NOAA

NOAA's National Weather Service has released its final assessment report on the May 22 tornado that struck Joplin, Mo. The report identifies best practices and makes recommendations to help save more lives during future violent tornadoes. Most importantly, the assessment emphasizes that people must be prepared to take immediate action when a warning is issued. "The tornado that struck Joplin offers important lessons about disaster preparedness," said National Weather Service Director, Jack Hayes, Ph.D. "Tragically, despite advance tornado outlooks, watches and warnings, 159 people died and more than 1,000 were injured. At NOAA we will do all we can - working with our partners throughout the weather enterprise and emergency management - to reduce the impact of similar disasters." [READ MORE](#)



Hennes Paynter Communications

Continuing Legal Education Managing the Media: Lawyers & The Press

Monday, December 19, 2011

Cleveland Metropolitan Bar Association

Deborah Coleman, Hahn Loeser

Virginia Davidson, Calfee

Bruce Hennes, Hennes Paynter Communications

Registration: 7:45 a.m.

Program: 8:15 a.m. - 1:30 p.m.

CLE Credits: 4.75 including 1.5 hours of Professionalism

[Register Now](#)

Tuesday, December 20, 2011

Akron Bar Association

Orville Reed, Buckingham Doolittle

Jim Burdon, Burdon & Merlitti

Bruce Hennes, Hennes Paynter Communications

Registration: 8:00 a.m.

Program: 8:25 a.m. - 1:30 p.m.

CLE Credits: 4.50 including 1.5 hours of Professionalism

[Register Now](#)

As almost any general counsel of a large, publicly traded, consumer-oriented company will tell you, legal controversies today are tried in the Court of Public Opinion -- at least as much as in any Court of Law. Every organization, especially large, publicly-traded corporations has much to gain (or lose) by the way a legal controversy is positioned in the media. Because the value of a company's reputation is immeasurable -- and perhaps its largest uninsured asset -- a corporation loses when the brand image is tarnished, even if the corporation technically wins at trial. Furthermore, since most legal controversies are settled prior to trial, the Court of Public Opinion has arguably become the most important battleground affecting not only good will and market share, but legal bargaining power and settlement negotiations. Managing this battleground, therefore, has become integral to many corporations' legal strategies.

[Georgetown Journal of Legal Ethics, Vol. 22, 2009](#)

In these days of 24/7 instant news, attorneys and their clients simply cannot wait until a legal decision is rendered. They must be prepared to vigorously defend their situation in a wide variety of venues, as well as media outlets.

In the first 90 minutes of this seminar, attorneys will hear about the canons and case law surrounding the relationship between PR activities, PR counsel and the management of the media, often a critical component of case strategy in litigation practice.

The remaining 3.00 hours of this seminar include: Establishing & maintaining "control of the message"; when a reporter calls - making your points and not just answering questions; what reporters expect; what newsmakers should expect; defining and creating Key Messages; reporter's agenda vs. the attorney's agenda; the fundamental differences between print, television and radio interviews and how each requires different skill sets; dealing with the press proactively and reactively; "off the record, not for attribution" and other advanced techniques; and creating relationships with reporters and editors.

Also discussed are the ethical and practical perils of talking with the media in the midst of a client crisis or pending case, causing many lawyers to insist on a strict "no comment" to the press. However, the public almost always interprets "no comment" as an admission of whatever charge is made, which may not serve the client's best interests. This seminar will offer attorneys a wide variety of strategic and tactical alternatives to "no comment."

For information about this CLE, please call Bruce Hennes at 216-321-7774.



Curated by Hennes Paynter Communications

Short Takes

[7 Confusing Word Pairs](#) Ragan's PRDaily

[Cleveland Video Wows Audience](#) CWRU School of Law

[10 Best Commercials of 2011](#) Ad Age

[10 Worst Communications Nightmares](#) Ragan's PRDaily

[50 Emergency Uses for Your Cameraphone](#) About.com

[Unaired SNL Skit Honors Steve Jobs with Murdoch, Huffington, Charlie Rose Roundtable](#)

[45 Images from the National Geographic Photo Contest](#) The Atlantic

[20 Things Communications Pro Should Know How to Do](#) Get in Front Communications



Hennes Paynter Communications

Check Out Bruce & Barb's Schedule

12/7/11 Senior Service Network of Stark County (1 hour)

How the Media Manipulate the News

12/19/11 Cleveland Metropolitan Bar Association (4.75 hours)

Managing the Media: Lawyers & The Press CLE

Co-Presenters: Deborah Coleman, Esq. (Hahn Loeser) & Virginia Davidson, Esq. (Calfee)

For registration information, click [here](#).

12/20/11 Akron Bar Association (4.75hours)

Managing the Media: Lawyers & The Press CLE

Co-Presenters: Orville Reed, Esq. (Buckingham Doolittle) & Jim Burdon, Esq. (Burdon & Merlitti)

For registration information, click [here](#).

1/12/12 Akron Public Relations Society of America

Panel Discussion: Starting a PR Agency

2/6/12 Ohio Parks & Recreation Association (1.25 hours)

Crisis Communications

2/15/12 Portage County Human Resource Association (1 hour)

Communicating Effectively During a Crisis

2/16/12 Cuyahoga County Law Directors Association & Cleveland Metropolitan Bar Association

Government Section (1 hour)

Crisis Communications

4/11/12 Lorain County Safety Council (1 hour)

How Media Manipulate the News

4/23/12 Mansfield Economic Club (1 hour)

Crisis Communications

12/18/12 Akron Bar Association (4.5 hours)

Managing the Media: Lawyers & The Press CLE

NOTE: Most of the above are open to the public. Some of the seminars are free; others require a fee, payable to the sponsoring organization. Please call or write us for further information.

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Need a Presenter for Your Next Meeting or Conference?

Are you looking for an eye-opening, inspiring presentation for your next event? If your organization, company or association is searching for something different—a content-packed, entertaining, how-to customized seminar on how to manage the media - then we should talk. Don't just take our word for it. [See what other people say about our seminars](#) .



Managing the Media: Lawyers & The Press CLE

In today's world of high-profile litigation, law firms frequently retain PR consultants to help with media relations.

Numerous law firms have brought us in to do one of our seminars; some have used our seminar for a marketing opportunity, inviting a large number of corporate attorneys, as well as prospects for new business. Call us at 216-321-7774 to discuss particulars.



Media Training & Coaching

Your organization is in trouble...your CFO has been arrested...the company truck was in an accident...hackers hijacked your database...the pressure is on...the camera crew is at the door....

Do you know how to handle a high-pressure TV interview? Will your messages survive the editing booth? Do you know where to put your hands? What to wear? Do you look at the camera - or at the interviewer?

It takes a lifetime to build a reputation and only a few seconds to destroy one. In a split second you could find yourself in a position where you need to know how to handle the media or be a public spokesperson. Would you know what to do or how to respond?

More important - do you have the necessary skill set to "manage the message" and advance the

cause of your business, agency or nonprofit?



You can be certain the senior executives at virtually all of the Fortune 500 companies have been through media training, working with a media coach to learn how to handle adversarial situations with journalists and stakeholders. Perhaps it's time for you to learn this specialized set of survival skills?

We also offer spokesperson & presentation training and coaching, designed to improve your daily interactions with colleagues, employees, investors, journalists and other outside parties.

Call Bruce Hennes, Barb Paynter and the staff at [Hennes Paynter Communications](#) today at 216-321-7774 and talk to us about media, spokesperson and presentation training and coaching for you, your top execs -- or anyone who might have to hold the fort down with a reporter until the appropriate spokesperson can be located.

Ask us, too, about how we can help you create, implement and test a crisis communications plan.



Our Permanent Collection of Links & Tips

If you're a new subscriber to this e-newsletter, our [carefully-selected list](#) of links and tips will help you prepare for, and respond to, crisis situations.



**When your organization or reputation is threatened, you need a specialist.
A crisis communications specialist.**

HENNES  **PAYNTER**
COMMUNICATIONS

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Administrivia

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OUR FAVORITE QUOTE: You simply can't communicate your way out of a situation you've behaved your way into (credit to Don Etling at Fleishman-Hillard for this insight).

WARREN BUFFET'S 4-STEP CRISIS COMM STRATEGY: Get it right. Get it fast. Get it out. Get it over.

