

## Massaging the Media: Channeling the News You See Fit for Print

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*“I make my living off the evening news  
Just give me something-something I can use  
People love it when you lose,  
They love dirty laundry”*

*Dirty Laundry by Don Henley*

When a member of the Fourth Estate contacts your bar association, does the mud, or something worse, hit the fan? Or, do you have procedures in place ensuring you respond to news media inquiries cleanly and concisely, with statements that reflect positively on your bar and the legal profession?

Communicating unpleasant or unexpected news to your bar association members and the public through the filter of local, state and/or national media involves equal parts of art, science and luck. Focusing on the first two will put you in a better position to capitalize on the last. To accomplish this, you need to prepare for, and address the challenges of, getting your message out the way you want others to see it.

The first step in any news media communication strategy is establishing a well-defined procedure for handling news media contacts and requests for information. While many bar associations have on-staff communications professionals, some smaller bars rely on other staff administrators, most often Executive Directors, who are the designated first contacts for news media inquiries. However, in almost all cases, this initial go-to person is not the individual who officially responds to the news media. Rather, the initial bar association staff contact serves as an information collector, gathering pertinent facts before passing along the news media request and associated background information to the designated bar spokesperson.

Depending on the nature of the news media request including, but not limited to, official bar association comment on a legal or political matter, expert legal comment on a law-related issue, or information concerning a bar association program, the bar spokesperson may range from the current bar president to another executive officer filling in for the president to a chairperson or another designated attorney of an issue-appropriate bar committee. Given these possible situations and choices, bar associations must prepare themselves well before responding to a news media inquiry.

## **News Media Request for Response**

Deciding to respond to a news media request for comment is a strategic decision, as there are potential risks involved in any response. However, these risks must be weighed against the potential value to your bar association including the opportunity to:

**Project a desired image and deliver a carefully crafted message to your target audience(s) through credible and influential news media. Answer - Transition – Message (ATM) helps bar spokespeople reply to a sensitive issue, and potentially negative story, by providing a short non-controversial answer to the initial news media question and then transitioning the conversation into related information that reflects positively on the bar association and the legal profession..**

### **Before You Respond:**

#### **Understand the playing field:**

- Reporter's credentials and reputation for fairness
- News value of the story you are responding to
- Specific media's target audience
- Timing of the story's release
- Other voices/perspectives that will appear in the story

#### **Understand medium's challenges and opportunities:**

- Television – In a half-hour local television newscast, eight minutes are subtracted for commercials, leaving 22 minutes of content. With approximately six minutes for sports and four minutes for weather, that leaves 12 minutes for all the day's news. The standard length of a television story ranges from one minute and thirty seconds to one minute and forty-five seconds.
- Radio - With the exception of extended-format networks like NPR, most radio news is even shorter than television. A radio newscast is comprised of little more than headlines. The average radio story may run 10-60 seconds. In radio, the sound bite may last only five seconds.
- Print - Greater depth and explanation provides an opportunity to elaborate on and expand your message.
- Web - News reports on the web often include a combination of print and broadcast formats. There is little evidence (as on MSNBC.com or CNN.com) give any more or less of an opportunity for you to tell your story, although some may offer links to your complete statement or company web site.

- Blogs – Little or no control on length breadth or depth of coverage. However, without responsibility to a network, publisher or advertisers, there is a great risk of a subjective and biased story.

### **Recognize the reporter's advantages:**

- Asks the questions
- Decides what to include in the story

### **Maximize your advantages:**

- You decide what to say and when to say it
- You are the expert
- You decide how long the interview will last

### **Screening the Request:**

Before agreeing to respond determine the following:

- What are the reporter's name, media affiliation, and telephone number?
- What is the specific subject of the request?
- What is the reporter looking for from the bar?
- What is the reporter's deadline and when will the story run?
- Where, when and how will the interview take place?
- How much time is requested?

### **Assess Risks:**

In assessing the inherent risk of responding to a news media request, one thing is certain, your bar's risk increases in direct proportion to the level of negative news value. As a result, you must balance the risk against the opportunity and determine if you have a strong enough message to shift the balance in your favor. Of course, this depends on the ability of the bar spokesperson to negotiate around obstacles and deliver the message.

**Low Risk:** Answering informational questions about some non-controversial aspect of your bar association. This provides the best opportunity to communicate a positive message.

**Medium Risk:** Responding to a question concerning an area of the law where there is a potential for a negative story.

**High Risk:** Responding to a question concerning a bar association-specific problem or crisis. Responding to a question concerning pre-conceived public opinion concerning an individual's, company's or other entity's guilt or innocence.

## **Determine the Appropriate Bar Responder:**

All news media requests for comment must go first to the bar staff person charged with that duty. This allows for collection of pertinent information and time for strategic thinking and message development before a response is provided. Failure to follow this protocol immediately puts the bar at risk.

Most bar associations have the current bar president serve as the primary bar spokesperson. However, in the bar president's absence, or in the case of a potential conflict, the next in the line of succession may step up. Given this, news media training for bar executives on the presidential track is critically important.

In some cases, where the request is not for a bar association specific response, but, rather, for comment on an area of the law, bar committee chairs may be appropriate responders. Ideally, they will also have some news media training. Lacking that, the bar staff person who handles the initial contact can run through important steps with that responder prior to connecting with the reporter.

## **Develop a Message:**

**Your bar's message is the most important part of any response to any news media inquiry.** Since advertising is prohibitively expensive, and the content of bar-produced news releases is at the not-so-tender mercy of news editors, responses to news media requests are often the best way to communicate key messages to wider audiences. As a result, your message must be simple, clear and consistent.

**Since many lawyers make their living through long, evidence-supported arguments, ensuring your lawyer responders stay focused is often a challenge.** However, it is the job of the responsible bar staff person to ensure the lawyer responder understands the vital importance of brief single messages, as attempt to cover multiple areas, with the possible exception of longer question and answer style interviews, at best result in mixed messages and, at worst in the publication or broadcast of the wrong message.

**The largest challenge in delivering your bar's designated message is effectuating a transition from the subject the reporter is covering to your message.** Transitioning allows you to move the conversation from where it is to where you want it to be. When transitioning, the responder answers the reporters question as briefly as possible and then uses a transitional statement to move toward the bar's desired message.

Transitional Statements:

- \* I understand what you are saying, but the point is...
- \* I have heard that point of view, but the real issue is...
- \* That is a common misconception, but the fact is...
- \* What is important to remember...

Transitioning is particularly important as reporters try to draw the conversation into details you want to avoid addressing. However, reporters also use bridging tactics and you need to have your responders attuned to that fact that the reporters sometimes use the same tactics to get additional, unscripted information.

### **Repeat Your Message...and then repeat it again:**

While an interaction with a broadcast or print reporter may range anywhere from five minutes to fifteen, only a small fraction of what was said will make it into the news. Thus, in any, interaction with a reporter, the responder must try to begin with the bar's message, and, whenever possible, transition back to that message. While repetition may feel somewhat uncomfortable for your responder, the less information given outside the bar's message the greater the chance your message is delivered.

### **Before Contacting the Reporter:**

Remember:

- The tape is rolling, the microphone is on and the notebook is open – anything the responder says may appear in the news.
- Think before speaking. Answers to questions should not be delivered before careful consideration, so let the question hang (about 5 seconds or so) until ready to answer.
- Never volunteer negative information. Be ready to bridge when a negative question is asked.
- Remain calm and professional no matter what questions are asked. If the interview is becoming uncomfortable, end it by saying "I'm sorry, the time I set aside for this interview is up, and I must leave. Thank you for your questions, and perhaps we can discuss this further at a later date."
- Do not use sarcasm
- Do not respond if you don't feel confident about an answer. You may say "I don't have enough information to answer that question now, but I will be happy to get back to you when I do."

### **Establish Mutually-Understood Interview Guidelines**

Unless established beforehand, anything said to a reporter may be used in the reporter's story. While in some cases, a reporter will agree to a statement or information provided as off-the-

record, this is a matter of trust, and not legally binding, so there is always a risk involved when asking for anything to be off-the-record.

Background information may be offered if the reporter agrees not to attribute this to a specific source.

Saying something off-the-record cannot contradict something said on-the-record. . .

Based on fact gathering before the interview, state what topics can be discussed and which can't be addressed.

Request a read back of any quotes you feel may not have been accurate.

### **Create a message strategy:**

Based on your bar's message, consider:

- The reporter's potential questions and possible transitions that will bring the discussion back to the message.
- Who will be watching/listening to/reading the story, and how do you best frame your message for that audience.

### **When You Respond:**

Answer questions truthfully and accurately. If you don't know an answer note this or you cannot reveal information, explain why.

Answer the question asked as briefly as possible. Do not provide more information than you were asked for unless it allows you to transition quickly to your message.

Use plain and simple language. Do not use legal language. Do not use acronyms.

Beware of Loaded Questions:

Loaded questions always contain a negative or false premise. If not addressed, the false statement is gains credence.

- Set the record straight
- Transition to your message

## **During the Interview:**

- Begin with your message.
- Deliver honest and straightforward answers.
- Use plain and simple language without legal jargon or acronyms.
- Defuse negative questions quickly and transition to your message
- Stop talking after you answer a question or deliver your message.
- Do not behave confrontationally, defensively or become hostile, or angry
- Never say, “No comment”, instead note, “I am sorry, I can’t answer that specifically, but what I can say is...” and transition to message.
- Repeat your message at the end of the interview.

## **Scenarios for Discussion:**

- 1) Your Bar President resigns his position just ahead of being charged for law practice related misbehavior. What is the Bar’s message?**
- 2) The Chief Justice of the State Supreme Court is accused of using court employees to conduct his personal business, and a Bar member has publically condemned this practice in an opinion piece published in the state's largest newspaper. What is the Bar’s position?**
- 3) There is an increase in requests for legal assistance due to bankruptcies and collections. How do you demonstrate how the Bar and its lawyer members are giving back to the community, especially in difficult times?**

*[See: Rhode Island Bar Association Response to News Media Requests on the following pages]*

## **RHODE ISLAND BAR ASSOCIATION RESPONSE TO NEWS MEDIA REQUESTS**

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### **I. COLLECTING INFORMATION**

When responding to a news media request for comment, first determine the following:

**Name and type of media** – i.e. WJAR NBC Channel 10 television station

**Name, title and telephone number and email address if documentation or a photograph are requested) of media contact** – i.e. Artie Tefft, Assignment Editor, telephone: (401) 455-9105 email: atefft@wjar.com

**Assigned reporter (if the contact will not be conducting the interview) and telephone number:** - i.e. Brian Crandall, cell telephone: (401) 222-3245

**Operating deadline, time and date** – i.e. 11:00 a.m. for noon news today, 5:00 p.m. for following day's morning news

**Type of requested response** – telephone discussion / taped or in-person interview in the responder's office / in-studio, on-camera live appearance

**Is the request for an official bar association response, or is the request for an appropriate lawyer to comment on a particular area of the law?** – i.e. “What is the Rhode Island Bar Association's position on...” or Are there any lawyers you can find who know about...”

**What, specifically, is the request for response or comment?** – i.e. “We want someone to comment on the Constitutional issues concerning illegally downloading music from the internet.”

**What is the context of the request? Is it regarding an open case currently in court or as yet undecided? Is this a general interest story or a piece of investigative journalism?** – i.e. “We are interested in getting some perspective on the ongoing investigation into statehouse corruption and allegations against two of the Senators.”

### **III. SELECTING A RESPONDER**

Based on the information collected, keep the following in mind:

**If the requested response is for an official bar association response, the Executive Director and the Bar President is consulted before anything is provided to the news media.**

**If the request is for comment by an attorney with experience in a particular field, the Executive Director is alerted to the request. The President and Executive Officers are given first consideration, followed by the chairs of the bar committees with the most appropriate legal focus.**

**If none of the individuals noted above are available, members of the House of Delegates are the next choice.**

**Beyond members of the House of Delegates, attorney members with known expertise in the area are the next group to consult.**

### **III. PREPARING THE RESPONDER**

Most attorneys do not have a significant amount of experience dealing with the news media. While they may be perfectly competent in the courtroom, they may get rattled in an unscripted, spontaneous environment. It is important for the bar communications contact to provide as much background and advice as is possible and necessary to ensure the attorney has a positive experience and their presentation reflects positively on the profession and the association

**Provide as much information as possible concerning the news media request to the responder.**

**Ideally, there will be enough time between the news media request and the expected response to allow the attorney responder to do any necessary research prior to their communication with the reporter.**

**Inform the responder that he or she should only provide information they feel comfortable with. Let the attorney know it is acceptable to note that they do not have enough information if the reporter asks an unexpected question or one for which they have not prepared an answer.**

**Remind the responder that their audience, through the news media, is not familiar with most legal terminology. It is always best to think of the viewers, listeners, or readers as middle, or at best upper, school students with limited, or no, legal**

**experience. Drawing parallels to events that are generally familiar helps improve the chance of getting a legal point across.**

**Brevity is a virtue, but no more so than when dealing with the news media. Caution the responder against talking too much. Think of this as a cross-examination, and do not offer answers beyond what is asked unless the topic is light and non-controversial.**

**In most television interchanges – other than in-studio interviews and panels - while the on-camera give and take may occupy over 15 minutes, the actual footage shown on the news is generally 30 seconds or less. Given this, it is important for the attorney to repeat their main point a number of times throughout the interview to increase the chance that this information will be aired.**

**In radio interviews, the same editing that happens in television also occurs. Here again, repeating the main point and staying away from shaky ground is vital, as one unconsidered, off-the-cuff remark can play repeatedly (and annoyingly) as a sound-bite for a long time.**

**In the electronic media of television and radio, the lead times between request and desired response are most often measured in hours. For print media, including newspapers and magazines, lead times may run from a full day to several weeks, allowing more time for research and preparation.**

**###**

Handout

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**2**

1.

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**Deliver a carefully crafted message to your target audience(s)**

**Answer - Transition – Message (ATM)**

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- **News value of the story you are responding to**
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**Understand medium’s challenges and opportunities:**

- **Television**
- **Radio**
- **Print**
- **Web**
- **Blogs**

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**Reporter's advantages:**

- Asks the questions
- Decides what to include in the story

**Your advantages:**

- You decide what to say and when to say it
  - You are the expert
- You decide how long the interview will last

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**Screen Requests**

**Assess Risk**

**Determine the Appropriate Bar Responder**

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**Your bar's message is the most important part of your response**

**Consider potential questions and transitions back to your message.**

**Consider the audience and how to frame your message.**

**Ensure your lawyer responders stay focused on message.**

**Repeat your message...and then repeat it again:**

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- **The tape is rolling, the microphone is on and the notebook is open**
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  - **Never volunteer negative information.**
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- **Do not respond if you don't feel confident about an answer.**

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**Establish Mutually-Understood Interview Guidelines**

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**Background information without specific sourcing specific source.**

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**When Responding:**

**Answer questions truthfully and accurately.**

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**Beware of loaded questions with negative or false premises**

- **Set the record straight**
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**The Chief Justice of the State Supreme Court is accused of using court employees to conduct his personal business, and a Bar member has publically condemned this practice in an opinion piece published in the state's largest newspaper. What is the Bar's position?**

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**There is an increase in requests for legal assistance due to bankruptcies and collections. How do you demonstrate how the Bar and its lawyer members are giving back to the community, especially in difficult times?**