

PR News

Building the bridge between PR and the bottom line.

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2008 Legal PR Awards

This is a special issue of PR News profiling the winners of the Legal PR Awards. These awards honor the most outstanding crisis communications efforts among corporations and agencies, and the top PR campaigns among law firms.

LEGAL PR BLOG

Winner: Ford Harrison LLP & Hellerman Baretz Communications

Campaign: Must SUE TV: Using Humor and Pop Culture to Communicate and Connect

Litigation just might be the ultimate aphrodisiac for lawyers. Every slip on the sidewalk, fender bender in traffic or off-the-cuff remark made at a company Christmas party is a potential lawsuit, and rarely are legal connoisseurs hesitant to cash in.

With that legal perspective in mind, anyone familiar with the hit sitcom "The Office" can imagine the thrill of watching Michael Scott (played by Steve

Carell), branch manager of a fictitious paper company, commit every workplace infraction in the book—sexual harassment, inappropriate comments involving race and sexual orientation, and allowing (actually, encouraging) workers to drink on the job, just to name a few.

That is exactly what executives at Ford & Harrison did, only it wasn't merely for sport; it was for publicity and, in turn, serious professional gain.

BRINGING SEXY BACK

As Ford & Harrison rapidly expanded, it needed a marketing strategy to differentiate itself from its competitors, and client newsletters and networking events were not the "big ideas" these execs had in mind. That's where "The Office" comes in.

Since Ford & Harrison specializes in labor and employee law, the scenes that play out on the show are of particular relevance to the firm's target audience. Every episode is centered on Michael's management foible of the moment, be it outing a gay employee or insisting that two employees act out a lesbian love scene during anti-harassment training.

Recognizing a pop culture

connection ripe for the picking, the law firm's executives tapped Hellerman Baretz Communications (HBC) to turn a brilliant idea into an even more brilliant reality: They made employee law sexy and interesting to the masses—a formidable accomplishment—by creating a blog, "That's What She Said" (hrheroblogs.com/thatswhatshe said), in which one of the firm's lawyers, Julie Elgar (with occasional commentary from others in the firm), analyzes the amount of litigation exposure in each episode. She even quantifies the approximate dollar amount of the potential liability. The blog has three targets: legal professionals, human resources pro-

Page 6 ►

BEST SPOKESPERSON DURING LITIGATION

Winner: Mark Chandler, Cisco

Campaign: Cisco iPhone Debate

iPod, iBook, iTunes ... the strategically placed "i" in front of these generic words immediately brings to mind computer giant Apple. That's why many people might be surprised to hear that the iPhone label was actually trademarked by Cisco in 2000, meaning that the 2007 debut of Apple's anything-you-can-do-I-can-do-better mobile phone at the Macworld Conference and Expo was, in effect, in vio-

lation of the law. Cisco's legal team quickly filed a lawsuit in response to Apple's disregard of the trademark.

APPLES AND ORANGES

In the month's leading up to the iPhone's debut, Cisco executives were in negotiation with Apple to craft a mutual agreement where the two companies could share the iPhone trademark. When these communications ceased on the eve

of the Macworld Conference, Cisco's communications team kicked into high gear, seeking a spokesperson to initiate and maintain a public dialogue about the lawsuit.

The team found the ideal representative in Mark Chandler, the SVP and general counsel of Cisco's legal department. His legal background, coupled with his understanding of the industry and stakeholder concerns, enabled him to boil the legal jargon down to laymen's terms. Once key messages surrounding



Mark Chandler

the trademark violation were established, Mark spearheaded an outreach effort that hinged on new media platforms—a brilliant strategy considering the digerati audience Cisco wanted to reach. Through his blog, Cisco's online newsroom and outreach to bloggers, he kept stakeholders informed not only of the legal proceedings, but of the reasoning behind them.

HOW THE WEST WAS WON

Chandler's open approach to

Page 6 ►



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MEDIA COVERAGE

Winner: Weber Shandwick & NGE Campaign: Majority Voting in Director Elections Study: Corporate Governance in a New Age of Transparency

Corporate governance has been all the rage in recent years, what with increased shareholder activism—not to mention heightened public scrutiny—in the wake of scandals like Enron. In light of this, Claudia Allen, chair of the corporate governance practice group at Neal, Gerber & Eisenberg (NGE), caught wind of an emerging trend in 2006: rather than following the usual practice of electing board of directors members by plurality votes, more and more public companies were enacting bylaws on majority voting. She initiated a study to analyze companies' response to the majority vote movement.

ANALYZE THIS
It may not sound like required reading material, but Allen's insights put NGE in position to be a thought leader in what was becoming a major issue with broad business implications. The firm's PR agency, Weber Shandwick, recognized the potential presented by Allen's period studies and their findings—namely, that more than 66% of the S&P 500 had adopted majority voting standards by November 2007, in contrast to 16% in February 2006.

Granted, corporate governance and majority voting policies aren't sexy to most media, so the communications team

had its work cut out for it. It overcame the "so what?" factor by packaging the lengthy study results into easily digestible documents for the media, spelling out its newsworthiness in no uncertain terms. By identifying NGE as the engine behind this analysis, the team created opportunities for the lawyers—especially Allen—to be the go-to experts for media interviews, especially in the context of the issue's impact on the business marketplace. This in turn created awareness of NGE among key audiences and positioned it as a thought leader in corporate governance.

Not surprisingly, the campaign's success is spelled out in simple stats: 34 mainstream media placements, 30 trade placements and more than 100 online mentions. The icing atop the cake? A killer platform for establishing NGE's Corporate Board Services Practice Group, which launched in October 2007.

CLIENT NEWSLETTER

Winner: Duane Morris Campaign: Diversity of Duane Morris

Creative, snappy, dynamic writing and legal documents don't usually go hand-in-hand—unless, of course, you are talking about Duane Morris LLP's client newsletter, Diversity at Duane Morris. The publication shirks precedent in favor of forward-thinking communications, both in terms of its visual approach and content.

Case in point: Many still see the legal industry as an old boy's club, overlooking the huge strides made in diverse recruitment during the past decade. Duane Morris' client newsletter takes this diversity theme—one that is central to legal industry—and personalizes it. Dry "lawyer speak" is

replaced with stories of attorneys in action and sincere testimonials from diversity leaders outside the firm.

"I've always believed that nothing resonates more with an audience than someone else singing your praises," says Thom Davies, senior communications manager at Duane Morris. "The words of people who respect you carry farther than anything you could ever say about yourself."

But it's the overall effect of the magazine-style newsletter that speaks volumes, and helps achieve the newsletter's goals: aligning with clients to demon-



strate how the firm supports diversity, and attracting diverse talent to become part of the Duane Morris team. Communications executives work hard to make it "more 'Facebook' than 'report.'"

THE NEWSLETTER THAT LAUNCHED A THOUSAND PARTNERSHIPS

Well, maybe not 1,000, but it was instrumental in at least one, between the Diversity Committee and the Women's Initiative. Neither internal department had worked together in a marketing capacity, but their appearance in the newsletter led to what is now an ongoing collaboration, which is the best measure of success for any diversity initiative.

CRISIS MANAGEMENT/CRISIS RESPONSE

**Winner: Levick Strategic Communications/PFI
Campaign: Pet Food Recall Response**

Made in China. It's a common epithet attached to millions of products sold worldwide, but recent crises have called into question the safety of everything that is manufactured in the country, which ranks among the world's biggest exporters.

This reality hit close to home in spring 2007, when a wave of pet food recalls prompted concerns for animal safety to skyrocket. Further complicating the recall was a high-profile investigation by the Food & Drug Administration (FDA) to uncover the cause of the contamination—not to mention the pressure from millions of pet owners throughout the U.S. who were sent into a panic with the news that their animal's health could be in danger.

Enter Levick Strategic

Communications. The firm stepped up to represent the Pet Food Institute—the organization representing U.S. pet food manufacturers—in its effort to ease the concerns of pet owners; navigate through the high-profile FDA investigation; and limit the liability of pet food manufacturers facing litigation.

FEAR AND LOATHING

The first and perhaps greatest challenge faced by the communications team was fear of the unknown. With the cause of the contamination still unidentified in the early stages of the crisis, Pet Food Institute spokespeople were flying blind when addressing public concerns. Levick execs overcame this by implementing a blitzkrieg of tactics, the center of which was the forma-

tion of the National Pet Food Commission—a group of scientific, industry and government leaders dedicated to finding the root of the problem, and issuing reports and recommendations.

With the credibility of the Commission behind it, the Pet Food Institute was elevated to a position of authority and thought leadership during a time when consumers were eager for answers.

The Levick team developed a plan for the PFI board to address the recall and FDA investigation; counseled execs on how to modify the Web site during a time of increased visibility; built an issues advertising campaign for national publications; and trained PFI executives to handle media interviews, and to get face-time with congressional committees.

A HEALTHY PROGNOSIS

By the time the cause of the contamination—a tainted melamine ingredient—was established, the Pet Food

Institute was out in front of the crisis as a leader. Using the now-known cause of contamination as a “teachable moment,” the team shifted into overdrive with messages to reassure customers that the crisis was contained, thus allowing pet food companies to come out of hiding and renew their marketing efforts.

Levick's multifaceted communications strategy couldn't rectify the damage caused by the tainted food, but it made huge strides in mitigating the crisis and establishing the Pet Food Institute as a leader during a time when one was desperately needed.

QUICK TIP

When coordinating communications strategies during a crisis, always look for a “teachable moment”—a development that can be used as a platform for getting out in front of audiences and establishing authority.

IN-HOUSE PR PROFESSIONAL

**Winner: Melanie Hillis, Bracewell & Giuliani
Campaign: Melanie Hillis: In the Eye of the Storm**

How's this for a challenge: Your law firm opens a new office in New York City and wants to recover the \$20 million investment within three years. Your firm's Web site hasn't been updated in four years and is essentially worthless. There is no PR infrastructure. To top things off, former New York mayor Rudy Giuliani was just added as a name partner, basically guaranteeing media scrutiny. It's your job to “fix it.” Oh, and you are only 29 years old.

That's the abbreviated version of the situation that public relations specialist Melanie Hillis faced in 2006. Her firm Bracewell & Giuliani named the

former mayor partner under the auspice of his political liability, as talk of his potential run for president of 2008 was already percolating. Plus, the firm's rapid growth demanded a serious revamping of internal and external efforts.

TAKING THE REINS

Hillis didn't waste any time. Upon her arrival at the firm in April 2006, she began crafting a PR strategy that would address each of the firm's challenges at once; she:

- Formalized a firm-wide PR infrastructure by instituting a press clipping service, an

online news service and a wire service, and by hiring an external agency to assist in launching a media campaign to promote the firm's most profitable practice areas;

- Served as the key architect for the firm's new Web site, specifically an online newsroom that would allow clients and the media to stay abreast of firm news;
- Garnered success stories about Bracewell's partnership with Giuliani by linking the firm's growth to the former mayor's new role;
- Developed a media relations strategy to continually



Melanie Hillis

raise the firm's profile in the energy/finance space, which included e-mail marketing, third-party expert commentary and conferences featuring cameo remarks from Giuliani himself; and,

- Redirected investigative or slanted media inquiries into positive outcomes

by acting as the firm spokeswoman during conflicts.

Even this list of accomplishments doesn't do Hillis justice. She successfully navigated each of the aforementioned communications challenges by building one all-encompassing PR strategy and infrastructure that would carry the firm through thick and thin.

A Product Launch With a Fruity Twist Helps Smokers Kick Their Bad Habit to the Curb

Company: GlaxoSmithKline
Consumer Healthcare
Agency: CKPR
Timeframe: 2006-2007

To kick off the national roll-out of Nicorette Fruit Chill, developer **GlaxoSmithKline** Consumer Healthcare (GSK) enlisted Chicago-based public relations agency **CKPR** to create a campaign that would encourage smokers to kick the habit. Subsequently, the independent CKPR agency recruited an even larger team of participants—one million to be exact.

CKPR developed “The Nicorette Fruit Chill Million Challenge,” a nationwide movement to encourage and help one million smokers to quit. The multi-faceted campaign consisted of advertising, mobile marketing, a \$1-million sweepstakes and Web site, all designed to alter smokers’ stereotypes about nicotine replacement therapies and garner awareness of Nicorette

Fruit Chill as an effective—and tasty—nicotine replacement.

SAME OLD STORY?

While the need for effective programs to help smokers kick their habit is dire, the anti-smoking conversation has been ubiquitous for many years, making it an important story without much of a hook.

“A challenge was that, in general, new flavors of nicotine gum were not of particular interest to the media,” says Patrick Seiffert, senior brand manager of Nicorette at GSK. “So we tried to find a bridge between the new flavor and the broader public health issue—smoking—and the fact that smoking remains the number one cause of preventable death in the country.”

Comprehensive primary and secondary research offered the team insight into smokers and their habits, including failures to comply with nicotine replacement therapies, and the roles of influencers, the media and the competitive landscape. Research also helped the com-



A Fruit Chill street team, decked out in full costume, spreads the word in front of a Nicorette Stop Shop to help smokers kick their bad habit for good.

munications team decide on the “for smokers by smokers” campaign concept—offering smokers an approach to quitting that combined counseling with nicotine replacement therapy. Concurrently, the campaign would set up Nicorette Fruit Chill as a key element in smokers’ efforts to quit.

With a two-pronged approach to its target audience, the team focused on smokers, aged 25-44, who were attempting to kick their habit, as well as concerned loved ones of smokers and key influencers, including government officials and health organizations.

To ensure campaign objectives didn’t go up in smoke, the team established a broad strategy list:

- Immerse consumers in the brand and build awareness of it as a new, effective form of nicotine replacement therapy;
- Create an environment where smokers feel supported and comfortable seeking the help needed to quit;
- Educate smokers on the barriers to complying with nicotine replacement therapies and communicate the brand differentiators;
- Recruit a panel of physicians, psychologists and other

FINDING THE BALANCE

It can be tricky finding that fine balance with a multifaceted campaign such as **GlaxoSmithKline** Consumer Healthcare (GSK) and **CKPR**’s “The Nicorette Fruit Chill Million Challenge.” This particular campaign, developed to market the launch of GSK’s Nicorette Fruit Chill nicotine gum, included “two big [objectives],” says Patrick Seiffert, senior brand manager of Nicorette at GSK. “One of the challenges was trying to balance [both of them].”

One objective was to build awareness of the product as a new, effective and palatable form of nicotine replacement therapy. Nicotine replacement therapies may provide the help needed for smokers to quit, but the unpleasant taste sometimes prevents smokers from completing the course of the treatment. “We knew that smokers who tried the new fruit flavor preferred it significantly over the other products that were available” so the team needed a successful strategy to convey “that flavor message,” Seiffert says.

The second objective consisted of garnering significant attention for the campaign so smokers would visit the “pop up” smoking cessation centers, nicknamed the “Stop Shop,” to learn about their smoking habits and how to quit. “Try to remain single-minded despite the fact that there are two different things happening,” Seiffert says.

The campaign, which started as a branding initiative, went further to “find a bridge between the new flavor and the broader public health issue,” Seiffert says. When approaching a similar effort within your own organization, he recommends this:

“Find the intersection between the two and develop a platform around that.”

smoking cessation experts to offer input on campaign tools, materials and messaging; serve as credible, third-party spokespersons; and counsel smokers one-on-one;

- Set a goal that would garner media attention, such as supporting one million smokers to quit smoking;
- Obtain the knowledge and insights of current and ex-smokers to discover the “proper campaign tone and tenor;” and,
- Gain the support and buy-in of key influencers.

At the campaign’s core were grassroots consumer events, including “pop-up” smoking cessation centers designed, managed and publicized by CKPR. Dubbed “Nicorette Stop Shops,” the centers appeared for one week in select cities, offering smokers free professional counseling, tools to quit and health assessment tests.

OLD HABITS DIE HARD

One campaign challenge was creating the most effective approach to reaching smokers, Seiffert says. “There were several strategies, but they were all anchored in the Stop Shop. We felt that by connecting with smokers one-on-one in the context of what came to be known as the ‘Stop Shop’ with trained counselors who could help them to quit with the help of this new flavor—that would offer the bridge between the commercial story and the broader public health problem that we’re trying to solve.”

The inauguration of the Stop Shop launched in New York’s Times Square. More than 50 members of the media and various influencer groups attended the launch.

“The Stop Shop was basically the opportunity to connect with smokers one-on-one in person,” Seiffert says. The Stop

Shop only ran in five cities, however, so the team created the Fruit Chill Million Web site, where smokers could log on and acquire much of the same context available at the Stop Shop. The Web site “gave the local on-the-ground program a national footprint through online,” Seiffert adds.

CKPR wrote and published “FCM: Fruit Chill Magazine” to provide participants with tips to quit in an easy-to-read format. Wallet cards offering tips for getting back on track after a relapse and postcards that offered Stop Shop visitors a guide to all available tools rounded out the collateral materials. Street teams distributed postcards that invited smokers to visit Stop Shops and participate in the Take the Challenge Campaign.

CKPR also created a mailer highlighting “tools” available to smokers through the campaign and mailed them to national, major-market and long-lead media. The mailer included press materials, Fruit Chill placebos, a product demo DVD and a branded tool belt.

The national media launch included a remote SMT that aired live on 27 stations; a B-Roll newsfeed that gained 60+ airings; an ANR that produced 680 hits; targeted pitching to national and major market-outlets; and a mat release that extended the story to media in second and third-tier markets.

KICKING BUTTS

The team’s well-rounded campaign obliterated all pre-planned objectives: More than 2,100 print, broadcast and online stories were generated, resulting in about 204.6-million unweighted media impressions. The result exceeded the low-end target by 212% and the high-end goal by 100%. Results also included 99.8% of brand coverage, and 99.2% of coverage that conveyed at least one message, versus target goals of 90% for both sectors,

respectively.

The campaign surpassed expectations, boosting Nicorette Fruit Chill sales almost immediately, according to client-supplied Nielsen Scanner Data, which were collected during four-week periods ending immediately before and after key campaign milestones. The campaign exceeded every weekly Nicorette sales forecast during the course of the project. Nicorette Fruit Chill sales surpassed weekly sales predictions by 28% during a period when all marketing activities, excluding public relations, were dormant. National sales rose 221% post the campaign media launch and prior to TV ads airing, while sales in the select cities that hosted Stop Shops increased by 25%-1,029% post Stop Shop.

The campaign was successful from both a media and a consumer engagement perspective, Seiffert says. The campaign caught the media’s attention driven by the fact that the Stop Shop “was a service they could offer their viewers,

listeners and readers,” allowing their audiences to stop by and receive free, easily accessed information, Seiffert says. “[The media] were keen to cover the story from that perspective.”

From a consumer standpoint, the campaign was successful and “gratifying,” Seiffert says. “I personally spent a lot of time at the Stop Shop in several of the cities, and it’s always interesting to see how anxious smokers are to speak to folks who really understand the challenges of quitting,” he says. “So often smokers are meant to feel like social pariahs, but quitting is the hardest thing that most smokers will ever do. Where there’s a trained and sympathetic voice for them to engage and to gain new, meaningful information and tips on how to quit, they are truly appreciative.” PRN

Editor’s Note: CKPR representatives declined to comment on the campaign, as it is no longer active.

CONTACT:

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A LITTLE RESEARCH GOES A LONG WAY

Before campaign partners **GlaxoSmithKline Consumer Healthcare** (GSK) and **CKPR** could kick off “The **Nicorette** Fruit Chill Million Challenge,” the team dived in to in-depth research initiatives to fully understand smokers and their habits. Research findings played a critical role in developing tools and messages that would influence campaign participants. Below is some of what the partners did.

- **Established a panel of experts:** The team established a smokers’ panel of current and former smokers nationwide who provided essential input on campaign elements. The team also interviewed leading smoking cessation experts, which helped guide the creation of program tools, messages and materials.
- **Evaluated data:** The campaign team assessed 10 years of behavioral research, and evaluated Nielsen Scanner Data and research on local anti-smoking legislation and geographic prevalence of smoking. Findings helped to define markets and timing for local events. The team also fielded a national consumer study to grasp the pressure smokers feel when they try to quit.
- **Probed the media (and the competition):** A media audit helped confirm the news value of campaign elements and identified inconsistencies in smokers’ understanding of what it takes to quit. Analyzing competition offered insight into ways to differentiate Nicorette Fruit Chill within its sector.

BEST LITIGATION COMMUNICATIONS

Winner: Levick Strategic Communications
Campaign: Broadening the Fight—Taking on the Department of Justice. And Winning.

Public trust in the government has seen better days. Case in point: According to the 2008 Edelman Trust Barometer, only 39% of surveyed respondents in North America trust the government to do what's right—that's 18 percentage points behind trust in business.

It may sound like nothing more than statistics, but these numbers had a major influence on executives at Levick Strategic Communications, who were charged with representing Norway-based transportation provider Stolt-Nielsen SA in an Antitrust Amnesty Agreement with the Department of Justice (DOJ) gone awry.

LIAR, LIAR, PANTS ON FIRE

So how did abysmal levels of public trust in the government benefit Levick and its client? Here's how it went down in laymen's terms: In November 2002, the DOJ offered Stolt-Nielsen amnesty (meaning the

company would be exempt from prosecution) if its executives agreed to turn over documents containing incriminating evidence of a price-fixing cartel in the parcel tanker industry. The cartel involved Stolt, but the DOJ's focus was on two other co-conspirators; the amnesty agreement would protect Stolt execs from fines or jail time if they agreed to cooperate.

As it turns out, the cooperation ended up being one-sided. Stolt turned over documents, and DOJ lawyers subsequently revoked the amnesty agreement based on claims from the very companies that had just been convicted. Legal jargon aside, the crux of the matter was simple: The DOJ lied, putting Stolt at risk for one of the largest fines ever sought in an antitrust matter—not to mention jail time for execs.

DAVID VS. GOLIATH

Levick executives worked with

Stolt's legal team from White & Case to shape their counterattack against the DOJ around the issue of amnesty revocation; the government had gone back on its word, and the team intended to do something about it while at the same time restoring the client's reputation and vindicating its executives.

Rather than focus on the nuances of Stolt's situation, the team upped the ante to a debate about policy. This approach piqued the interest of traditional business, legal and Washington-policy media, not to mention key bloggers who were influential in the online space.

With the focus shifted to policy, third-party speakers—especially conservative ones whose views were trusted within the Department of Justice and the Bush administration—became integral to proving that the government overstepped its authority by refusing to honor

its agreement.

This tactic, coupled with using new media to monitor and update authoritative blogs; threatening retaliation by the European Union; and barraging the shipping trade press to reverse perceptions of Stolt from perpetrator to victim, had a powerful outcome: On November 30, 2007, Judge Bruce W. Kauffman dismissed pending indictments against the company and two of its executives. The first trading day after Kauffman's decision was announced, Stolt's stock rose 16%, a sure-fire measure that confidence in the company had been restored.

Perhaps most significant, though, is the fact that the marketplace currently views Stolt as an industry leader that had the guts to beat the Department of Justice at its own game—proof that nice guys don't always have to finish last.

QUICK TIP

To get support from a wider audience during a litigation situation, it is better to elevate the conversation to one about policy rather than get bogged down by the nuances of a single case. Stakeholders are more likely to listen if they can see the big picture implications and understand what it means for them.

LEGAL PR BLOG ▶ *Page 1*

fessionals and those who follow the entertainment industry.

THAT'S WHAT SHE SAID

The unique approach to democratizing employee law via a digital platform and a pop culture hook set Ford & Harrison

miles apart from its competition. With HBC's help, they landed a place on hrhero.com, a well trafficked site owned by HR leader M. Lee Smith Publishers. This prime real estate, coupled with media outreach to inform journalists of the blog's unique

hook, secured its place in the spotlight.

And, though the writer's strike was a minor bump in the blog's ascent to fame (it garnered coverage in national mainstream media and in the blogosphere), Elgar maintained

the blog by posting frequent updates on the show's actors and the strike itself. With Elgar at the helm and, finally, a settlement between writers and producers, all bets are off as to how much "business" the firm will rack up next season.

BEST SPOKESPERSON DURING LITIGATION ▶ *Page 1*

communicating information surrounding the lawsuit was integral in gaining the support—or at least the understanding—of reporters, bloggers, customers, inves-

tors, analysts, employees and competitors. After all, Apple is a household name, so taking it on in a public perception war was a gutsy move, not to mention a monumental chal-

lenge. But, between Chandler's frequent blog posts, media interviews and online newsroom updates, the showdown ultimately ended peaceably. On February 21, 2007—fewer

than two months after the lawsuit was filed—the companies agreed to share the iPhone trademark—the result Cisco had been seeking all along.

MEDIA RELATIONS DURING A CRISIS

Winner: Crawford PR & XO Communications

Campaign: Mission Impossible: XO Defeats Verizon

Talk about a David versus Goliath situation: In December 2007, telecom behemoth Verizon was expected to win FCC approval for regulatory forbearance from pricing rules in six East Coast markets, which would allow it to manipulate rates and make it difficult for smaller companies to remain competitive. While others might have resigned themselves to the vir-

tual impossibility of defeating Verizon, XO Communications, with the support of Crawford Public Relations, chose to fight.

MISSION: IMPROBABLE?

To have any chance of affecting the FCC's approval of the regulatory forbearance, the team would have to rally multiple stakeholders and convey their concern via the media. But the odds weren't

in their favor: The policy fight centered on an obscure regulatory forbearance statute that seemed arcane; Verizon appeared to be an invincible opponent; the FCC had already approved a similar petition in Nebraska, thus establishing legal precedent; and there was a 90-day deadline to make headway.

DONE AND DONE

In terms of tactical execution, the team attracted favorable media attention by pointing out that Verizon's legal argument hinged on a spurious premise—that rate deregulation was justified due to strong, irrevers-

ible competition in the six markets—despite market share data that proved the opposite. Then, the team commissioned an economic impact study showing that Verizon's petition would raise consumer costs. Finally, they rallied bipartisan support from Congress to build a strong opposition.

With such a solid outreach strategy, the media jumped on the story. On December 4, the FCC returned a unanimous 5-0 vote denying Verizon's petition, giving XO Communications the perfect opportunity to issue a simple statement: "Can you hear me now?"

MEDIA EVENT

Winner: Duane Morris

Campaign: Duane Morris Leadership Awards

Stigmas attached to the legal profession don't lead one to see it as a leader in charitable corporate citizenship—but don't tell the folks at Duane Morris. In 2005, the team, led by director of media Relations Joshua Peck, developed the Duane Morris Leadership Awards, an annual project to recognize and award a community leader whose activities are based in a city in which the firm has an office.

While the program admittedly would publicly demon-

strate the law firm's commitment to being a responsible corporate citizen, looking beyond that outcome was an integral part of the program's success—and, in turn, the media's warm reception to it.

"The main thing that made the Leadership Awards work is not going into it primarily to expand our own visibility," Peck says. "It was our goal to find the perfect recipient to receive the honor, who would then be able to do more of what [they] were already doing."

With the parameters set (an award given with a contribution of \$25,000 to the charity of the recipient's choice), it was time to find the perfect community leader in Boston, the first of many locations. The team found it in Rev. Dr. Gloria White-Hammond, an inner-city pediatrician and pastor who leads social outreach programs.

Bestowing White-Hammond with the honor was the focal point of the October 25 event, but Peck's team wanted media presence. By developing a PR strategy to inform local and national media of the Leadership Awards—with additional emphasis on White-Hammond's chosen charity, My

Sister's Keeper, a humanitarian women's group she co-founded to help build a girl's school in the Sudanese village Akon—the ceremony was well-attended, to say the least. Media, including the *Boston Globe*, turned out to cover it, boosting the effort of one woman to improve communities at home and abroad. Duane Morris reaped benefits as well, securing new business as a result of the coverage and establishing key relationships within the greater Boston community.

"It was our hope to give back to a business and a general community that has been good to us since our opening there," Peck says. Mission accomplished.

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13317

Product-Liability Litigation: Get Your Story Straight



From *The Cat in the Hat* to *The Bourne Identity*, Americans love a good story. We cheer the good guys, jeer the bad guys, feel sympathy for those who've been wronged and root for justice to be served. The human dramas that capture our attention are played out on the fictional stage of primetime TV or the real-world newscasts that precede it each night.

Stories rule in the courtroom, too. From the O.J. Simpson trial, to the Scooter Libby litigation, to the Erin Brockovich case, juries and judges have time and again shown their attraction to powerful narratives.

In the realm of product-liability litigation, a keen understanding of this phenomenon gave the plaintiffs' bar a leg up on the defense for years, as winning judgments and record-breaking settlements were handed down with increasing frequency at the close of the 20th century.

But, after taking some lumps from judgments and mammoth jury awards, the defense bar is catching up in learning how to apply the principles of telling a good story that presents a credible and sympathetic platform for the facts that ultimately decide a case.

Both in the courtroom and in the court of public opinion, a strong case is built with the same pieces that comprise a good story. Here's a quick primer on the basic elements of storytelling that any legal or PR professional should know before taking on the playground bullies of the plaintiffs' bar. The side that best manages these elements will ultimately control the story, stay on the offensive, and see those victories translate into tangible gains in the courtroom and beyond.

▶ Character Development.

All good stories revolve around three key roles: The sinner, the sufferer, and the savior. By their very nature, class action lawsuits put the defense at an extreme disadvantage in this regard. Because the plaintiffs ostensibly are a group of offended parties, the defense must swim upstream against this initial perception.

But, all is not lost. By demonstrating an ongoing commitment to fixing the problem that brought about the suit in the first place, expressing sympathy for those injured, and identifying root causes that fall outside the purview of the defendant, the sinner role can be cast aside for the more desirable parts of savior, or even sufferer.

• Case Study: Toy Recalls.

During the lead paint recalls that rocked the toy industry in 2007, **Hasbro**—which never initiated a single recall—saw the writing on the wall. With the entire industry under siege and the plaintiffs' bar trolling for potential class action clients, it seized the opportunity to differentiate itself from the competition by instituting a "Total Safety Program" that other toy companies could emulate. The move allowed Hasbro to claim the coveted savior role and avoid being lumped into the sinner category for nothing more than sheer association.

▶ **Plot.** Just as the plot serves as the meat of a good story, messages are the meat of a communications campaign. And just as a great writer takes pains to balance sensationalism and reality, legal and PR professionals must ensure that the messages they employ strike a delicate balance as well.

Defendants in product liability cases must be sure to communicate sympathy, but

not culpability. And above all, they must craft messages that do not increase a client's legal liability.

• Case Study: Greenies.

When **S&M NuTech's** leading pet dental treat, Greenies, came under fire for allegedly creating esophageal blockages in dogs, the first response of the company's founders was to declare to the media "our products are perfectly safe." The problem was that those words could undermine their case when projected on a PowerPoint slide in a courtroom after numerous veterinarians' affidavits to the contrary were entered into evidence. Soon thereafter, the message was altered to "when used properly, according to the directions on our packaging, our products are perfectly safe." Ten well-placed words protected S&M NuTech against further liability.

▶ **Illustrations.** Anyone who ever read books as a child understands the power of illustrations to tell a story. In the age of new media and 30-second news spots, controlling the pictures is of paramount importance. Study after study affirms the fact that people are most influenced by what they see. So, ensure that the last-ing images of the case are the ones that relate your side of the story.

• **Case Study: Spinach.** When an E. coli scare all but crippled the spinach industry in 2006, the first pictures of the story didn't paint the industry in a positive light. The visuals that accompanied news reports running from coast to coast were of unskilled migrant workers working the fields and

spinach being pulled from shelves. Once farmers from northern California opened their doors to visual media, the pictures changed to those of modern safety treatment facilities and skilled technicians taking great measures to prevent contamination. Weeks later, the E. coli scare was old news and the industry was back on its feet.

▶ **Narration.** One of the biggest decisions an author must make is determining who's going to tell the story. Will it be a first-person description, or a narrated account of the events surrounding the story? Legal and PR professionals must make the same decisions, because – as we know all too well—the messenger is often just as, if not more, important than the message itself.

• Case Study: Pet Food.

When the pet food industry was confronting the biggest recall in its history, it enlisted well-known veterinarians and food scientists across the country to speak with the news media and to calm nervous pet-owners. Because those telling the public that the overwhelming majority of pet food products were safe were veterinarians and scientists who had no financial stake in the outcome of the recall crisis, their messages carried greater trust and credibility—thus making the story more believable and effective. **PRN**

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