The Role of Attorneys in *Crisis Communications*

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There are shared experiences, like elections, or emergencies of the order of the Persian Gulf Crisis; there are profoundly devastating national tragedies like the assassination of John F. Kennedy, Robert Kennedy and Martin Luther King, Jr. Like contemporary neighborhoods, we may be most passionately linked to one another by dramatic crises, which by their very nature are unpredictable, thus especially frightening. Indeed, it may well be that crisis, with its myriad faces and names, will become our communal rallying-point of the 1990s. The rituals attending them will be media-generated, media-ordained. Tocqueville's insight of the mid-1800s – that the media make associations – is true now in a way he could have never anticipated.

— Joyce Carol Oates (1991)

Managing communications during a crisis is vital to organizations. Moreover, at this moment in history, the stakes become far higher when the crisis involves legal issues. In the wake of devastating scandals at Enron, WorldCom and other companies, the public has become far more demanding about how large organizations provide information.

Over the past several years, watershed legislative efforts have formalized this demand: in 2000, the SEC adopted Regulation FD which requires that companies now make available to the public information they once provided only to select investors and analysts. Two years later, in 2002, the federal legislature passed the Sarbanes-Oxley Act, regulating not only certain internal accounting and ethical practices but also how such information is communicated to the public. Sarbanes-Oxley also criminalized the destruction of information relevant to certain public interests. In 2004, the SEC began to require that large companies report publicly how executives are being paid, and the regulations detailing this requirement were just finalized at the start of 2006. Taken together, this legislation heralds an ***era of legal transparency*** in which organizations are tasked to communicate openly and accurately about events with legal implications.

The consequences to not complying can be devastating – and they are escalating. The number of class-action lawsuits filed in federal courts alone has skyrocketed 80 percent over the past several years, from 1,475 in 1997 to 2,693 in 2004. In 2005, corporations paid a record $9.6 billion to shareholders to settle securities class-action cases alone – up from $2.9 billion in 2004. This figure is all the more striking because it does not include the agreed-to, but not yet finalized, settlement of Enron claims for $7.1 billion.

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She provides comprehensive training services in both public communications and in legal compliance. She specializes in communicating about legal issues to non-legal audiences, both inside and outside of organizations (e.g., media coverage of legal events, internal employee communications).

Erika's highly-regarded preventative legal training can be a key service for organizations striving for best compliance practices in this period of heightened regulatory scrutiny and litigation risk. Moreover, compliance training can be an important component for organizations to audit their own practices, manage risks and resolve matters internally. At public companies, such training can be an important tool for compliance with Sarbanes-Oxley and other regulations recently imposed on public companies. In addition, Erika's legal training assists those organizations seeking to take advantage of the incentives offered through the Federal Sentencing Guidelines, the DOJ's standards for prosecution, and the leniency programs of other regulatory agencies.

Erika's communication work focuses on high-stakes communication such as media and crisis training for corporate spokespeople, presentation skills and business writing. Combining her work in language and the law, Erika has helped Catholic dioceses nationwide implement child sex abuse prevention programs.

Erika offers clients a complete suite of training services: instructional design (including needs analysis and related consulting), custom curriculum development, off-the-shelf products and seminars, and delivery. She designs for and delivers training through all technologies: traditional classroom, written materials, video, live web, CBT, and business television. Erika is supported by an IT professional, graphic designer and a video production team.

In addition to her private consulting work, Erika has taught law, communication and management courses at five major universities. At the University of Texas, both faculty members and students recognized her for outstanding academic teaching. Erika recently completed a several-year study that demonstrated that communication training works and, moreover, identified what a spokesperson must say to receive better media coverage.

Erika received her law degree from the University of Virginia and her Ph.D. in Communication from the University of Texas. Prior to returning to education, Erika practiced law for a large corporate law firm.

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Paper outline

Against this backdrop of increasing litigation, mismanaging information has had especially draconian penalties. A complex labyrinth of federal and local rules dictate how organizations keep track of and dispense information, and these rules both simultaneously reward disclosure and damn those who withhold. The Federal Sentencing Guidelines, for example, which set the frameworks under which defendants are penalized in federal courts, suggests lower penalties for organizations willing to open all records to investigators. The policy statements issued by the Department of Justice as to when prosecutors should charge organizations echo this same sort of "credit" for openness. The revisions proposed in April of this year do not seem to have – at least yet – resulted in any practical changes.

Simultaneously, in the past several years, organizations have suffered significant ramifications when they failed to communicate what was requested or expected. In June 2005, Morgan Stanley was ordered to pay a record $1.58 billion when they mangled a judge's request to produce certain email and other records as part of a lawsuit. (Craig, 2005, p. A1). This verdict followed other high-dollar awards for similar "failures to communicate." For example, in 2004, a court fined Philip Morris $250,000 for each of eleven key employees whose e-mail was relevant to a lawsuit but that had been inadvertently destroyed. *United States v. Philip Morris USA Inc.,* Civ. No. 99-2496 (D.D.C., July 21, 2004). In April 2005, a jury awarded over $29 million, including $20 million in punitive damages, for discovery abuse in an employment case. *Zubulake v. UBS Warburg, 2005 U.S. Dist. LEXIS 4085 (SDNY March 16, 2005).* Extensive problems with e-mail and document preservation and production led the SEC to impose a $10 million penalty on Banc of America Securities LLC ("BOA"). *Matter of Banc of America Securities LLC, SEC Rel. No. 49386 (March 10, 2004)*

It is not surprising, then, that these new requirements have taken center-stage with corporate leaders. Organizations now have reason to manage carefully what they are saying and in many ways they are doing just that. Nation-wide, corporations are implementing "legal compliance" programs to educate non-lawyer professionals about the risks of legal emergencies, how to respond to them, talk about them, etc. Increasingly, these compliance efforts are managed at the Board of Directors level. (Lublin, 2006, A1). Moreover, records management initiatives at large organizations signal recognition that communicators have to be able to get their hands on information quickly when a legal emergency breaks. These efforts, however, tend to focus on, and in some cases focus exclusively on communications within the legal system.

True legal transparency, however, requires that organizations effectively communicate about legal emergencies not just within the legal arena, but to a broader set of constituencies. After all, as Haltom & McCann (2004) explore at length, the public receives far more information about a legal emergency than any actual coverage of a trial. While the compliance practices mentioned above help manage communications during investigation or in litigation, far fewer organizations are preparing for the more public communication of the same things. For example, more than a third of American companies do not have an up-to-date crisis plan, and crisis plans are even more scarce for overseas operations. (Barton, 2001, p. 19) Moreover, lawyers continue to play a quite limited role in external crisis communications, typically performing as only the editors of press releases and statements, screening for admissions or other incriminating material.

Right now, the public demands from corporations a legal transparency that makes them communicate more clearly about legal crises and that also requires lawyers to play an expanded role in such crisis communications. But if the legal community were more strategically engaged in crisis communications, would they be any good at it? Moreover, if they did, would there be any good ***in*** it?

These very questions – driven by this very specific historical moment — were very interesting to me as I was finishing a PhD program at the University of Texas. Before returning to graduate school, I had been an attorney. Over time, I developed a thriving

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specialty in compliance training, teaching workplace legal issues to non-lawyer managers inside of organizations. Related to this work, I was often called upon to advise lawyers and others about their communications: how to explain a piece of litigation to the newspaper, what to say to TV reporters when an industrial accident injured employees, or just how to explain litigation or a business decision to a web journalist.

Like Dale Carnegie, Zig Ziglar and so many others who have come before me, I developed what I believed to be a few sound seminars on these communication topics. It seemed that the people I trained improved, and my clients were certainly satisfied. But I wanted to know if my students were *really* communicating any more effectively in measurable, demonstrable ways after the training than they were prior to being trained. So, I set about to find out.

This short paper reviews the comprehensive work of that study. It reviews the questions I sought to answer, the path I followed through three related investigations, and the subtle and compelling results each investigation produced. Moreover, I'd like to make the bold proposal that engaging attorneys as crisis communicators can do more than simply improve the reputation of the organizations about which they speak. This researcher tentatively suggests that employing attorney-spokespeople in legal emergencies may actually serve the public good.

The three most important questions

What if lawyers became instrumental in the crisis management process? Could attorneys be effective as spokespeople?

To know that, I needed to answer some basic questions. **First,** I had to know if the innate media skills of attorneys differed from the skills of non-lawyer public relation professionals. This was a preliminary question. I found much existing academic work on the differences between lawyers and non-lawyers in the courtroom, and this work suggested that lawyers communicated pretty poorly: obtuse and without enough regard to their listeners' interests. Until this study, however, there was no research that specifically detailed how a lawyer's oral statement in a more public setting like a press conference might differ from that of a non-lawyer.

I had to know if, **second,** training could meaningfully change the way attorneys talk. Even if lawyers' communication styles could be parsed and labeled, could they be changed? Is there any sort of training that would arm attorneys with improved skills when addressing the public?Again, there has been surprisingly little research about the impact of communication training under any circumstance and, what does exist, focuses mainly on the impact of college students in undergraduate speech courses.

Third, do more thoughtful media statements translate into different news coverage? Better news coverage? The public statements that most people receive about legal issues are mediated by the press of some sort: radio, TV, newspaper, internet. Many researchers – and common sense – tell us that newspaper coverage of the law is particularly influential with the public. But how sensitive are these media to thoughtful statements? Said differently, even if lawyers did change their ways, would it affect the news coverage they generated?

The method of this study

Answering these questions required a rather complicated field study involving three separate investigations. I was lucky enough to enlist support from two Fortune 100 energy companies, ConocoPhillips and Williams Energy Company; from the federal government: the Environmental Protection Agency, Region 6; and from private law practice: the nationally-respected law firm Weil, Gotshal & Manges. Each organization supplied lawyers from their legal departments and communication professionals from their public relations departments.

ConocoPhillips is an international, integrated energy company formed by the merger of Conoco, Inc. and the Phillips Petroleum Company in 2002. Headquartered in Houston, Texas, ConocoPhillips operates in more than 40 countries. The company has approximately 35,600 employees worldwide and assets of $107 billion. It is the third largest energy company in the United States, based on market capitalization, oil and gas proved reserves and production; and the second largest refiner in the United States.

Williams Energy Company is also an integrated energy company, producing, gathering, processing and transporting natural gas across the country. Williams operates 15,000 miles of gas pipelines across the country, moving 12 percent of all gas consumed in the United States. In addition, Williams is one of the nation's largest gas gatherers with operations in Wyoming, the San Juan Basin, the Gulf of Mexico, Venezuela and Canada. In 2005, Williams reported $12.5 billion in revenue.

The **Environmental Protection Agency** is the office of the federal government, founded in 1970, tasked with preserving the quality of the environment. Major activities include cleaning up previously unmanaged hazardous waste site ("Superfund cleanup") and enforcing a diverse set of environmental laws including those related to air and water quality, the correct use of pesticides and the transportation of hazardous substances. The EPA employs 18,000 across the country, divided geographically. Training took place in Region Six, which serves Louisiana, Arkansas, New Mexico, Texas, Oklahoma and 65 tribes and which is headquartered in Dallas, Texas.

Weil, Gotshal & Manges is a law firm with a national and international presence, employing 1,200 lawyers world-wide. Weil is head-quartered in New York with offices throughout the U.S., Europe and Asia. The firm offers comprehensive services in corporate transactions and structuring, finance, tax, litigation, and regulatory practice areas. The Dallas office, where the training occurred, employs 80 attorneys, with a practice heavily focused on private equity and corporate finance.

I chose these three industries because each brought to the study a different combination of knowledge and affect about the facts alleged in the study's case. The case asked the participant to assume the role of a corporate spokesperson explaining an explosion at an energy facility. Given their backgrounds, one would assume that the energy company participants would be both knowledgeable and supportive of the scenario. Said differently, because of their current occupation, this population would be both familiar with facts about a facility fire and generally disposed to support an energy company in such a situation. The EPA participants, on the other-hand, would be familiar with the facts of an industrial accident but not generally disposed to speak in defense of the energy company at which it happened. Last, the firm lawyers were all transactional lawyers with a client base of neither energy companies nor environmental organizations. Thus, one would expect this population to be both unfamiliar with the facts and neutral as to their position. Having such a diverse population allows for both comparisons on the basis of knowledge and affect and perhaps expands the groups to which the study's results can be applied.

I served as the trainer and conducted 23 separate training programs at these four organizations, teaching potential spokespeople how to address the media. I taught participants skills to meet the goals consistently addressed in the trade literature on crisis communications: control the interview, stay on message, etc. All participants practiced their skills on the set of hypothetical facts about the explosion. There were three or four participants in each session, and, after accounting for practical difficulties, the study ultimately enrolled 39 lawyers and communication professionals as participants.

These participants were video-taped both at the start of the session, before learning any skills, and after they had received training. The resulting 78 tapes were edited and turned over to an able team of 19 university communication instructors serving as raters to achieve more independent evaluation. These raters used an instrument expressly created for the study that collected both quantitative and qualitative data; the instrument was positively evaluated for reliability. Each speaker was evaluated by three instructors both before and after training, and was also evaluated by evaluated by me. All together, we aimed to determine how lawyers differed from communication professionals and how training changed the performances of all speakers.

Last, six segments were selected for additional study: three videos of speakers before training, three videos of speakers after training. I enlisted 43 young journalists to prepare hypothetical newspaper stories based on the videotaped statements. These stories were then coded in several ways to evaluate how newspaper coverage changed as a result of training.

Results of this study

This study was divided into three separate investigations, each of which resulted in distinct, useful findings. These results are reviewed below; I would be happy to provide additional detail to interested readers.

INVESTIGATION ONE: How are attorneys distinctive crisis communicators?

Investigation One revealed that, even before training, lawyer-spokespeople spoke differently than communication specialists. It appears that the lawyers' training and experience prompted them to employ distinct skills that accrued to their advantage. First, compared to the communication specialists, ***the attorneys were appraised as smarter, more intelligent, more knowledgeable, and better informed.*** This seems to be explained by two different things: the lawyers did an excellent job of articulating in their statements every one of the limited facts they were given about the case. Recalling the work of Cialdini (1993) and Langer (1989), it appears that "informed-ness" and "intelligence" turns on the existence of facts in a statement rather than on the quality of the facts themselves. To the raters, this citation of facts, no matter how small, won the speaker points.

Moreover, the attorneys were relatively better at controlling the speech situation by offering a prepared statement rather than taking questions. This practical kind of control appears to have seamlessly translated into "intelligence" to the raters. Perhaps this control/intelligence convergence suggests that, as in other social situations, the raters over-emphasized the dispositional factors of the speaker and under-emphasized the situational factors of the interview – what psychologists call the *fundamental attribution error.* Future research might pursue other strategic uses of the fundamental attribution error in public communications along the lines of Kaplan & Sharp (1974). For immediate purposes, however, it means that audiences tend to attrite to the speakers what happens during an interview – for better or for worse.

Surprisingly, it was also true that, second, ***attorneys distinguished themselves as especially credible, truthful and honest.***

In televised media interviews, attorneys mastered seven specific skills that lead audiences to describe them as . . .

- **Intelligent, knowledgeable and well informed**
- **Notably credible and honest**
- **Especially prepared and organized**

The attorneys, however, did a relatively better job of explaining *why* they didn't know these things. Thus, the attorneys exhibited a form of honesty one might refer to as "candor:" more than admitting what one does not know, candor is a "reasoned lack of understanding." The attorney-speakers were more credible, truthful and honest because they were *candid.*

Attorneys also garnered points for the items related to honesty by discerning the facts about the case consistently. Too often in real crisis settings, speakers provide factual explanations only gradually, as he or she becomes more comfortable during the interview. While this is usually explained by the speaker's own nervousness, it often has the appearance of dishonesty, as famously demonstrated by Lawrence Rawls in his interviews about the 1987 Exxon disaster. The attorneys in this study, however, generally avoided this problem, providing information consistently throughout their interview.

Third, ***attorneys used several speech strategies that generated appraisals of relatively more preparation and organization.*** Attorneys were much better at creating a comprehensive or over-arching organizational form for their briefings through statements, wrap closes, mirrored construction, etc. This was no small accomplishment as the reporters constantly interrupted the speakers with questions of their own. In addition, the attorney-speakers reminded reporters to check information available elsewhere – other speakers, the company's website, written statements, etc. – to supplement what they were saying. In this way, the attorney-speakers were organized and prepared, not just with what they knew themselves, but by knowing what the other sources were.

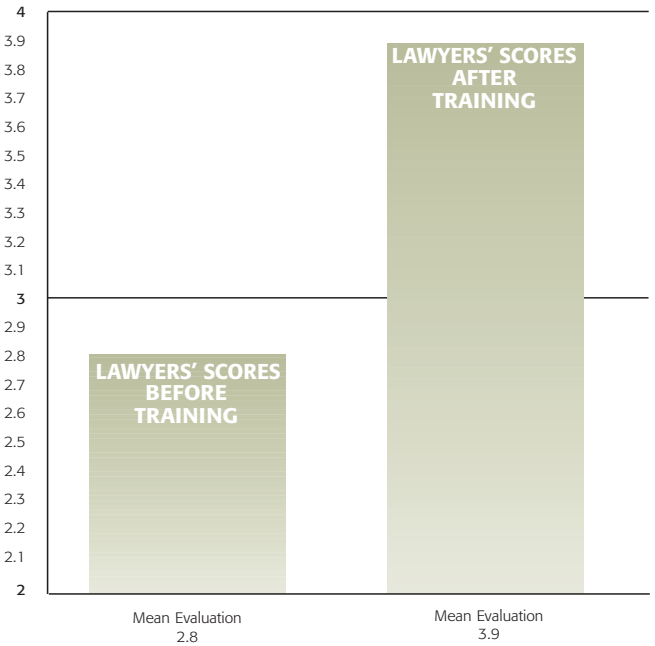
It is worth noting that, to the raters, "preparation" was entirely a matter of substance rather than delivery. The raters were much more likely to comment on the delivery of the communication specialists and, when they commented, it was generally negative. On the other hand, raters rarely commented on the delivery of the attorneys. That does not mean that the attorneys weren't working at their delivery, but that they better mastered a style that did not call attention to itself. Said differently, the way attorneys prepared their delivery did not show, while the way they prepared their substance did.

Moreover, when delivery appears rehearsed, it is not received well – it judged as "slick" or "canned." That is, the raters and public expect delivery to be elegant, but not obtrusive. Indeed, when delivery seems natural, it appears to garner the speaker additional points in the substantive categories. This is the intriguing notion of "fundamental speech skills" – skills that are useful not because the audience looks for or even notices them, but because these skills prompt other important appraisals. In this case, being poised simply makes you sound smarter.

INVESTIGATION TWO: Does communication training work?

Investigation One identified seven strategies attorney-speakers employed that distinguished them even before any training occurred. But how did the training session change things? My second investigation showed that training had a distinct impact on potential spokespeople, improving their evaluations in several specific ways and actually undermining their performance in another way. All together, after training, attorneys emerged as at least as competent as -- and arguably superior to – the communication professionals as crisis spokespeople. The most dramatic improvement and final performance was demonstrated by the law firm attorneys. Though both communications professionals and attorneys improved after training, this investigation reported on how training specifically changed the performances of the attorney spokespeople. Some overall findings are graphed below.

First, ***training makes attorney-spokespeople appear significantly more organized, knowledgeable and in control*** by empowering them with several specific strategies. As a preliminary matter, it was useful to find that, in general, the participants in the sessions easily adopted the lessons taught, supporting the general principle that speech skills can be learned. For example, after training, speakers wrested control of the speech situation from the reporters by narrating what the format would be and, generally, focusing it on statements rather than on questions and answers. Also, after training, speakers emphasized the factual na-



In a 2006 university study, 39 speakers completed a five-hour training session. After the session, independent raters evaluated speakers significantly higher on 10 vital criteria (credibility, confidence, control, unflusteredness, organization, intelligence, knowledgeableness, communicativeness, good spokesmanship and showing effort to work with the media). Speakers were also rated significantly higher overall, and this data on overall improvement is graphed above.

ture of the information they were providing, using phrases such as "I will tell you all the facts that we know at this time." Also after training, speakers did a better job of explaining their personal role in crisis management which, despite the magnitude of the role, garnered points from the raters. These three strategies go a long was to explain attorney-spokespersons' higher marks on organization, knowledge and control after training.

Second, ***after training, raters evaluated attorney-spokespersons as more caring and compassionate.*** This is an important finding since a significant literature argues that compassion is the most important element for a speaker to embody during a crisis (Coombs,1999; Coombs & Holladay, 1996; Marcus & Goodman, 1991; Siomkos & Shrivastava, 1993). No study to-date, however, had attempted to measure whether compassion could be increased by training and, if so, how it could be done.

Investigation Two suggested that compassion can, in fact, be taught. After training, speakers performed several speech strategies that seem to explain their higher scores here. First, as instructed, speakers made sure to say that caring for the employees injured or affected by the fire was the top priority of the company. This was strategic for many reasons: At the least, amongst a complicated set of facts, human injury was easy for the raters to understand and, thus, to use when evaluating the company. Second, speakers consistently offered a secular prayer for all the people involved in the explosion: "Our thoughts and prayers go out to the injured employees and their families." This secular prayer seemed so important to raters, in fact, that in future training this researcher will encourage speakers to feature this device in specific ways. Third, the researcher was surprised that the speakers' admonition to the reporters not to speculate increased scores for compassion as well. At a conceptual level, these results seem to underline the extent to which we demand the spokesperson to humanly embody and communicate about the crisis events.

Third and last, Investigation Two revealed that, ***after training, lawyer-spokespersons appeared less forthcoming.*** While after training, attorney-speakers were rated higher on almost all criteria as well as overall, the intervention was not a wholesale improvement. In both the qualitative and quantitative data, training appears to have made participants less forthcoming, perhaps even calculatedly taciturn. In an unexpected way, this finding is one of the most useful of the investigation.

That the trained speakers were deemed less forthcoming was almost entirely explained by how they handled questions as parts of their statements. It is not that they bungled their answers. Indeed, participants executed quite well the several specific question-taking strategies taught in the training: initial control, limiting questions and announcing future question opportunities. In hindsight, however, one of the most important lessons of this study is that answering questions well is not the same as being open.

The training intervention provided in this study armed participants well to answer questions intelligently. Yet the raters seemed to demand that, in addition, crisis speakers make an explicit promise to be forthcoming. Crisis communication coaches must instruct participants to take every opportunity to assert both the importance of the public's questions as well as the spokesperson's commitment to answering each and every one of them. All that said, some of the results of Investigation Three suggest that, while raters may "sense" a lack of openness when watching a statement, it disappears in the media coverage. This point is detailed next.

INVESTIGATION THREE: Will you get better media coverage if you use trained spokespeople?

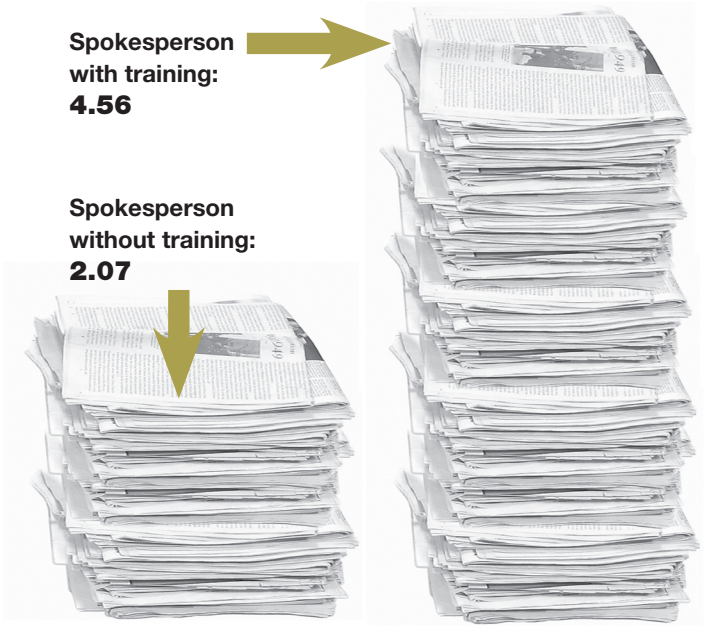
Investigations One and Two explored spokespersons' statements directly: how lawyers were different from communications professionals and how training changed spokesperson's technique. Investigation Three, however, revealed that training not only changed the spokespeople themselves but also changed the resulting news coverage. I am perhaps most proud of this investigation's findings that trained speakers garnered newspaper coverage that was more positive, less negative and — based on simple coding and word count — just plain longer.

These findings revealed four conclusions about crisis training that can only be assessed by looking at the resulting media-coverage. First, ***staying on message works.*** During training, the speakers identified key statements they hoped to feature in their statements. Not only did the trained speakers do an excellent job of articulating these messages but the reporters actually — almost dutifully — included them in their stories. Indeed, I found significant evidence that spokespersons can steer journalists to themes that the journalists would simply not otherwise have addressed in their stories. So getting positive facts and themes into the stories was certainly attainable, and it happened effectively with the specific, targeted instruction during training.

Second, Investigation Three revealed that, for better or for worse, ***ignorance is newsworthy.*** Before training, speakers were quick to tell reporters that they did not have a certain fact in their command, and the reporters usually included this admission in their news stories. In training, however, speakers learned several techniques to divert attention from what they didn't know. Notably, when a speaker employed a diversion strategy, the reporter rarely followed-up. This not only suggests that such strategies are effective but that, more importantly, topics become newsworthy by the very fact that the spokesperson can not address them. And without training, speakers are more likely to acknowledge that they don't know certain things.

Moreover, even when a trained speaker invoked strategies to avoid saying "I don't know," reporters rarely reported that the

Positive statements in news stories



spokesperson was evasive or not forthcoming. This suggests that an approach which allows the speaker to avoid having to admit what he or she doesn't know can be executed without the obvious downside. Just as important, this result colors the findings from Investigation Two that the raters found trained speakers to be relatively taciturn. Reporters evaluated trained speakers the same way that the raters did: after training speakers were less forthcoming, evasive, etc. Yet this appraisal is not apparent in their stories. In an unexpected way, then, speakers were "helped" by being mediated, as the newspaper articles filtered out this negative appraisal.

Third, ***reporters are, in a way, out to get you.*** Untrained speakers allowed press briefings to operate almost entirely as question-and-answer sessions. In this setting, the majority of the questions the reporters asked did not put the company in a good light. Of course, the company couldn't avoid all negative information given the explosion at their facility. But reporters asked the untrained speakers many questions that never came up in the discussions with trained speakers: for example, a possible employee walk-out or strike, continuing community health risks because of chemicals released in the explosion, and the pervasive dangers of the energy business.

At bottom, when the spokesperson was untrained, reporters controlled the speech setting with their questions, most of which elicited unfavorable information, and this unfavorable information found its way into the resulting stories. Trained speakers, however, limited questions and thus eliminated almost two-thirds of the unfavorable coverage.

Fourth and last, ***trained speakers serve not only the organization they represent but serve the public, too.*** While the briefings given by trained speakers were far shorter than those given by rambling, untrained speakers, the resulting news-coverage was typically much longer. Trained speakers did a much better job of identifying ahead of time all the parties interested in the events, and providing each of these constituencies all the available facts. The resulting longer coverage was not just both more favorable and simultaneously less unfavorable to the company, but also better served the public interest, too, because it included this information. That these trained speakers did a better job by including important public facts that untrained speakers simply overlooked — the current state of the fire and facility, on-going risks to the community, contingency plans to continue to supply fuel, etc. — made them better servants of the public.

Indeed, future research should explore further how crisis communications in legal emergencies might serve as a tool, albeit a discrete one, to foster better public understanding of the law. A full treatment of these public possibilities is the subject for another paper, another day. The case for such continued research, however, is made as the final portion of this piece.

Implications for the public

To be perfectly honest, I began this study with both commercial and civic concerns. I was confident in the ability of crisis speakers and simultaneously concerned about public life. I was sure I could demonstrate that communication training works, and that just a little bit of it could produce superior organizational spokespeople as both measured in and of themselves as well as by the media they generated. Moreover, I believed that lawyers could perform crisis communications especially well. Indeed, the results of Investigations One through Three bear out these hunches.

But what about my civic concerns? Reading dramatic accounts of how Americans are withdrawing from public life, understanding public institutions less and less well (see, e.g. Lasch, 1995; Purdy, 1999; Putnam, 2000), I wondered if my admittedly commercial findings might have anything to offer the public. I submit that this project also serves as a discrete test-case for a much larger and vitally important question: Can improving the communication skills of political and community speakers affect what citizens think of public life?

The hypothesis seems plausible. As Putnam (2000) points out, citizens who read or watch the news are more civically engaged than those who do not. It seems, then, that improving upon the talent of the newsmakers might have fairly direct repercussions. If so, then lawyers-cum-spokespeople have an obvious role. As the American Bar Association itself has wondered aloud: ". . . [an attorney's skill with the media] fufills a certain civic and public

educational goal by helping to inform a society that is sadly lacking in an understanding of the judiciary." (Rothman, 2000, 6).

After all, as with the other arenas of public life, Americans are not interested in and do not understand the law. Their misconceptions have significant repercussions too: Most citizens do not take advantage of the legal system and, when they do, they perform poorly relative to those with specialized legal knowledge. Defendants, for example, are sometimes falsely accused by misinformed juries. Indeed, others have argued that when citizens misunderstand the law, the entire political process risks falling apart.

To-date, the causes of the crisis have seemed recalcitrant: fundamental traits of the American media establishment and of the American legal system, combined with the crisis conditions under which the media typically reports on the law, all foster a seemingly unchangeable situation. Indeed, many previous approaches to creating a legally-informed citizenry have failed. What follows is both a review of the public dilemma as well where this study fits in.

Americans have significant misconceptions about the law.

Study after study have concluded that American citizens have a woefully weak understanding of the courts, the legal system and the judicial branch and a general lack of confidence in them, as well. (see, among others, Haltom & McCann, 2004; Fox & Van Sickle, 2001; Slotnick & Segal, 1998; Delli, Carpini & Keeter, 1996; Caldeira, 1986; 1991) In a nationwide poll, for example, 59% of Americans could name the three stooges, while only 17% could name any three members of the Supreme Court (Morin, 1995). One pollster reported that, in 1994, 53% of Americans polled had a generally negative view of the U.S. courts; in 1993, only 15% of Americans expressed confidence in the court system, a figure lower than that for any other public institution. (Fox & Van Sickle, 2001). More recently, the Harris poll reports American confidence in the courts and judicial system at only a little over 20% (Harris, 2006). While such studies illuminate the problem in light, breezy terms, there are serious repercussions to citizens' ignorance of the law. These problems include the following:

1. Misinformed citizens do not take full advantage of the legal system.

If you do not know where the courthouse is, it is difficult to file a claim. Research has suggested that in more subtle and complicated ways, the manner in which people think about the law affects whether they choose to invoke its services. In 1998, for example, Ewick and Sibley answered a call by the New Jersey Supreme Court to explain why minority citizens were less likely than whites to use the state court system to resolve disputes (Ewick & Sibley, 1998). In their seven-year study they interviewed hundreds of New Jersey citizens and found that most people – minority and non-minority alike – maintain well-developed lay philosophies about the law.

Ewick and Sibley (1998) generally found three "lay philosophies" and they found that one's choice of philosophies dictated how a person interacted with the legal system. Ewick and Sibley (1998) argue at great length that all three narratives of legal consciousness serve valuable purposes in society. "Before the law" encourages respect, for example, while "against the law" encourages resistance. Yet only the third framework arms its holder with the tools for using the legal system as it was designed to operate. At bottom, Ewick and Sibley (1998) demonstrate that one's lay philosophy of the law dictates how one will choose – indeed, if one will choose – to participate in the system.

2. Misinformed citizens do not fare well in the legal system, even when they do participate.

Over the past twenty years, John Conley and William O-Barr have watched how litigants in small claims court present their claims (Conley & O'Barr 1978; 1988; 1990; see also Yngvesson, 1993). The authors found that litigants have two major and contrasting ways of describing their problems. "Rule-oriented litigants" describe their problems in terms of specific rule violations and seek concrete remedies. By contrast, "relational litigants" describe their problems in broad social terms and seek remedies that would mend soured relationships and respond to their personal and social needs. Not surprisingly, the law favors rule-oriented claims.

These presentational styles reflect two very different ways of thinking about the law. Litigants with a rule-oriented perspective understand the law's limited remedial purpose; this presentational style assumes that there is much unhappiness and wrong-

Preparing better spokespeople . . .

Spokespeople who can explain the law serve the public good.

- An informed public makes better use of the legal system.
- An informed public is more fairly treated by the law.
- An informed public creates better jurors.
- An informed public creates better political participants.

doing about which the law is silent. The law, for example, usually requires that a party present something beyond the complaint of "she wasn't nice to me." Relational litigants do not understand the limited function of the courts and, thus, seek redress for issues beyond its scope and seek it in ways that the court is not equipped to process. At bottom, Conley and O'Barr's work reveals that when citizens misunderstand the law, they suffer at its hands.

3. Misinformed citizens make bad jurors.

Not only do citizens' misconceptions of the law hinder their own access and success within the system, but these misconceptions have the capacity to affect all others who participate in the legal process. Scholars have documented the effect that jurors' lay legal philosophies – called in the literature "jurors' commonsense justice" or CSJ – have on their decision-making. (see, e.g., Finkel, 1995) A veritable library of research concurs that juror decision-making is, on the whole, exceptionally bad. (For a review, see Studebaker & Penrod, 1997; Abbott, et al., 1993).

Perhaps most interesting, the research also suggests that, in general, the more legal information jurors get from the media – both about the law generally as well as about the specific case at bar – the worse their decision-making will be. (See, among others, Dexter, 1992; Moran & Cutler, 1991) So, for example, jurors who learn about the law through the media are biased against criminal defendants. (Moran & Cutler, 1991; Dexter, 1992) This bias is consistent even though jurors explicitly deny such propensities (Moran & Cutler, 1991) and even deny having learned anything about the law through the media (Moran & Cutler, 1991). All of this is made more disturbing by the fact that the typical courtroom remedies for such problems – voir dire, instructions to disregard, continuances, etc. – appear to have no practical effect. (Dexter, 1992; Kramer, Kerr & Carroll, 1990)

4. Misinformed citizens make bad political participants.

Bill Clinton remained in office only after surviving a proceeding that scrutinized, among other things, his definition of terms under the law. The election of our current president was decided by an even more technical, procedural question of election law. Clearly, if citizens misunderstand the law, they risk not only undermining the legal system but misunderstanding key moments of the larger political process, as well.

In American democracy, law and politics have always been inextricably linked in a least two ways. First, the law comprises quite literally a full third of the American political system. Slotnick and Segal (1998) argue at length that, by failing to understand the Supreme Court, citizens radically misunderstand politics; when they misunderstand politics, they cannot fully participate. As a noted New York Times Supreme Court reporter reflected in the *Yale Law Journal:*

> Given such widespread ignorance [about the Supreme Court], and in light of the Court's role as an important participant in the ongoing dialogue among American citizens and the various branches and levels of government, journalistic issues about what the Court is saying and where it is going can have a distorting effect on the entire enterprise. (Greenhouse, 1996, p. 1539).

By not understanding the federal court system, then, citizens cannot fully appreciate how some of the most important political questions are resolved. Yet the law is not simply a branch of the political process. Rather, it also provides metaphors and templates for the entire democratic system. De Tocqueville commented that

> There is hardly a political question in the United States which does not sooner or later turn into a judicial one. Consequently the language of everyday party-political controversy has to be borrowed from legal phraseology and conceptions. As most public men are or have been lawyers, they apply their legal habits and turn of mind to the conduct of affairs. . . . (cited in Lawrence, 1969, p. 270)

When citizens mischaracterize the law, then, they do more harm than simply misunderstanding a vital branch of politics. To misunderstand the law is to misunderstand important frameworks endemic to the political system itself.

In specific ways, too, legal misconceptions can cripple political action – or at least send it galloping in a different direction. Haltom and McCann (2004) have levied an extended argument that misconceptions about the law have inhibited thoughtful debate about corporate power. The authors write specifically about the impact of sensationalizing coverage of tort litigation:

> [P]ublic discourse and public opinion are diverted by default concerns about proliferating legalism from attention to actual changes in legal practice, important public problems and plausible policy responses to such problems. . . . Second, we suggest that the prevailing legal lore nurtures pervasive cultural pressures that encourage various types of legal action and, especially, inaction – by lawyers, judges, jurors, administrators, injured citizens, risk calculating customers, and the like – in response to everyday harms.

(Haltom & McCann, 2004, p. 9). Regardless of how the reader appraises tort litigation and reform, their point is a solid one: how citizens expect the law to operate will impact the nation's politics.

In review, American citizens' misconceptions of the law have significant repercussions. Citizens do not take advantage of the

legal system and, when they do, they perform poorly in it. For example, defendants are poorly considered by weak juries. Indeed, the entire political process risks falling apart. But why does the problem exist in the first place? Why is there so much misunderstanding? That question is addressed next.

Why citizens misunderstand the law

1. Media establishment

Most Americans receive their political information from the mass media. More than a hundred million Americans watch TV news everyday, for example, and millions more gain their information by interacting with those who watched the news firsthand (Iyengar & Kinder, 1987, p. 112). As a noted scholar of mass media and politics has commented: "For the vast majority of Americans . . . use of the mass media, coupled with brief visits to the voting booth on election day, represents their total participation in politics" (McCombs, 1994, p.1).

The unique character of legal institutions makes them particularly reliant on the mass media to disseminate information to the public. In general terms, the legal system has no immediate public constituency: very few legal actors are elected, at the national level at least, and particular legal controversies are decided by a discrete panel of jurors rather than a broader public. Traditionally the court system has been removed from the glare of publicity.

As a result, the public learns almost all of what it knows about the law from the media. Writes Denniston (1980), "The average citizen reads no court opinions, watches few court proceedings in court, studies no law review articles, has no regular contact with judges or attorneys, and handles no legal problems himself. The press is his law reporter." (p. 87) Others agree: A major study of how the public understands the law concluded that "the media is a much more important source of information about the courts than are lawyers, the public's own personal experience, schools or libraries." (Bennack, 1983, p. 3)

Those who spend their time thinking about the role of the media in the law recognize the danger of the law being isolated from public view. Alan Dershowitz, perhaps the most vocal public legal personality in our times, explains, "When I started in this profession, lawyers were like some secular priesthood. I want to combat that. Rights don't work if people don't understand them" (Cox, 1993, p. 78). Or in the words of prominent jurist Irving Kaufman:

> The force of judicial decisions . . .depends on the fragile constitutional chemistry, and it flows from popular knowledge and acceptance of those decisions. Courts cannot publicize; they cannot broadcast. They must set forth their reasoning in accessible language and logic and then look for the press to spread the word. (Cited in Katsh, 1983, p. 8).

A similar sentiment is echoed by a media practitioner:

> Political candidates who believe that their messages are not being conveyed accurately by the press have a range of options for disseminating those messages. They can buy more advertising, speak directly to the public from a talk-show studio or a press-conference podium or line up endorsements from credible public figures. But judges, for the most part, speak only through their opinions, which are difficult for the ordinary citizen to obtain or understand. Especially in an era when the political system has ceded to the courts many of society's most difficult questions, it is sobering to acknowledge the extent to which the courts and the country depend on the press for public understanding that is necessary for the health and, ultimately, the legitimacy of any institution in a democratic society. (Greenhouse, 1996, p. 195).

"The media is a much more important source of information about the courts than are lawyers, the public's own personal experience, schools or libraries."

The media are vital to all political institutions, but perhaps especially to the law. But what sort of media coverage does the law receive? Overwhelmingly, scholars agree that media coverage of the legal system is unsatisfactory. For some time, critics have cited the same set of problems: (a) the media misunderstand the law; (b) the media sensationalize the law; (c) media coverage of the law is fundamentally inadequate.

First, many contend that the media simply get the law wrong. Slotnick and Segal (1998) found that, for example, in 29 high-profile Supreme Court cases, the media inaccurately reported the decision 22 times (p. 198-199). It is likely that the media get the law wrong in part because the law is such a complicated and arcane subject matter. In addition, many point to an additional problem: legal beat reporters do not have the skills and training needed to report well on the law. Wrote journalist Max Friedman some years ago:

> It seems simply inconceivable . . . that the average American editor would ever dare to write on a debate in Congress or a decision by the President with the meager preparation which he often manifests in evaluating legal judgments of the Supreme Court . . . I must declare my conviction that the Supreme Court is the worst reported and worst judged institution in the American system of government. (Quoted in Grey, 1968, p. 5; cited by Slotnick & Segal, 1998, p. 10).

Second, critics complain that the media often focus on issues about a case that, in the minds of legal experts, are superfluous to the legal question at bar. As early as 1964 one scholar noted that newspaper coverage of the Supreme Court focused more on local

and national reactions to decisions than on the decisions themselves (Newland, 1964; Grey, 1968). In particular, much research has focused on how a sensational mass media works out badly for criminal defendants. In 1995, the ABA identified six specific sorts of reporting that were problematic. Yet as late as 1995, one group of scholars found that more than a fourth of major daily newspaper articles on the law contain exactly the type of coverage specifically identified by the ABA as damaging.

Third, the media often do not cover the law. In 1977, David Ericson examined coverage of the Supreme Court contained in three major daily newspapers. He found it generally inadequate (Ericson, 1977). Television is no better. Between 1989 and 1995, for example, air time devoted to the Supreme Court's activities slipped from 26 minutes per month to just eight minutes per month (Slotnick & Segal, 1998, p. 165). At bottom, then, the public must understand the law through dwindling media coverage riddled with inaccuracies and sensationalized content. When prominent journalist Nina Totenberg, who, at the time, covered the U.S. Supreme Court for National Public Radio, was asked how the press might better represent the legal process, her evaluation of her own institution was damning: "We may be, in short, dreaming the impossible dream here. I'm afraid in one respect or another, we have met the enemy, and it is us." (Gilbeaut, 1997, 97).

2. Legal establishment

Just as there are fundamental traits of the media establishment that make media coverage of the law difficult, so, too, does the legal establishment bring its own challenges to the process. At a philosophical level, the legal system is strategically designed to operate above the heads of the public; it is by design that the law has little to say to the public. When the law does comment, its language is usually difficult for lay listeners to understand. Difficult language is made more complicated when lawyer-spokespeople refuse to address the content of the legal issues at hand or provide information about the narrative surrounding the legal event.

First, the legal system is supposed to be above the public fray. For example, many judges are appointed – and many for life – to specifically exclude them from being accountable to the American people. Indeed, much of the public has come to value the law as removed from their lives and, as a result, entirely uninteresting to them. As Hamilton wrote in Federalist 78:

> This independence of judges is equally requisite to guard the Constitution and the rights of individuals from effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves. . . . (Hamilton, Jay and Madison, 1787, p. 508).

Such an auspicious history has had practical import: Four of five attorneys polled by the American Bar Association said that they did not choose to even attempt to proactively communicate with the public. (Reidinger, 1987). And yet, CNN estimates that in about 85 percent of news-making cases, the press interviews not just the clients but the lawyer as well. (Cox, 1993).

Another one of the greatest challenges for the listening citizens is the very language of the law. "There is no doubt that legal language is decidedly peculiar and often hard to understand, especially from the perspective of the public" (Tiersma, 1999, p. 2). Indeed, several scholars have argued that legal parlance is so distinct that it rises, in fact, to being its own language. Proponents of "the plain language movement""-- legal academics who advocate the use of more accessible phrasings – have documented the tremendous costs, measured in time and dollars, when citizens do not understand the law (for a recent review, see Kimble, 1996).

The language of the law, then, is yet another systematic barrier to effective public communication. Lawyers' inability to see outside of their narrow professional world creates problems as well. When a media crisis strikes a modern corporation, for example, there is almost always much more at stake than success in the courtroom: it is also vital to soothe customers, manage the effect on stock prices, etc. Yet the first instincts of the lawyers involved – particularly the litigators – is usually to treat the crisis as if only the legal processes mattered. Lawyers worry that anything a company spokesperson says or does will affect pending litigation and will "be used against them" in court. Moreover, attorney spokespeople restrict their own comments to the most narrow legal realm in which they feel comfortable. As more than one public relations practitioner has noted, it is a rare lawyer who can make an unequivocal statement.

This "litigators' syndrome" overlooks, of course, the crucial fact that any institution's very survival in the marketplace – never mind its credibility – may turn on the group's ability to make amends with the public. As difficult as it is for legal counsel to believe, many times such business considerations outweigh legal waivers. Research on product recalls is illustrative. Studies indicate that companies that reveal the worst aspects of the recall first, rather than putting the happiest interpretation up front, score highest with the public (Warner, 1986). As one expert advised, "If you win public opinion, the company can move forward and get through the crisis. If you lose there, it won't make any difference what happens in the court of law." (Byrne, 1992, p. 33, quoted in Pitt and Groskaufmanis, 1994, p. 967).

"If you win public opinion, the company can move forward and get through the crisis. If you lose there, it won't make any difference what happens in the court of law."

3. The difficulty of the media and lawyers working together

Both the media and the legal establishment bring with them systemic traits that make public communications about the law difficult. The media have a hard time understanding, for example, the unique organizational structure of most private law firms; thus, they often place telephone calls to the wrong person. Attorneys have a hard time understanding a journalistic style that put conclusions in the first few lines and then explains them in the rest of the piece. Perhaps the biggest problem, however, is that these two very different institutions have to work together for a story to happen. Yet the two sides couldn't have more fundamentally different philosophies about how the exchange of information should transpire.

The biggest problem that lawyers have when they talk to the press is that they assume that there are rules that define the conversation (Rothman, 2000). It is not surprising that lawyers begin with this assumption; after all, they operate in a world where conversations are highly circumscribed by the Federal Rules of Evidence, the Federal Rules of Civil and Criminal Procedure, and other guidelines that define quite specifically what information may enter the legal process. Thus, lawyers expect their interviews with reporters to be guided by similar discipline, and they are undone when a media interview seems to have very different expectations. One legal reporter explains that an "off the record" comment reflects this dichotomy particularly well: "The rules defining what is 'background' and what is 'on the record' are vague. Lawyers have an entire shelf on ethics in their libraries; journalists have nothing comparable. There are no rules, no regulatory decision defining 'background.'" (Rothman, 2000)

4. Crisis conditions

These are long-standing tensions inherent in the relationship between the media and the legal community. To complicate the flow of information further, most mediated messages about the law are collected and assembled under crisis conditions. That is, a specific, negative exigence has prompted media coverage: a plane goes down, a factory explodes. There are unique aspects of crisis media coverage that present special problems to all those involved in informing the public about the law.

Crises happen quickly. Even when the crisis is the result of a long-moldering fire, the facts that launch the coverage usually happen over a very short time period. As a result, newsworthiness is usually tied to how quickly the reporter can produce his coverage. This immediacy is frustrating for lawyer-spokespeople who typically want to be certain about facts and explanations before they speak. In addition, lawyers often have important substantive tasks to perform when a crisis breaks and thus may have less time to devote to preparing their public remarks.

Crises are unusual. Crisis events are usually defined by being, among other things, an event distinct from the normal course of business. As a result, even the most seasoned spokesperson finds himself or herself discussing information about novel circumstances. Moreover, there exist many specific paradigms for successful crisis communication, and these differ considerably from those guiding other sorts of public discourse. Thus, even the lawyer well versed in more mundane press relations – and there are a few of these – may not have the particular skills necessary for a crisis briefing.

Crises attract newcomers. Crisis events draw many people into the public sphere other than the regular players. Why? First, crisis management may or may not be grounded in successful, on-going public relations initiatives. Even when it is, attorneys are often not the spokespeople chosen to announce new products to the daily press. Thus, the crisis event may constitute the lawyer-spokesperson's only contact with the press: "[Most] lawyers only rarely have occasion to deal with the media, [thus they] have much less understanding of how the media operates." (Rothman, 2000, p.xxiii). Last, in the scramble to make sure that someone is covering a breaking crisis, the media source often assigns the most readily available reporter. As a result, the crisis event may also be the reporter's only contact with the client, the industry, or the incipient legal controversy.

Crises are disturbing. It goes without saying that no one defines a crisis as a positive situation. As a result, lawyers become spokespeople when things are not going well. Frequently, they must speak on behalf of institutions that have behaved badly or to which devastating things have happened. Because the American people simply do not believe in accidents, lawyer-spokespeople are often the ones chosen to offer the expected, empirical explanations. As discussed above, even when the business considerations would suggest an apology as the best course of action, lawyers are loathe to say, "It is our fault and we are sorry." Yet from a long-term business point of view, that is often the very message that should be delivered.

In review, then, systemic attributes of both the media and the legal community come together to explain why the public is so ill-informed about the law, as does the fact that these two very different institutions have to work together to educate the public. On top of all this, most mediated coverage about the law happens under crisis conditions, which brings further complexities to the table.

Other solutions have failed

Judged by the foregoing, it may seem impossible to create a citizenry better informed about the legal system. Indeed, significant past efforts to reform the public's understanding of the law have largely failed. Many such efforts have attempted to change the media establishment. For example, some critics have argued that to write accurately about legal issues, one must have a law degree. Justice Frankfurter famously chastised a *New York Times'* legal writer that the paper would never consider having a writer cover baseball who knew as little about the Yankees as Supreme Court reporters know about the law (Ericson, 1977, p. 604). As early as 1968, research on media coverage of the law concluded, "It is not a subjective judgment to conclude that many reporters appear at the Court without knowing very much about what is going on" (Grey, 1968, p. 75).

On the other hand, the media community has responded with the compelling argument that good legal reporting requires far more subtle and specific skills than simply getting a law degree. A prominent legal reporter for the New York Times prepared for her work by spending a year at Yale's Law School in a special program designed for journalists. She explained recently that

> When I got [to the T*imes*], I found that there was an awful lot of on-the-job training . . . and the book learning from Yale didn't . . . necessarily translate into the daily coverage of the Court. . . . [W]hat really matters, or what really matters to editors, certainly, is the background in daily journalism and the nuts-and-bolts craft of turning out . . . stories against a daily deadline. (Slotnick, 1993, cited in Slotnick & Segal, 1998, p. 25).

Greenhouse's statement echoes those of many journalists who argue that, at bottom, the skills of being a good journalist are far more important than being a better legally-educated one. As another prominent legal journalist proclaimed, "I think all things being equal, a good journalist without a law degree is going to do a better job than a mediocre journalist with a law degree" (Davis, 1994, p. 67, quoted in Slotnick & Segal, 1998, p. 25).

Indeed, many established media members have argued that formal training in the law is actually a detriment to good reporting. Lyle Denniston suggested that "if a reporter hangs around judges and lawyers too long he begins to smell like them. A journalist has his own smell, and he should never trade that aroma for someone else's" (Davis, 1994, p. 68). A colleague elaborated:

> [T]o my mind the biggest problem we who cover the judiciary is . . . the final triumph of that notion that you ought to go to law school before you cover a courthouse for any medium of communication. That is pure . . . 105 percent bullshit. . . . You do not need to go to law school to cover a courthouse. The law teaches you respect for order, respect for tradition, it teaches you respect for hierarchy. And every one of these values is alien to the proper practice of journalism. (Hodson, 1996, quoted in Slotnick & Segal, 1998, p. 26).

To some persons, that is, more legal education would actually impair a reporter's professional abilities. Thus, the media's protectionist attitude helps explain why efforts to improve citizens' understanding of the law must focus elsewhere.

So, while the public has a poor understanding of the law, most efforts to improve the situation have tried to foist responsibility on the media: get a better education, be more attentive. And, frankly, it hasn't worked. Regardless, however, this researcher would suggest that the burden for civic education about the law is better borne – more appropriately, more effectively borne -- by the legal profession. Indeed, the President of the American Bar Association went on record during a national speech with the following remarks: "Lawyers' image is suffering because the public doesn't understand what we do. [Improving the media] won't change this. What we need to do is educate the public about the law and lawyer's role in the system." (New Jersey Law Review, 1999, p. 547)

Of course, this call to action could suggest improving high-school moot court programs, legal clinics for the poor, or free evening seminars about how small claims courts work. All these would be noble efforts. But what could individual lawyers do in the everyday work that would help the public have a better grasp of how the law works and its role in real life problems? What if better informing the public also served the lawyer's professional ends of advocating his or her client, not just in court, but now in the media, as well?

This study generated a great amount of valuable data that offers insights both commercial and also community-minded. First, this study was the first to benchmark attorney communications against those of non-lawyers in similar, but out-of-court, contexts. Second, this study was one of very few studies to demonstrate that a discrete training intervention actually improves communication skills. Third, this study is the only investigation to-date to determine just how vitally communication skills affect news-coverage. So, if the legal community were more strategically engaged in crisis communications, this study offers a lot of reason to believe that, with training, they would be darn good at it. Moreover, this optimistic researcher harbors hope that there would also be good ***in*** it.

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