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The World's Finest Law Firms

“The Court of Public Opinion: Best Practices for Attorneys in High-Profile or Crisis Situations”

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I. ASSEMBLE CRISIS TEAM

A. Internal

- i. CEO
- ii. GC
- iii. Division Head
- iv. Customer service
- v. Marketing
- vi. HR
- vii. Board

B. External

- i. Attorneys
- ii. PR
- iii. IR

C. Have team get to know each other, work together and understand each other now

D. Role play and crisis drill at least once per year including all team members

E. Understand how your company is perceived by the public (not necessarily how you would want them to be)

F. Make or maintain media contacts you will want to use to get your message out

G. Have top execs/spokespersons take media training courses



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- H. Prepare press release and talking points in advance of key events for both a good and a bad outcome at court
- I. Add items to contracts
 - i. Morals clauses and other events of default
 - ii. Restrictive covenants
 - iii. Indemnity backed up by insurance

II. QUICKLY IDENTIFY PROBLEM & IMPACT ON ALL STAKEHOLDERS

- A. Early detection methods
 - i. Customer service calls/emails
 - ii. Data from distributors/suppliers
 - iii. Enterprise risk management
 - iv. Search terms & SEO
 - v. Yammer or intranet
 - vi. Google search of company name/products
- B. Take into account the needs of all stakeholders (financial, emotional, PR)
 - i. Customers
 - ii. Distributors
 - iii. Suppliers
 - iv. Employees
 - v. Shareholders
 - vi. Competitors

III. JUMP INTO ACTION TO EXECUTE THE PLAN

- A. Stay calm – trust your plan and your team
- B. Manage perceptions (facts are secondary)
- C. Engage internal/external crisis management team – like a SWAT team
- D. Alert/direct other internal stakeholders
- E. Alert/direct external stakeholders.
- F. “Be quick but don’t hurry” – John Wooden
- G. Set realistic goals – likely won’t have complete victory on all fronts so need to prioritize and “goal shift”



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- H. Balance short and long term goals and don't sacrifice a long term objective for a quick fix to the mini crisis of the day
- I. Find out what happened, fix it and then move on
- J. Focus on your business – most important constituencies are your customers, shareholders, distributors and employees

IV. OTHER BEST PRACTICES

- A. Assemble war chest to make reparations or weather downturn in sales.
- B. Be generous before you are asked
- C. Apologize without admission
- D. Walk the land and shake the hand
- E. Close the matter in a dramatic fashion
- F. Write the conclusion a few months down the road

