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Kenneth Taber in New York and Kirke Hasson in San Francisco serve as co-heads of Pillsbury Winthrop Shaw Pittman's 200-attorney national litigation practice. In addition to handling firm PR, Pillsbury's in-house PR team works directly with litigators to provide assistance and counsel to clients as needed.

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When the Press Comes to Call

by Kenneth Taber and Kirke Hasson

“The last thing I want to do is talk to a reporter.” How many times have you heard lawyers at your firm say that or something similar? All too often law firms do not immediately appreciate the potential value of public relations, limiting its use to announcing new hires or highlighting a big win or transaction. But if handled correctly, and with appropriate direction and approval by clients, PR can not only help enhance and protect a firm’s reputation but also furthers client goals, particularly with litigation matters.

For example, Pillsbury Winthrop Shaw Pittman was advising a plaintiff on what seemed a relatively straightforward litigation. The defendant, trying to increase the pressure on our client to abandon its suit, contacted a group of reporters, alleging that the plaintiff had committed a criminal act. The evidence on which the defendant relied had been fabricated by him, but on its face appeared incriminating, and news crews surrounded the client’s offices clamoring for a quote, titillated at the idea of a business scandal.

Caught by surprise, the plaintiff called us for help. We immediately did two things: started an internal investigation into the evidence of the alleged “criminal act” and brought in our firm’s PR director. Although it was already Friday at 9 p.m., within an hour she identified and retained an experienced crisis communications agency that quickly crafted an initial response to the press. We then worked with the client and the outside agency to systematically restore the plaintiff’s credibility with the media, general public and courts.

This scenario demonstrates why litigators often need to be more than good litigators; they also need to be PR-savvy and know how best to assist clients, using internal and external assets, to convey the client’s desired PR message. The potential ramifications that publicity might have, not only on the outcome of a case but also on the client’s long-term success, cannot be ignored.

Indeed, at a recent in-house seminar held with our New York litigators, the GC of a Fortune 50 company emphasized that he only hires law firms with substantial experience and understanding of the role PR plays as part of an overall legal strategy, whether in litigation or transactional work.

The press can also sometimes serve as an ally if your firm or clients are involved in a highly controversial matter. When then Deputy Assistant Secretary of Defense for Detainee Affairs Cully Stimson urged U.S. corporations to boycott several Am Law 100 firms, including Pillsbury, for defending “terrorists” in custody at Guantanamo Bay, he used the press as a bully pulpit to broadcast

his views. Before any named firm could respond, editorials published in *The Washington Post*, *The New York Times* and elsewhere had already supported the detainees' lawyers and their law firms, declaring that access to experienced defense counsel was a bedrock constitutional principle. The resulting outcry forced both the Defense Department and the Department of Justice to distance themselves from Stimson's remarks and commend the work of the detainees' lawyers, in the words of former U.S. Attorney General Alberto Gonzales, for "ensuring justice."

This media backlash also contributed to a sea change in how the media covered the Guantanamo Bay detainees, shifting away from vilifying the alleged terrorists and towards discussion of the detainees' constitutional rights, including the right to be informed about the grounds on which they were being held.

This shift was particularly welcome here at Pillsbury, since we serve as counsel in one of the two lead detainee cases being heard this term by the Supreme Court. That case will help shape the rights of non-U.S. citizens to habeas corpus.

While some clients prefer to handle all PR themselves (a decision we, of course, honor), other clients sometimes request that counsel serve as spokespersons on particular matters, making it imperative that lawyers not only feel comfortable speaking to reporters but have adequate media training to ensure they know their messages and know how to handle difficult questions.

Proper media training also significantly reduces the risk of "misquotes," since attorneys who stay on message and understand media interview techniques rarely report that as a problem.

The last, and perhaps best, reason for attorneys to embrace public relations opportunities: It's far more effective for *The Wall Street Journal* to implicitly label you a respected legal professional than for you to say it yourself.

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