Advising a Client on Crisis Communications: The Three Rs and Three Fs

By Janet Falk

Consider: a crisis is no longer a question of *if*, but *when*.

Before the founding of Facebook in 2004 and Twitter in 2006, news of a crisis situation was distributed by the newswires. Over the next few hours, it was reported by radio and television broadcasts and then the late afternoon or next morning's daily newspaper.

Today, digital phones used as recording devices and social media platforms such as Twitter and Facebook Live permit *citizen journalists* to capture and broadcast events without the supervision of an editor or the infrastructure of a news publication. Companies, businesses and individuals in a crisis situation may be flummoxed, are often at a disadvantage and are likely struggling to regain their footing when caught up in the whirlwind of unsought media attention due to a charge of employee sexual harassment, chemical spill, data hacking or warehouse fire.

If you have not already encouraged your partners to advise their clients of the need to develop a crisis communication plan *in advance*, and provided some guidance on best practices, do so immediately. As a complement to a well-developed plan, here are two mnemonic approaches to managing communications in a crisis: the three Rs and the three Fs.

In elementary school, the Three R's of Reading, (W)Riting and (A) Rithmetic are the building blocks of education. In the context of crisis communication, they become ***Regret***, ***Recompense*** and ***Reform***. Although an attorney's instinct is to minimize liability by limiting communication, the proven and winning strategy is straightforward, timely and consistent contact with the press and stakeholders, as follows.

Regret: As soon as an incident of injury or loss becomes known, issue a statement acknowledging its occurrence, taking responsibility and noting complete cooperation with the police and/or fire department. A bare-bones statement on this order should be distributed to local media outlets, including the contact information of a company spokesperson for subsequent follow-up:

> "Company XYZ has learned an accident occurred at its Anytown location. There is a confirmed report of ## people dead and ## people injured at the scene. We greatly regret the losses suffered there and send our condolences to the families who have lost their dear ones. We are working closely with the local authorities to learn all we can about the circumstances. We will keep you apprised as the situation becomes clearer and we are able to share more details with you and the public."

Speed and clarity are essential. Delays in issuing a statement on this order can prove extremely damaging to a company's reputation, not to mention sales of its products and its stock price. Customers, vendors, local elected officials and area residents expect to receive such an announcement within two hours of the incident. The spokesperson should adhere to the boundaries set by the statement and repeat it as often as necessary.

Recompense: Acknowledge the loss of property, product or life and offer compensation. Depending on the situation, the recompense may be of a material or a financial nature. In the case of a product malfunction, compensation may be a coupon in excess of the value of the under-performing product or its replacement. In the case of loss of life, a fund for the victim's family members may be appropriate.

Money is not a blanket solution. It can, nonetheless, assuage some of the immediate pain, demonstrate responsibility for the loss and point to the prospect of recovery in the future.

Reform: Announce that a well-regarded consultant will conduct an inquiry to review all procedures from top to bottom, bottom to top, and make recommendations. These changes will be implemented at a proximate date, to ensure that the incident is not repeated.

The objective analysis, report and subsequent changes in policy and procedure are a solid indication of lessons learned by the company and its intention that the incident will never be repeated.

According to Andy Gilman of CommCore Consulting Group, the three Fs are *Be Fast*, *Be Factual* and *Be Flexible*. The following discussion is a modification of this approach, as presented to law firm media professionals in February 2018.

Be Fast: Obviously, speed is of the essence; assemble a crisis team composed of representatives of diverse units of the company and then devise a series of responses to anticipated questions and action steps. Ordinarily, these team members include C-Suite officers, Communications, Legal, Operations, Human Resources and Government Relations.

Start by gathering basic information that can be applied to the skeletal Crisis Communication plan:

1. What are the known facts? What is not yet known?
2. Based on what is known, is everyone accounted for? Is there any other unit that needs to be represented on the crisis team?

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3. Are the Communications and Social Media teams monitoring activity? Do they have the tools they need to respond?
4. Is a public or internal statement appropriate? If so, is it under review by the executive team and legal counsel?
5. When is it appropriate to issue this statement and which channel(s) should be used: website, Twitter, YouTube, press release, news conference, Facebook, etc.
6. Are any experts, either professional staff or external consultants, required to assess and ameliorate the situation?
7. What is the status of mutual contact with the local authorities: police, fire, government agency?
8. What are the next steps for each unit? When will the group re-convene?

Be Factual: Management of the client's company needs to communicate with multiple audiences. In addition to the customers, vendors, local elected officials and area residents noted earlier, employees, shareholders and regulators await details of the situation. By providing a statement or speaking with the media, information can be distributed to reach most of these stakeholders. Take the factual approach of sharing what is known, *at this time*, what remains to be learned and when more information will be forthcoming. As mentioned, designate a single spokesperson who will consistently remain on message as the point of contact. Monitor the news coverage and social media activity to determine the accuracy with which the statement is being relayed.

Be Flexible: The crisis communications plan was developed as a guideline; events may unfold and evolve at a slower or more rapid pace than anticipated. New information may come to light that may affect the statement(s) issued. Other individuals or companies may be affected and seek an alliance or counsel, even make demands. Gathering input from those representing the diverse units and considering the impact of communication on their respective stakeholders will yield appropriate responses.

Taken together, the Three Rs and the Three Fs offer an ample foundation for responding to a crisis. Similar to the periodic fire drills conducted quarterly, have the partners urge clients (and their colleagues) to conduct a simulation a few times annually. This will ensure the plan is tested and updated, plus it is consistent with best practices and familiar to current staff. Naturally, one hopes to never use the fire extinguisher, yet everyone should be prepared to meet the challenge of a crisis, be it computer breach, employee misbehavior, accident or product malfunction.

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The same cannot be said for marketing. If a firm's brand suffers as a result of poor go-to-market efforts, there is no quick investment choice that can be made to buy additional brand cache. In-house lawyers retain law firms based upon their differentiation on relevant areas of expertise, and building a reputation for such expertise takes a much carefully orchestrated investment of time, energy and resources. If any one of these areas is lacking, a firm can quickly fall behind its competitors, and that ground is not easily regained.

For a more complete discussion of other factors which set dynamic and static law firms apart, download a full copy of the study at https://bit.ly/2Ed2Jlw.

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Performance Tips

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non-threatening manner, they will feel more comfortable responding to questions.

6. Prepare, Then Prepare Some More

If you know your topic inside and out, should you stumble you will be so grounded in your presentation that you only wobble, not fall. Do your research and be prepared to cover all angles of your topic. Consider questions the audience might ask. Practice, receiving feedback and seeing yourself on tape are all tactics that will reduce your anxiety and heighten your speaking skills, but preparation is key.

7. Delete the 'Ums,' 'Uhs,' 'Likes' and 'You Knows'

The use of filler words happens when the speaker loses eye contact with the audience. Review the recording of yourself giving a practice speech to a small group. Listen for your word crutches. Notice if you reduce filler words when you maintain eye contact with the audience. If you have trouble losing the ums, try silence or a breath instead. This takes practice, but it is key when presenting as a knowledgeable and polished speaker.

8. Keep It Tight

If you are delivering a strictly informative speech, then make sure it is direct and concise. Audiences typically can handle this for about 30 minutes to one hour. Be sure to include stories and examples of what you are talking about so you keep the audience engaged. When the presentation is over the 1.5-hour mark, you should consider how to format the information to include some dialogue or audience participation to keep the group engaged.

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