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Crisis Comm & Media Relations E-Newsletter

July 15, 2012

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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.



New York Times, Hennes Paynter, Oswald Companies, Poynter, Richard Levick & FastCompany

"Cowardly Lions" - Penn State, Jerry Sandusky, Joe Paterno & the Freeh Report

Louis J. Freeh, the former federal judge and director of the F.B.I. who spent the last seven months examining the Sandusky scandal at Penn State, issued a damning conclusion Thursday:

The most senior officials at Penn State had shown a "total and consistent disregard" for the welfare of children, had worked together to actively conceal Mr. Sandusky's assaults, and had done so for one central reason: fear of bad publicity. That publicity, Mr. Freeh said Thursday, would have hurt the nationally ranked football program, Mr. Paterno's reputation as a coach of high principles, the Penn State "brand" and the university's ability to raise money as one of the most respected public institutions in the country.

The fallout from Mr. Freeh's conclusions was swift, blunt and often emotional. Phil Knight, the chief executive officer of Nike and an ardent Paterno loyalist, had Mr. Paterno's name removed from a child care center Knight had founded in Oregon; Bobby Bowden, the former football coach at Florida State who is second behind Mr. Paterno in career victories, called on Penn State to take down the statue of Mr. Paterno that stands on its campus in State College, Pa.; and students, faculty and former Penn State players suggested no one could hide from the ugly truth of what they said was a devastating but fair investigation.

The New York Times July 13, 2012

Since the Freeh report came out on Thursday, reporters and commentators have analyzed it with agonizingly minute scrutiny. We won't repeat all the details, which by any standard are shattering to the reputations of Penn State and several individuals, including the late Joe Paterno. In fact, the report makes the case that people with the authority to do something chose instead to look the other way for 14 long years, expressing more concern for the school's reputation and for the abuser than for the victims.

The report also charges that Penn State operated in a culture of secrecy, covering up to prevent negative publicity, and held its football program in a special "culture of reverence" that allowed it to become a "closed community," without accountability. According to the report, the football program "opted out" of compliance with the Clery Act, which requires universities to report crimes on campus. How is that even possible?

We certainly understand the instinct to avoid negative publicity. No one wants bad news to come out. But the story isn't as important as the welfare, in this case, of the children. Secondly, the question is not whether the story will become public but when and how. The notion of operating in secrecy is an illusion and organizations that understand that are in a better position to protect their reputations than those in denial. And, this report makes it clear that plenty of people at Penn State were in denial.

So what should Penn State do now? The university's leadership must quickly embrace the recommendations in the Freeh Report, focusing especially on transparency and cultural change: The Board must play an active role in measuring progress and holding the leadership team accountable; they must regularly report their progress to the community-at-large; rather than circle the wagons, as in the past, Penn State must embrace fresh perspectives and open dialogue.

This is about so much more than communications. First, they must do the right thing, legally, morally and ethically. Then they will have something to talk about.

Barbara Paynter, Partner, Hennes Paynter Communications

Has the ripple effect of the Jerry Sandusky case reached your board room?

Many of our readers volunteer their time to serve as board members for not-for-profits and educational institutions. As we read about the Freeh Report on the Jerry Sandusky case, we wondered whether volunteer board members could be held personally liable for an organization's actions (or inactions) in such a case. So we asked our friend, [Andrew Gunn](#), director of specialty risk and commercial insurance at the Oswald Companies. Here's Drew's response:

Many organizations' Management Liability (also known as D&O or Educator's Legal Liability) policies specifically exclude claims which are based upon or arising out of sexual misconduct or bodily injury.

Most Management Liability policies are broadly written to protect directors and officers from allegations that they breached their statutory fiduciary duties of care, loyalty or obedience. However, the insurance carrier is within its rights to specifically exclude follow-on allegations such as breach of fiduciary duty from, for example, mismanagement or lack of oversight. In fact, directors and officers can be held personally liable for such allegations. While larger institutions may be able to indemnify their directors and officers for defense expenses, most not-for-profits don't have enough money to make their directors and officers whole, leaving their personal assets exposed.

Don't expose your personal assets! If you serve on a non-profit board, now is the time to ask tough questions about the organization's policies and seek advice from a Management Liability specialist that can guide you through your risk management options.

[Barb Paynter comments on Freeh Report on WKYC-TV](#)

Washington Post Sports Columnist Sally Jenkins: "[Joe Paterno was a liar.](#)"

The Atlantic: [Former Penn State President's Responsibility](#)

Poynter.com: "[Cowardly Lions](#)": [Front Pages Reflect Outrage at Penn State "Enablers"](#)

Richard Levick & FastCompany: [What Every Business Needs To Learn From Penn State](#)

LATE BREAKING NEWS: [Paterno Won Sweeter Deal Even As Scandal Played Out](#)



Washingtonian

25 Things to Know Before You Become a Restaurant Critic

Restaurant critic. It's a pretty sweet gig if you can get it - evenings spent dining on the company dime, days spent rhapsodizing about vichyssoise and *vitello tonnato*. In a corporate climate of cutbacks and slashed expense accounts, eating for a living seems like the cushiest job ever - especially when you consider all those wired-in foodies ready to Yelp their meals for free. So, could you do that? To find out, we talked to five very good critics. [READ MORE](#)

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TheBuzzBin

Managing a Crisis on the Web

Whether it's a massive power outage, contaminated food issue or an ethics disagreement, a crisis can strike at any time. To properly manage communications around the issue, a page on your website, subdomain or microsite might be created to help inform people about what's happening. [READ MORE](#)

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Nonprofit Quarterly

When a Reporter Calls: The New York Times & Philanthropies

In March, *The New York Times* decided to eliminate the national philanthropy beat it established ten years ago. *The Times* had assigned reporters to this beat at least twice before, but for whatever reason those assignments did not work out. Writes William Josephson:

The Times's decision is truly regrettable, as [Pablo Einsenberg wrote](#) for *The Chronicle of Philanthropy* on March 13: The number of financial abuses and other illegal activities at nonprofits appears to be growing more prevalent and more brazen. . . . The sad truth is that the news media remain the only serious accountability mechanism America has to ensure the health and integrity of nonprofits. Neither the Internal Revenue Service nor the state attorneys general have the resources and the will . . .

Philanthropoids (apologies to the late Dwight MacDonald) generally are inept in dealing with the media. The philanthropoid wants stories to reflect well on her or him and what their employer and they are doing. This wish is not limited to philanthropoids, but is aggravated by philanthropoids' self-righteousness; "I'm doing good for insufficient reward, so I deserve to

be favorably covered." That attitude will get them nowhere.

What philanthropoids too often do not understand is that, for most reporters, good faith, good news and a pure heart do not sell. When a reporter calls, it is almost always about bad news or news that the called does not want published or does not yet want published.

[READ MORE](#)

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CrisisBlogger, TVNewser & Politico

Former Head of ABC News Writes "Exit Interview"- An Honest Revelation of Challenges of Journalism Today

From Gerald Baron:

Reading David Westin's outstanding book, "Exit Interview" has simultaneously confirmed my serious concerns about today's news while greatly increasing my admiration, respect and appreciation for the many journalists (like Westin) who work so hard to do their best in midst of enormous change and challenge.

In summary, here are some of the major concerns I've expressed over the past twelve years or so:

The business of news is business, which means getting eyes on the screen or ratings. The preference will almost always be to cast a story in the way that gets the most attention rather than presenting the facts, the truth, or the complicated nuances of events.

Because news is entertainment and competes against entertainment, it adopts the entertainment forms of simple story telling or melodrama: white hats, black hats and maidens in distress-which is almost always some form of public interest (health, safety, security, etc.)

Fear and gut-level emotion attracts audiences like nothing else-combine these factors and if you are the source of the trouble, you have a big black hat on with your faults presented to maximize emotion and outrage

Reporters don't usually come to you looking for the truth-they have a story in mind and they have a role for you to play (usually not one you want to play) and they will do all they can to get the quotes or footage that helps them tell the story they want

Despite these inclinations mainstream journalism today continues to serve a vital public interest and good journalism needs to be lauded and protected. BUT, because of the inherent conflict and inclinations and because of the readily accessible option of going direct to your key audiences, organizations that continue to rely on the traditional media to convey their information and messages are putting themselves at great and unnecessary risk.

(One) of the best books I have read about today's news business (has) is...David Westin's "[Exit Interview](#)." Westin led ABC News for 14 years and prior to that was the president of the network. [READ MORE](#)

Network news veteran Paul Friedman has been keeping a close eye on the three evening newscasts of late and has written about their current state for the Columbia Journalism Review. Friedman's engrossing 4,000-word dissection of the network newscasts boils down to this: There's the lofty one (CBS), the light one (ABC) and the one somewhere in between (NBC). [READ MORE](#)

Americans' confidence in television news has hit an all-time low, according to a new survey by Gallup. [READ MORE](#)

The New York Times



Fanfare for the Comma Man

Is it safe to talk about punctuation again? Eight years ago, Lynne Truss's best-selling "Eats, Shoots & Leaves" took, in the words of her subtitle, a "Zero Tolerance Approach" to the subject. Although Truss's focus on errors drew the ire, if not the fire, of grammarians, linguists and other "descriptivists," her book was, for the most part, harmless and legitimate. Still, it overlooked a lot. Maybe more than any other element of writing, punctuation combines rules with issues of sound, preference and personal style. And as Truss didn't adequately acknowledge, even the rules change over time. The two big players in the field are the period and the comma. [READ MORE](#)

News From Hennes Paynter



Hennes Paynter Crisis Communications & Media Relations E-Newsletter Now Has Over 6243 Subscribers

Thank you for helping us reach this milestone.

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From the Desk of Bruce Hennes

Well, I knocked off one of my Bucket List items last week: I went to the top of Terminal Tower and helped hoist a new American flag on the top.

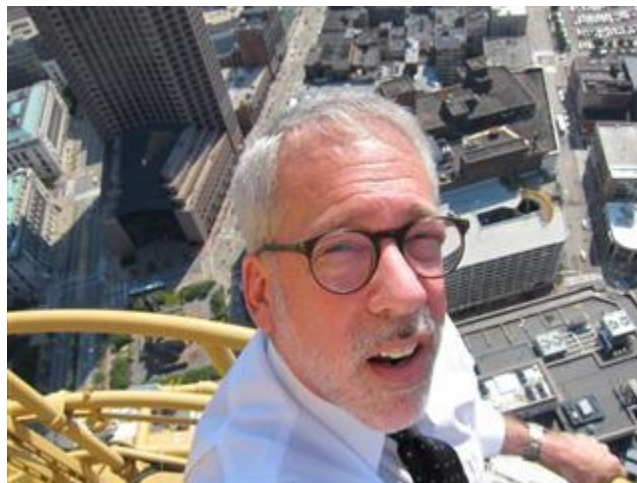
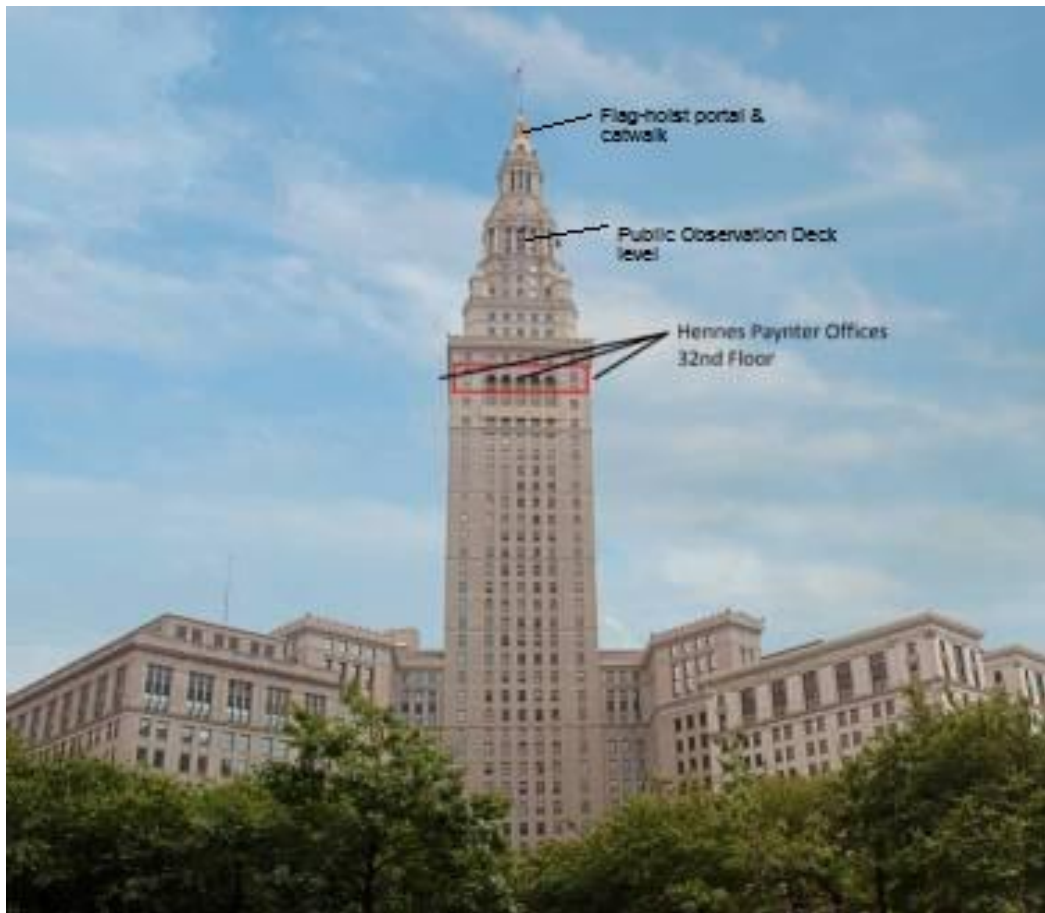
The famous Terminal Tower Observation Deck is on the 42nd floor; the small hatch leading out to

the catwalk on the top-most portion of the building is on the 52nd floor. Entrance to the top-most level is gained via a door on the Observation Deck level, five flights of regular stairs and then five more flights of a tiny circular staircase, as the building tapers to the top. At the very top, you climb up a metal ladder and then out a hatch to a very narrow catwalk that goes 'round the very tip-top of the spire.

And before you go down, you get to take a magic marker and write your name and date on a metal pole, where I noted that there weren't that many names !! Indeed, a rare privilege.

Forest City Enterprises employee Chuck Long took me up there. Chuck's in charge of replacing the American flag when it becomes tattered, as if often does. It was without a shred of false modesty that Chuck told me it's not a job - it's a privilege. Chuck also hoists the Cleveland Indians flag below the American flag on game days.

Besides the photo below, click [here](#) to see a short video of my time "high atop Cleveland."





We are pleased to announce that **Bruce Hennes** was recently sworn-in for a second consecutive three-year term as trustee of the Cleveland Metropolitan Bar Association.

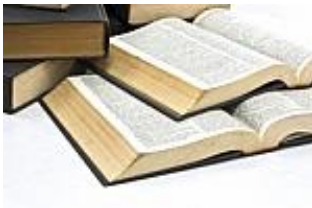
He was also reappointed for a fourth consecutive term to the Executive Committee of the bar association.

Barbara Paynter continues to serve the Federal Bar Association - Northern Ohio District Chapter as a member of that board.

Hennes Paynter is proud to support [WCPN-FM](#) and [WKSU-FM](#), respectively Cleveland and Akron's National Public Radio affiliates.



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

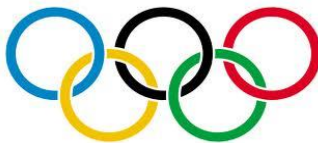


Ragan's PRDaily

16 Reference Works You Never Knew Existed

One of the greatest joys of researching is discovering unusual and obscure reference works. If you look hard enough, you'll find a wealth of information about even the most obscure topic. Two of our favorite reference works include **The Dictionary of Imaginary Places** (because you never know when you'll need to look up the definition of Narnia) and **TV Sets: Fantasy Blueprints of Classic TV Homes** (featuring "extrapolated" blueprints from shows such as "The Brady Bunch" to "The Addams Family"...incredibly, all the plans are drawn to be architecturally feasible; that is, one could actually build from them). [READ MORE](#)

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Poynter & AgencySpy

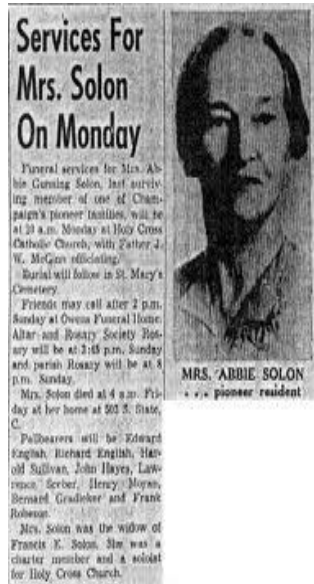
For the Associated Press, Olympics are the Olympics of News Coverage

The Associated Press announced its 2012 Olympics coverage plan this week, and as you might expect it's expansive: text packages and updates posted throughout the day, medal counts on its AP Mobile apps, interactive presentations viewable on a number of devices, and tons of photos and video.

The coverage shows the growing importance of sports coverage to the AP and its belief that sports are not just games that happen on a field, but events that tie together millions of disparate

people and overlap with geopolitics, entertainment and culture. [READ MORE](#)

AgencySpy: [Michael Phelps Proves Power of .01 Seconds in BBDO Brazil Olympic Spot](#)



Poynter

People Don't Want Reporters to Call Them After a Death, Unless They Do

Australian TV reporter Sarah Harris looks back on the "death knocks" she's done over her career - a "few dozen," she reckons.

I've been physically threatened. Screamed at. Spat on. I've had doors slammed in my face, been pelted with beer bottles and rotten food. Our crew car's been damaged. But you just have to wear it. Grief does strange things to people. If I'd had a loved one torn away from me, I'm not sure how I'd react to a reporter knocking on my door. [READ MORE](#)



Curated by Hennes Paynter Communications

Short Takes

[5 Ways to Handle Negative Facebook Comments](#)

Ragan's PRDaily

[9/11, Katrina and O.J. Verdict Top TV's Most Memorable Moments](#)

MSNBC.com

[Get Lost in Google's World Wonders Project](#) The Atlantic

Using its familiar Street View technology, Google has developed the World Wonders Project to make 132 UNESCO World Heritage sites in 18 countries more accessible for people like me who don't have the time or money to make a trip around the world. Places like Stonehenge, numerous castles and various parks are on display, but there are also more than 50 cities with historic districts to explore.

[Breathtaking Archival Footage of Constructing the Golden Gate Bridge](#) The Atlantic

[Howard Stern and Terry Gross: Let's Bring Them Together!](#) Romenesko.com





Hennes Paynter Communications

Upcoming Events and Seminars

Join us for one of the crisis communications presentations below or contact us to customize one for your organization

7/26/12 North East Ohio Education Association Leadership Conference

9/6/12 NonProfit Direct: The NonProfit National Resource Director (1 hour)
Teleseminar: Crisis Communications for Nonprofits

9/11/12 Sales & Marketing Executives International (1 hour)

10/2/12 The Center for Emergency Management & Homeland Security Policy Research, University of Akron (1.5 hours)

10/16/12 Medina County Safety Council (1 hour)

11/1/12 Business Volunteers Unlimited - Center for Nonprofit Excellence

11/8/12 Legal Marketing Association (1 hour)

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

Managing the Media: Lawyers & The Press CLE

Co-Presenters: Orville Reed, Stark & Knoll; Jim Burdon, Burdon & Merlitti

12/20/12 Cleveland Metropolitan Bar Association (4.5 hours)

Managing the Media: Lawyers & The Press CLE

Co-Presenters: Deborah Coleman, Hahn Loeser; Virginia Davidson, Calfee

1/11/13 Ohio Prosecuting Attorneys Association (1 hour)

4/16/13 Greater Cleveland Safety Council (1 hour)

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 [where we've talked before](#) and [what other people say](#) about our seminars.

Recent seminar sponsors include:

Maritime Attorneys of The United States
American Great Lakes Ports Association
Ohio County Prosecutors Association
Licking County Safety Council
The American Bar Association
Cuyahoga Community College
Bowling Green State University
Mansfield Economic Club
Lorain County Society for Human Resource Management
Lakeland Community College
Holmes County Board of Health
Cuyahoga County Emergency Management Agency
Cuyahoga County Police Chiefs Association
Cuyahoga County Fire Chiefs Association
Southern State Community College
BVU - The Center for Nonprofit Excellence
Ohio County Auditors Association
Ohio Mayors Association



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.



Crisis/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.**



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.



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