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Meet the Press: Guidelines for Handling Media Inquiries

By Lynne Liberato and Roy R. Reynolds

That ringing phone probably isn't the call you were expecting.

"I'm a reporter with ..." you hear as your pulse starts racing. "I'm looking at trends in your area of law and wanted to ask you a few questions."

Some attorneys crave media attention to a point reporters will often joke that the most dangerous place in the world is between that lawyer and a TV camera.

Other lawyers have a preternatural fear of journalists. They know that their words will look funny in print, even if accurately quoted.

Reporters aren't the enemy. In fact, they can be one of your greatest allies. Not working with them costs you the opportunity to market yourself to potential clients as a legal expert or, worse, a chance to rebut claims against a client.

"The worst thing a lawyer can do is not talk to the press," says Phil Archer, a longtime reporter for Houston's KPRC-TV. "I think all the better lawyers understand that, too."

For the media-phobic attorney, a few guidelines can help ease the process:

- » Return calls and e-mails as quickly as possible.
- » Reporters are looking for whatever guidance they can get on a story in the shortest amount of time possible. Newsroom deadlines will force the reporter to keep things short in most cases. They're likely to hit sources quickly with a few blunt questions, then disappear back into their writing.
- » If you have multiple messages to return, triage them according to those reporters with the nearest deadlines:
 - Newswire reporters, such as those with the Associated Press, Reuters, and Bloomberg, have ASAP deadlines and need information very quickly throughout the day for updates. If a newswire reporter calls, he or she is often trying to file a story within minutes.
 - Television and radio reporters similarly need things quickly. In many large TV markets, broadcast journalists have deadlines of noon, 4 p.m., 5 p.m., 6 p.m., and 10 p.m. for continuously updating newscasts. But they'll take information all the way up until those deadlines.
 - Newspapers these days still have evening deadlines, which give the reporters more time to get quotes for their stories, but they now also file many stories for the paper's website earlier in the day in order to compete with broadcasters and other news outlets.

Make sure reporters can get in touch with you. If you would like to become an expert media source in order to promote yourself or your firm, give reporters numbers to contact you outside the office and always carry a portable email device.

"If an attorney wants to be a source for the media, he should carry a Blackberry at all times and have an after-hours phone number available," one national newswire reporter says. "Otherwise, they're useless to us. Leaving messages that aren't returned for hours just doesn't cut it."

Do your best to make sure reporters have a grasp of the legal issues. A surprising number of journalists — especially in the larger media outlets — have law degrees. Many others need help to grasp particularly thorny legal issues. Avoid "legalese" when talking to reporters.

"Just assume that everyone is stupid," Archer says. "Explain it to them the best you can in plain English."

Saying "no comment" can serve as a valid response for news stories. If you can explain in a quotable fashion why you can't comment, reporters will generally be satisfied. An explanation that attorney/client confidentiality prohibits comment will appear more attractive in print than "lawyers refused to comment."

"A 'no comment' is fine, as long as it's quick," according to the newswire reporter. "If it's a really complicated issue, and you

trust the reporter, you really should explain the issue for them off the record.”

If you can't speak with the media due to client confidentiality or other concerns, it's never a good idea to cut off the media entirely. If you alienate a reporter, he or she is less likely to treat you well in the future.

If you trust the reporter and want to talk “off the record,” be sure to make the agreement up front. Reporters will often not strike comments retroactively. It's best to only talk off the record to reporters with whom you have developed some kind of trust.

Work to create pithy, colorful quotes that reporters love to use. Don't be afraid to have something written down that you can use when a reporter calls. Masters of the form can wax poetic on the courtroom steps and find themselves at the top of every account of the day's activity. “It doesn't even bother me if they give the same quote to everybody else,” the newswire reporter says. “That kind of stuff happens all the time.”

Help reporters get relevant public court documents. Even in the age of instantaneous information, the federal courts' PACER system — for example — often doesn't have filings available for more than a day, well beyond the needs of a reporter. If you fax a court filing to a reporter, they're better prepared to get accurate stories, but you also ingratiate yourself to those covering the matter.

Lying is never acceptable. Especially on big stories, your lies will be discovered and journalists will never trust you again. If you have set talking points, though, steer the conversation back toward them.

Don't miss opportunities. If reporters don't get a response to their call or email looking for someone to explain an issue, they'll move on to the next attorney on their list.

“There's always someone else out there who's just as smart as you are,” the newswire reporter says.

Understand that the less time you give a reporter to write a story, the less exposure you're going to get and the less likely the issues are covered succinctly.

“I've gotten information 30 seconds before I went on air,” Archer says. “But the more time (reporters) have, the more time they have to get the story right and include the lawyer in the story. (Attorneys) don't want to be just the tag at the end of a package.”

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Deeper than Deep Throat: Going “Off the Record.”

You're on the phone with a reporter covering a high-profile case against your client, who has forbidden you from being quoted. After you issue the standard “no comment,” the reporter continues to ask questions, outlining what he or she views as the crux of the legal issues in the case.

And the reporter is way, way off target.

At this point, you have a couple of options. First, let the reporter get it wrong, which — depending on the circumstances — could make your client look bad or at the very least create bad will with the writer. Or, you can agree to make some “off the record” comments, in hopes that you will help the reporter find a path to the truth.

Very few reporters will “burn a source” by reporting comments made under such an agreement. If you're willing to fill them in once, they figure you'll do it in the future, as well.

However, sources need to protect themselves. Here are some rules for going “off the record.”

» Always make any off-the-record agreement before you share information. Most reporters won't feel an obligation to strike comments retroactively.

» Only go off the record with journalists with whom you already have a relationship built on trust. If they break a pact with you once, they'll likely do it again. Luckily, reporters at most major mass media outlets will need you in the future and will be loath to break such a bond.

» Don't share any secrets that you wouldn't mind seeing in print the next day. Good reporters will take initial facts from you off the record, then confirm them somewhere else.

» In most cases when going off the record, just help the reporters understand any thorny legal issues that might trip up someone without a formal legal education. Reporters will appreciate the efforts to make their stories correct, and you don't deliver anything specific enough to be traced back to you.

» Don't abuse the process by spreading falsehoods or rumors in hopes that they make it into print. Reporters will find out, and they will refuse to make any agreements with you going forward.

» Share hearing dates and other meeting times with reporters. If journalists can get their information in a public forum, you won't have to make as many off-the-record statements.

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