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## Crisis Comm & Media Relations E-Newsletter

November 15, 2012

**Now in Our 10th Year of Publication**

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Our regular office number is 216-321-7774.

However, if your situation is [DEFCON 2](#) (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.



### Why Penn State and the Freeh Report Matter to Corporate Boards

[Why Penn State and the Freeh Report Matter to Corporate Boards](#) *CorporateCounsel*

The recent indictment of former Penn State University President Graham Spanier helps assure that the broader governance themes raised by the Jerry Sandusky sexual abuse scandal will remain in the forefront-not only with the media, but also in corporate boardrooms.

This is primarily because of the continuing weight attributed by multiple constituencies to the investigative report of Judge Louis Freeh with respect to the underlying scandal. Much of the Freeh Report's focus is on fiduciary conduct - both past and recommended. The report's core governance themes transcend the unique, horrible nature of the underlying facts. It is, in large part, a significant commentary on the oversight responsibilities of a governing board.

So when the Freeh Report is cited in media reports as contributing to the charges filed against Mr. Spanier - as it was similarly cited as a basis for the July 2012 NCAA sanctions against the University's athletic program - the exceptionally long "shelf life" of this investigative report becomes more clear.

And that should cause corporate boards, and their governance counsel, to pause.



## Plain Dealer Journalists Plan Pre-Emptive Campaign Against Reduced Print, Staff Cuts

[Plain Dealer Journalists Plan Campaign](#) *Poynter.org*

Advance Publications hasn't said whether it intends to reduce the publication schedule or staff at The Plain Dealer, the largest-circulation newspaper in Ohio, but journalists at the Cleveland paper want to get ahead of any decision their owners might make.

["Save The Plain Dealer" Facebook Page](#)



## Role for Social Media in Courtroom

[Social Media, Growing in Legal Circles, Find a Role in Florida Murder Case](#) *New York Times*

When Mark O'Mara agreed to defend George Zimmerman in the Trayvon Martin murder case, one of his first major decisions was to embrace the Internet. He set up a legal defense Web site for his client, a Twitter page and a Facebook account, all with the purpose of countering what he called the "avalanche of misinformation" about the case and Mr. Zimmerman.

It was a risky move, unorthodox for a criminal defense lawyer, legal experts said, but a bold one.



## Lessons from Hurricane Sandy

[In Crisis, Public Officials Embrace Social Media](#) *New York Times*

With Hurricane Sandy, public officials and government agencies have embraced social media to a greater degree than ever. For proof, look no further than the Twitter feed of Gov. Andrew Cuomo of New York: 400 messages on Tuesday, 300 on Wednesday and well over 100 on Thursday, featuring everything from photos of storm surge damage to updates on power restoration.

[Uber's Good Deed Doesn't Go Unpunished](#) *Fast Company*

In the wake of every natural disaster, there are the inevitable follow-up stories about miscreants seeking to exploit the situation for their own selfish purposes. A service station starts selling gas for seven dollars a gallon. A hotel doubles its room rates. A grocer prices milk, eggs, and toilet paper as if cows, chickens, and trees are about to go extinct. Sandy was no different. In the wake of the biggest storm to hit the Northeast in recent memory, the taxi and car service Uber was accused of playing the profiteer's role. But the label was undeserved. Uber's sin, if any, was one of omission, not commission. In the end, the only thing the start-up did wrong was under-communicate the details of a decision that ultimately helped ensure that its New York City customers could find rides at a time when transportation options were increasingly scarce.

[Academic 'Dream Team' Helped Obama's Effort](#) *New York Times*

Not well known is that the Obama campaign had a panel of unpaid academic advisers. The group - which calls itself the "consortium of behavioral scientists," or COBS - provided ideas on how to counter false rumors, like one that President Obama is a Muslim. It suggested how to characterize

the Republican opponent, Mitt Romney, in advertisements. It also delivered research-based advice on how to mobilize voters.

[The Preparedness Message Isn't Reaching the Public](#) *Emergency Management*

Americans have a false sense of security when it comes to disasters, and should they become victims, most haven't taken steps to help themselves during the first few days after one strikes. Experts say either the preparedness message isn't getting across, or the wrong message is being sent.

[Speaking His Mind, Beyond the Forecast](#) *New York Times*

While the quantity and quality of storm-prediction data has exploded in recent years, it is important that forecasters be able to see the whole picture, and help people understand threats in a plain-spoken non-alarmist way. "These days, warnings don't come two and a half days before the storm," he said. "They come a week before." So "tone management" is more important than ever, he continued. "I find that when people feel fully informed, they're much less likely to panic."

[Amazing Aerial Photos of New York City Immediately After Hurricane Sandy](#) *New York Magazine*



**Continuing Legal Education  
Managing the Media: Lawyers & The Press**

**CLE Season is Upon Us**

Loss of a senior or named partner...financial problems...  
legal malpractice lawsuits...partner disputes...  
high profile litigation...natural disasters...  
defective products...workplace violence...  
compromised client information & confidentiality violations...  
criminal accusations...

**If you think you, your firm or your client doesn't  
need a crisis plan, think again.**

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 have 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.

Friday, December 7, 2012

Managing the Media: Lawyers & The Press

**Columbus Bar Association**

Scott Campbell, Thompson Hine

Bruce Hennes, Hennes Paynter Communications

Registration: 1:00 p.m. Program: 1:30 p.m. - 4:45 p.m.

[Register Now](#)

Tuesday, December 18, 2012

Managing the Media: Lawyers & The Press

**Akron Bar Association**

Orville Reed, Stark & Knoll

Jim Burdon, Burdon & Merlitti

Bruce Hennes, Hennes Paynter Communications

Registration: 8:00 a.m. Program: 8:25 a.m. - 1:30 p.m.

[Register Now](#)

Thursday, December 20, 2012

Managing the Media: Lawyers & The Press

**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.

[Register Now](#)

Friday, March 15, 2013

Managing the Media: Lawyers & The Press

**American Bar Association Leadership Conference**

Bruce Hennes, Hennes Paynter Communications

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 portion 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 remainder of the seminar includes: 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 require 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 press in the midst of a client crisis or pending case, causing many lawyers to insist on a strict "no comment" to the press, which 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 these CLEs, please call Bruce Hennes at 216-321-7774.



## Karl Rove Walk-Off

[Karl Rove Challenges Fox's Election-Night Data Operation in 'Odd Civil War'](#) *Poynter.org*

The danger of creating your own reality and ignoring credible data.

[Nate Silver Explains His Forecasting Methodology to Jon Stewart](#) *The Daily Show*

## News From Hennes Paynter



## The Hennes Paynter Crisis Communications & Media Relations E-Newsletter.

Now in our 10th year of publication.

Thank you for helping us reach this milestone.

**Subscribers: 6457**

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Congratulations to Gina Davidson at Calfee, who was sworn in last week as the president of the Federal Bar Association - Northern District of Ohio Chapter. Gina was sworn in by Solomon Oliver, Jr., Chief Judge of the U.S. District Court.

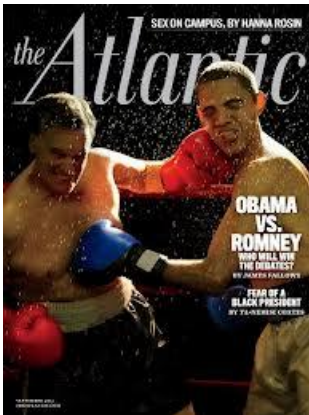
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respectively Cleveland and Akron's National Public Radio affiliates.



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



## From the Campaign Trail

[Lessons from the Boardroom](#) *The Holmes Report*

Corporate leaders can learn from political campaigns when it comes to establishing a "master narrative" for their communications and articulating a clear vision and purpose, according to panelists at the Global Public Relations Summit, speaking on a panel called "From the Ballot Box to the Boardroom." Don Baer, global chief executive of Burson-Marsteller and a veteran of the Clinton administration, spotlighted the value of listening, but also the critical importance of "establishing a narrative" in both a political setting and the corporate realm.



## Co-Branded Employees

[Your Employee Is an Online Celebrity. Now What Do You Do?](#) *The Wall Street Journal*

Meet your newest management headache: the co-branded employee. A growing number of professionals are using social media to build a personal, public identity - a brand of their own-based on their work. Think of an accountant who writes a widely read blog about auditing, or a sales associate who has attracted a big following online by tweeting out his store's latest deals. Co-branded employees may exist largely below the radar now, but that's changing fast, and employers need to start preparing for the ever-greater challenges they pose for managers, co-workers and companies.

Photo: [powerbooktrance](#)



Curated by Hennes Paynter Communications

## Short Takes

[NASA Will Text You Whenever the International Space Station Passes Overhead](#) *Ars Technica*

For the last dozen years, humanity has had a continual presence in space. During that time, the International Space Station has grown

considerably, to the point where it's now the third-brightest object in the sky, meaning that you don't have to have any sort of equipment to view it-you simply have to know when to look up.

[Uhhhh...You Do NOT Want to Eat at This Restaurant in NYC](#) *New York Times*

[60 Years of Political Ads - in 5 Minutes](#) *AllTop*

[What Obama & Romney Are Likely To Look Like 4 Years From Now](#) *BloombergBusinessweek*

[10 Great British Songs Performed by The Muppets](#) *BBC America*

Our favorite: Bohemian Rhapsody

[Christmas Comes Early for TV News Junkies](#) *Romenesko.com* The Internet Archive website now has "every morsel of news produced in the last three years by 20 different channels, encompassing more than 1,000 news series that have generated more than 350,000 separate programs devoted to news.

[Photojourno Explains When, Why She Snapped Most Retweeted Photo of Obamas](#) *Poynter.org*



*Photo: Scout Tufankjian*



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.

**11/29/12 Legal Marketing Association**

**12/7/12 Columbus Bar Association (3 hours)**

**Managing the Media: Lawyers & The Press CLE**

Co-Presenter: Scott Campbell, Thompson Hine

**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**

**1/15/13 Construction Safety Council**

**2/12/13 Rotary Akron**

3/5/13 Stark County Safety Council

3/15/13 American Bar Association Leadership Conference (2 hour plenary)

3/27/13 Cuyahoga Valley Chamber of Commerce

4/10/13 Buckeye Association of School Administrators

4/15/13 Burton D. Morgan Center for Entrepreneurship Research

4/16/13 Greater Cleveland Safety Council

NOTE: Some 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](http://www.hennespaynter.com) 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.**



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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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