

News Media Coverage: Asset or Liability For Legal Claims?

*A Television, Radio, Newspaper & Online Media Interview
Guide for Victims & Survivors of Serious Accidents*



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News Media Coverage: An Asset Or Liability For Legal Claims?

***Summary:** This article covers the news media who, what, when, why, and where of victim / survivors of interviews. In addition, it outlines specific pros and cons that news media coverage may have on the outcome of potential legal claims. It also addresses the type of media management services that a law firm which has extensive media experience should provide for clients for whom media coverage is a serious consideration.*

Should I Talk To A Reporter After My Accident?

In today's fast-paced media world reporters don't often get the luxury of time to analyze facts, check their sources or investigate the accuracy of information that is given to them. News outlets are in competition with one another for ratings and advertising dollars. Sometimes pressure from media executives to have a 'great story' or 'exclusive interview' may cause reports to jump to conclusions; omit critical details; take information



Davis Law Group client Michelle Tribble on a segment of CNN's Anderson Cooper 360.

out of context; or sensationalize the story---all of which **could have a serious, potential impact on public perception of the events and the value of your legal claim.**



Jeanette Cunningham, a Davis Law Group client, discusses how a pit-bull viciously attacked her.

If you, a family member or someone you know has been involved in a serious accident, catastrophic event, fatality incident or major disaster the news media may contact you. But if the circumstance of the case are such that you or a family member may have a potential legal claim for injuries, damages, or other harms and

losses then you may want to think twice before agreeing to an interview. **It may be wise to delay speaking to the news media until you have had a chance to discuss your legal options with an attorney. A media-savvy attorney can help determine the best course of action.**

Thanks to the Internet, news stories can be searched, found and read long after the accident or incident is past. Inaccurate information, 'mis-speaks', mistaken ideas, or speculative (guessing) statements that turned out to be false can live forever in a Google-driven world. Anyone--even insurance companies, investigators, attorneys, judges, and jurors--can find those stories. Erroneous information can shape the opinions of those who are in a position to determine a settlement or judgment amount that they believe will fairly compensate you or your family.

The only way to make sure that media interviews are an asset rather than a liability is to NOT give interviews until the true facts are known and your legal rights are protected by excellent, experienced legal representation---experience that should include working with the news media.

What Kinds Of Accidents And Disaster Stories Are 'Newsworthy'?

The news media considers almost any serious accident story newsworthy. But whether or not a particular story makes the news depends heavily on what other events of the day may be considered to be **more** newsworthy. A **major**,



Davis Law Group client Labeeba Alim discussing her accident on KOMO4 news.



Skagit River Bridge collapse, a Davis Law Group case.

national, or international story can dominate the news for days or weeks---pushing other stories, which would normally be front-page or lead story news, into the background. But generally the following types of stories get noticed by reporters.

- Accidents that happen in community or in places that are familiar to the general population.
- Incidents that occur under circumstances that are common to most people.
- Hazardous happenings caused by something that would/should be a public safety concern to others or the community at large.
- Tragic, fatal incidents which result in serious or fatal injuries to innocent people.
- Events that are rare occurrences or which happened under unusual circumstances.
- Incidents that were caused by the gross negligence or wrongdoing of a business, corporation or governmental entity.



*This **Davis Law Group** client discusses the tragic death of his brother on KOMO4 news.*

Who Do Reporters Want To Interview?

Serious accidents are big news stories for newspaper, television, radio, and online news media. In the hours, days, weeks, and sometimes even months or years following a major accident or incident reporters will want to get survivor stories; first-hand accounts from witnesses; reactions from the community at large; and emotional responses from family members that



CNN's Anderson Cooper interviews attorney Chris Davis for a segment on wrongful death legal claims.

have lost a loved-one. Depending on the type of event or the seriousness of the incident members of the media may also want to talk to first responders, law enforcement officers, public officials, industry leaders, or legal experts. If there is a potential legal claim, reporters may want to speak to the attorney representing victims or their families.

Before you decide whether or not to talk to the media, consult with an attorney that has experience managing media coverage of an accident and the associated legal claims.

In many cases it is better if neither victim/survivors nor attorneys give any interviews related to a serious accident and the corresponding legal claim.

Cons: When NOT To Talk To The News Media

You **do not** have to talk to the media if you are not comfortable or wish to maintain your privacy. Do not let anyone talk you into an interview. **You do not have to give interviews** just because reporters want to talk about your story. In many cases it is better to make no statements or for your attorney to speak on your behalf.

- Don't talk to the media if you do not have a media plan that has been specifically designed for your case.
- Do not talk with a reporter unless your attorney or someone from his office is present.
- Never talk to a reporter when you don't have a clear understanding of the story angle or questions that may be asked.



Attorney Chris Davis during a TV news interview.

- Do not talk to reporters immediately before or during a jury trial unless it has been authorized by your attorney.

Again, your attorney and/or his public relations manager should evaluate any and all media opportunities to determine if it is the right time to talk to the press; if the opportunity or outlet is right for your story; and can help prepare you for your interview.

Pros: When You Should Talk To The News Media

Print and broadcast media are powerful, influential and reach people in all walks of life. Millions of people who read daily newspapers; listen to talk radio shows; watch the evening news on television; and who read online newspapers, magazines and trade journals. By working with the media in the right way, you can:

- Tell your side of the story;
- Publicly honor the memory of a loved one;
- Set the story straight---to protect your reputation or the reputation of someone you love;
- Try to prevent similar accidents from happening to anyone else;



Attorney Chris Davis during a CNN interview.



Attorney Chris Davis during a media swarm outside of a courtroom immediately following a hearing in a wrongful death case.



Attorney Chris Davis during a news talk radio interview with Seattle media personality Ken Schram.

- Help raise awareness about important public safety issues;
- Help influence elected officials and public policy;

Interview Locations: Where To Talk To The Media

There are many different locations to hold an interview or press conference. The location and time of the interview or conference may be decided based on a number of considerations. Some of the possibilities may include:

- An interview conducted in a conference-call style over the phone with you, your attorney, and the reporter.
- An interview conducted at the TV or radio station, in your home, or your attorney's office.
- Reporters may also approach you outside of court following a legal proceeding. This can feel like a media swarm and be very intimidating to someone who has never encountered such an experience.
- If it is useful in your case and you agree, we may hold a press conference at a local meeting room or hotel.
- A nationally televised interview may take place in a local soundstage and feed via satellite uplink to the appropriate media agency.



Attorney Chris Davis during a media swarm outside of a courtroom immediately following a hearing in a pit-bull mauling case.

Before An Interview

If your attorney and his public relations manager determine that an interview is appropriate in your case, you should be fully briefed in advance---to discuss the interview strategy. This discussion will cover the kind of story that the reporter is trying to create; what key points should be made during your interview; what topics should not be discussed during your interview; what questions are best answered by your attorney; etc.

Again, in many cases it is better if neither victim/survivors nor attorneys give any interviews related to a serious accident and the corresponding legal claim.

Corporate Wrongdoing: Bad Press vs. Confidentiality Agreements

For cases involving businesses or corporations negotiation leverage may be gained by either giving interviews to the media or agreeing to a confidentiality agreement that would prohibit publicly discussing the case. Again, discuss the pros and cons with your attorney and his public relations manager.

Looking For An Attorney That Can Strategically Manage Media Relations For Your Legal Claim

If you are an injury victim whose story is considered 'newsworthy' by the media, a law firm's media relations capabilities may be an important factor in your attorney selection process. While you are researching attorneys online specifically look for signs that they have media experience such as: links to articles in which clients or attorneys have been featured or quoted AND videos of actual television news interviews. Are there any? A few? A lot?



Attorney Chris Davis on KING5's Upfront With Robert Mak discussing the legal rights of accident victims following a disaster.

You may also want to search the law firm website for mentions of in-house media relations services.

Important Media Experience Questions

You may be wondering what sort of questions to ask about media relations as you are interviewing law firms and attorneys. Here are a few suggestions:

- **Have any of the firm's cases ever appeared in the news while the client was represented by the firm?** "While the client was represented by the firm" is an important distinction. Many attorneys have likely represented victim's whose accident story was in the news BEFORE the firm represented them. If the news media coverage happened BEFORE the firm was involved, then the attorneys and their staff played no role in orchestrating the interviews.
- **If yes, then how many of the attorney/firm's cases have appeared in the news in the last year? How many overall?** How much experience the firm has with media cases is very important. Even attorneys that have had *some* media exposure may not have the extensive experience that is necessary to truly plan a media strategy and truly manage media relations.
- **Is the attorney/firm's media experience local or national?**
- **Is the firm's media experience in print (newspapers, blogs) or broadcast (television and radio)?**
- **What are some of the stations or publications with him you have well-established relationships? Who are some of the reporters with whom you have personal relationships?** If an attorney cannot quickly answer these questions (and name-drop), then he



TOP: Attorney Chris Davis discussing a high-profile case on Q13 news.

BOTTOM: An off-camera photo of the newsroom production at Q13.

probably doesn't have a lot of media *real* relationships with news directors and reporters or any *meaningful* media experience.

- **What sort of media services does the attorney/firm provide?** This is a question that you should simply ask and then wait to see how well-thought-out or organized the answer is. Remember, if you have a newsworthy case, the attorney may REALLY want you as a client in order to increase his own exposure and cache----so he might say anything to make it sounds like he understands the media. In their answer you will want to hear phrases like: Strategic Media Planning; 24/7 Media Support; Media Request Management; Interview Training/Practice; In-Person Interview Support; Media Buffer; and/or Clipping Service (all of these are explained later in this document).
- **What sort of media training or interview tips would you give to me should I need to prepare for an interview?**
- **How would you know which stories, reporters or media outlets are right for my story?** If the attorney's answer doesn't include pre-screening media opportunities; finding out the focus or 'angle' of the story; hand-selecting reporters with whom the firm has relationships; and/or mention the possibility of sometimes turning down an interview, then he and his firm are probably not a good choice.
- **VERY IMPORANT QUESTION: If your firm does not have in-house media management capabilities and needs to hire an outside public relations firm in order to handle my case, who will be responsible for the PR firm fees and costs?** Law firms that work with outside PR firms generally consider 'PR costs' a 'client case cost' and thus the client is ultimately responsible for the PR firm's bill. Law Firms with in-house capabilities, such as **Davis Law Group**, typically DO NOT charge the client for media management services.

Law Firm Media Relations/Management Services

Very few law firms have a full-time, in-house media relations department. Even very large, well-established firms whose clients or attorneys have been interviewed by the news media in the past typically do not have an in-house media relations manager.

Seattle-based **Davis Law Group** is one of the rare exceptions. Although the vast majority of **Davis Law Group** clients are never interviewed by reporters and their cases are never featured in the news, the firm has in-house media management services for its newsworthy cases in which media coverage is unavoidable or necessary. The in-house media/public relations team creates individual, case-specific media plans; handles all interview requests; provides media training to clients; and is be present to provide emotional support to clients during interviews. And an attorney is always present when clients are interviewed by members of the media.

The media management team also helps clients that wish to maintain their privacy (do not want to give interviews) by acting as a protective buffer from the media. In many



TOP: An off-camera photo of a client being interviewed in **Davis Law Group**'s offices.

MIDDLE: Client on **Inside Edition** discussing how she was mauled by two pitbulls.

BOTTOM: Attorney Chris Davis on **Inside Edition**.

cases it is better for the attorney to speak to the media on your behalf.

Here are a few of the media management services provided by **Davis Law Group**:

Strategic Media Planning

Davis Law Group creates a media plan for all clients with newsworthy cases. Basic plan components included: media assessment, message map, talking points, media calendar, press releases, media alerts, privacy requests (if you do not want to speak with the media), media statements, sample interview questions and answers, etc.

24/7 Media Support

When our clients have unplanned contact with a member of the media (radio, tv, newspaper, online, blogs, etc.) they should not answer any questions. If contacted by the media, clients should contact our public relations manager using a 24x7 mobile phone number. The public relations manager then contacts the media to gather information about the potential media opportunity. The PR manager, the attorney, and the client then determine the best course of action---to give an interview (or not), issue an official statement, etc..

Media Request Management

Davis Law Group manages media opportunities and interviews for our clients. The lawyers and the PR team should be making choices on which media outlets, reporters and



Attorney Chris Davis discussing one of his cases on KING5 news.



An off-camera photo of attorney Chris Davis and a TV news reporter discussing one of his high-profile cases.

stories are right for the case. Frequently our office will decline all interview requests until and unless the client and the case are ready for media exposure.

Press Conferences / Events

A press conference is an official an interview given to multiple journalists at one time in order to make an announcement or answer questions. When circumstances require it, such as when participating in multiple interviews may be too stressful for the client or surviving family members, **Davis Law Group** will organize a press conference.



Statement to the Press

If participating in an interview and/or answering questions may be too stressful for the client, **Davis Law Group** will assist the client in creating a written statement to the press.

TOP: Attorney Chris Davis at a press conference with a client who lost her son due to a hospital error.

BOTTOM: An off-camera photo taken during a press conference organized by Davis Law Group in order to prevent the client from being subjected to multiple individual interviews.

Interview Training

Davis Law Group helps prepare clients for interviews by giving them talking points, interview tips, and by conducting practice interviews.

In-Person Interview Support

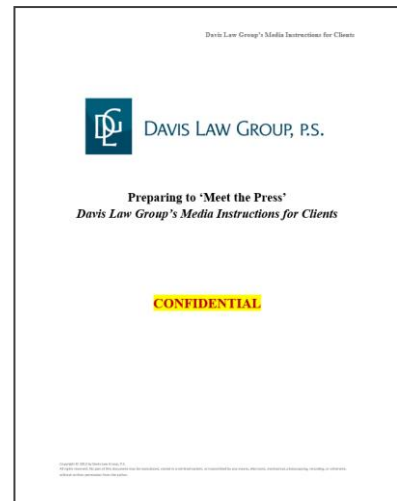
Davis Law Group prefers that our clients are interviewed in our office. This allows us to maintain control of the environment and easily end the interview if necessary. An attorney and/or a member of our media team are always present for client interviews.

Media Buffer

Our clients do not have to talk to the media if they do not wish to do so. For many clients our job is to insulate them from the media. In many cases it is better for y our attorney to speak on their behalf.

Clipping Service

Our office will gather copies (print, video, etc.) of all media coverage related to our client's accident or legal claim. At the conclusion of the case we provide clients with a complete news coverage archive.



The cover of **Davis Law Group's** client education reports entitled ***Preparing to 'Meet the Press'***.



Attorney Chris Davis in Komo4 news story.



Attorney Chris Davis as seen through a cameraman's monitor during a TV news interview.

Davis Law Group's News Media Management Experience

Christopher M. Davis

No other attorney in Washington State has more experience working with the news media than Chris Davis. Dozens of **Davis Law Group** cases have appeared in local and national news stories. Chris Davis is also a frequently sought-after **legal commentator** known for regularly appearing on television and radio news



Attorney Chris Davis interviewed by KIRO7 news.



programs to discuss his most high-profile cases and to comment on the legal aspects of other cases in the news.

Chris Davis has appeared on television in interviews featured on national news networks including CNN, ABC, NBC, CBS, and FOX. He has appeared on local Seattle-area stations such as KING5, KOMO4, KIRO7 and Q13. He has been interviewed by respected print and online publications such as *Huffington Post*, *Trial Magazine*, *Super Lawyer Magazine*, *The Boston Globe*, *San Francisco Chronicle*, *Attorney at Law Magazine*, *The Seattle Times*, *The Miami Herald*, *The Seattle Post-Intelligencer*, *La Raza*, *The Stranger*, *The News Tribune*,

Seattle Weekly, and dozens of other blogs and online news websites.

Visit **Davis Law Group's** website to see videos of TV news interviews.

www.DavisLawGroupSeattle.com



Attorney Chris Davis giving legal commentary and opinion for KING5 news.

Mischelle Davis

Mischelle, Chris' wife and Director of Operations & Media Relations at **Davis Law Group**, has more than 20+ years' experience in communications and media relations.

Mischelle is frequently asked to lecture at legal conferences and to consult with law firms across the country to advise them on how to work with the news media.

Building good relationships with industry influencers and the media has always been a key part of her work. Mischelle has worked for a number of high-tech companies such as Microsoft as a marketing and communications professional. She has been interviewed by *The Wall Street Journal*, NPR, *PC Magazine*, *Computer Magazine*, *RedHerring*, *San Jose Business Journal*, *Cookie Magazine*, *Seattle's Child Magazine*, *The Seattle Times*, *The Seattle Post-Intelligencer*, KING5, KOMO4, KIRO7, Q13 and many others.

In 2007, she joined her husband at **Davis Law Group** to help manage media relations for the firm and its clients. Mischelle is also a Washington State spokesperson for **Mothers Against Drunk Driving** (MADD) and regularly appears on TV to discuss traffic safety issues.

Contact Davis Law Group

If you or a loved one have been injured in an accident related to a public safety issue you may need the assistance of an attorney---one that can also manage media relations. Contact **Davis Law Group** at 206-727-4000 to discuss your legal options and a possible media strategy.



Mischelle Davis discussing traffic safety issues and law enforcement on KING5 news.