



# APLA guide to liaising with the media

**T**he relationship between lawyers and the media is often characterised by a certain degree of ambiguity. The media often wants to reveal as much of a story as possible, whereas lawyers will generally see it in their client's best interests to say as little as possible.

However, a strong working relationship between the two professions is possible. Journalists frequently need lawyers to

provide an insight into complex legal matters. Equally, lawyers often want to raise awareness of a legal issue, or the impact of a judicial decision, controversial legislation or an unusual ruling.

Lawyers are not expected to be experts in media relations, and those who are au fait with the process probably learnt by experience or, more likely, trial by fire. What follows are some practical tips on developing constructive relationships with the media.

## **MEDIA RELATIONS**

Most firms have established guidelines for handling media enquires. If your firm does not have an established media relations guide, consider putting one in place.

If your firm intends to develop and or maintain a public profile, it is important that you manage your media relations well. After all, being quoted or positively referred to in the media is widely considered to be more valuable than any form of advertising in establishing credibility and creating awareness.

Media coverage can build your reputation, reaffirm your company's brand and position you as policy makers, opinion formers and legal specialists. However, the media works both ways: not all media coverage will be positive and it is not the role of the media to manage public relations for your company. A good journalist will always attempt to represent a balanced story.

So while the benefits of positive media coverage are considerable, negative publicity can do considerable damage. Which is why knowing what you want to achieve, understanding how the media works and knowing how to work well with the media will all help you to achieve your objectives.

## **HOW THE MEDIA WORKS – AND HOW TO WORK WITH THE MEDIA**

### **Which media to approach and when**

Different media work to different time schedules. Knowing when to approach the media during the day (or month for some publications) will improve your chances of gaining media attention or coverage.

The early morning is dominated by breakfast radio news, current affairs and, to a lesser extent, television. What occurs in the morning news can set the tone for the rest of the day and, more often than not, will come from the wires and the morning's print media. Television and the print media will generally pick up on a strong story with wide appeal.

Mid-morning to early afternoon is the time when television news and drive-time radio is being gathered. This is the best time to hold press conferences, and both television and print will want a firm representative to be available for pictures and interviews.

Late afternoon and early evening is the time when newspapers finalise news for the following day, and when radio/television news and current affairs programs conclude or explore the day's issues or events.

To summarise: it's best to approach newspapers before 12pm; try not to call a daily paper between 4-6pm unless it is important. During this period, journalists are on deadline and will be short of time.

Radio news broadcasts take place on the hour and half hour. Contacting them the night before an issue breaks to do a pre-recorded interview can ensure that you are present throughout the breakfast news or you can get up at 5.30am

and call the radio station between news bulletins. With regards to talkback radio, pitch your story angle to the producer, who will then decide if the story is of interest to that program's audience.

With television news, it is best to approach a journalist or director/producer before 10am when journalists are being allocated their stories and crews for the day. Television journalists will then usually spend until about 3.30pm gathering interviews and footage for the evening / nightly news.

For complex stories, newspapers are often the best medium. Radio has the appeal of reach and is 'sexier,' but generally the news item will be given only 10 and 30-second airtime. Talkback radio is a better platform for exploring an issue. Television news stories will usually run only between 30 seconds and a minute. Current affairs shows, while giving you longer interview time, are often live, potentially placing your spokesperson in the unenviable position of being asked a question that they are unprepared for, or unable to answer adequately in the time allowed. Or they may find that the story is being presented in an unfavourable light.

### **Liaising with the media**

Journalists want to liaise with lawyers who are 'media savvy', commercially minded and able to comment on complex issues at short notice in plain English. If you are able to assist the media in this way, journalists will regularly come to you for comment and look to foster a relationship with your firm.

Journalists appreciate lawyers who understand what is news and what is not, and who will not bombard them with every issue or event, unless it is newsworthy or of mass appeal.

Developing a mutually beneficial relationship with key media requires trust and understanding from both parties. A journalist must be assured that their contact is trustworthy and that their information is useful and accurate. Likewise, you need assurance that you can rely on a journalist not to abuse your information, position or confidence. However, you must also understand and accept the media's obligation in reporting news.

It is important to realise that, like lawyers, journalists are often under pressure to grasp complex issues in a very short space of time. Making their job as easy as possible will improve your chance of receiving coverage on complex issues. Making yourself available as a contact to whom the media can turn for advice, information or views on an issue without expecting to receive media coverage will help to foster a positive relationship.

Journalism can be quite an itinerant profession; therefore, it is important to keep media contact details up to date. The drama that ensued when Liberal MP, Dana Vale, sent a letter of support to Alan Jones at his former employer, 2UE, illustrates the importance of maintaining up-to-date contact details.

Before meeting a journalist, try to familiarise yourself with a few of their most recent articles. A quick internet search should help.



Be prepared to luncheon and meet journalists occasionally. This is an excellent way to discuss specific issues and further develop your relationship with the media.

### The interview

Before talking to the media, always take the time to ask yourself the following questions:

- What do I hope to achieve from gaining media coverage; and what is the best medium to do this?
- Who do I hope to influence?
- Who will be most affected by my information; should they know in advance?
- Do I want to raise awareness, alter / reinforce a perception, or incite a call to action?
- What are the potential repercussions of this course of action?
- Am I prepared to manage the potential interest/response that may arise?



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Rarely will a news story appear the way that you expect; the end result depends on the editor, whether it is a slow or busy news day, what time of day you are interviewed and whether the story is sensational or of mass appeal.

Unless you have an excellent relationship with a journalist, it is best to assume that nothing is ‘off the record’ and that anything you say to a journalist may be used. Even after the interview, do not say anything that you would not want to see in print.

If you say anything unintended, explain this to the journalist, but don’t expect them not to use it. It is best to tell either your in-house communications team if this happens, so they may be ready to respond if necessary.

If a journalist calls you and you are not prepared to speak to them immediately, check their deadline and let them know when you will call them back. When you do call back, have your key messages in front of you and be sure to ask:

- The journalist’s name;
- Where they are from; and
- When the article / interview will go to print / air.

Take your time during an interview. Do not feel pressured to answer immediately, and refer to your notes if you need to.

It helps to give journalists the basic details in writing to ensure that they get the facts correct. This should include your name and position, the firm’s name and other relevant details, such as the client’s name and brief bullet point details of the issue.

Remember:

- You cannot control what is written or said by the media but you can control how you come across and the information you impart.
- Always decide your key messages prior to an interview.
- Keep it simple; do not introduce too many messages or confusing themes.
- The media is under no obligation to run with your quote, angle or story.
- Honesty develops credibility; inaccurate or misleading statements will get you into strife.

### BASIC MEDIA RELATIONS GUIDELINES

- Always respond to a journalist’s request for comment. If you’re unable to talk, always explain why, so that you will not be quoted as ‘the lawyer representing ... declined to comment.’
- If you cannot comment on the spot, let the journalist know that you will call them back; journalists often work to very tight schedules, so be sure to check their deadlines.
- Beware of commenting on cases that are still before the courts or are likely to go to appeal. If your case is in court, be aware of the rules of contempt and defamation. It is generally acceptable to outline what you are seeking before a case starts (without commenting on the outcome), but you can still be sued for defamation for anything said outside court.
- Seek your client’s permission to talk about their case. You should not give any information to the media about a case or client without their knowledge.
- Beware of commenting ‘off the record’; assume that everything you say will be used publicly.
- Develop several short key messages and state in order of importance during the interview.
- Avoid legalese; keep your responses as short and succinct as possible.
- Unless you are a spokesperson, never comment on behalf of any one else or share their viewpoint.
- Remember, you are in control of the interview. You do not need to answer all questions and you are at liberty to end the interview at any time.
- If you wish to comment on a topic in the news, or on an issue that you are involved in, you need to act quickly while the story is still current. Develop a few short key messages.

### Radio

Radio is an immediate medium with absolute deadlines. More often than not, you will be interviewed on the telephone.

Be prepared for the journalist to expect you to be able to give an on the spot interview; they will literally ask you a few questions and then start to record you. Having notes in front of you can be very helpful. Radio news journalists will usually require only a 10-30 second grab, so you need to get your message across in a succinct manner.

If in a studio, be careful not to lean too close and 'pop' the microphone and do not be thrown if the interviewer is looking at the clock, their producer or the computer while interviewing you.

### Television

This is a medium that is difficult to control and does not often give you a great deal of time to get your point across. In addition, some programs can distort your argument or trivialise it.

Be aware that interviews on television can be edited and presented in a different light from your view or even interview: this is a risk with this sometimes sensationalised medium.

With this in mind, you need to be well prepared so you can:

- Deliver a reliable and accurate statement;
- Comment in a newsworthy way – offer a new opinion or a comment with impact;
- Explain complex legal issues in plain English. The majority of journalists do not have a strong grasp of the law and will need to be able to present the information to an audience which in all probability has even less knowledge. It is often suggested that you should imagine you are explaining the issue to a 14-year-old audience; and
- Know what you can and cannot say and be able to explain why, and remember it is best to assume that nothing is off the record.

### The media release

A 'press release' is for print media only; a 'media release' is for all media, radio, television, print and electronic.

A 'media alert' or 'media notification' is what you send to the media to let them know that something is about to happen, such as a hearing date. A media release can then be issued on the day that the story breaks.

The term 'embargo' is used in communication with the media to set a time/date that the information can be used, and serves to give the journalist a 'heads-up' on the story and create interest. The media are under no legal obligation to acknowledge an embargo; it really is observed as a matter of honour. Be careful in its use.

Journalists usually have time only for short media releases that deal with the key issues within the first few paragraphs. Most journalists receive hundreds of releases daily and decide whether the story is newsworthy after reading just the first few paragraphs. So aim to issue short media releases that quickly get to the point; don't tell your story chronologically. The

media tells stories with the most interesting point first. So start with the most current facts and then give the background details. If you are listed as a contact in the release, then you need to be available, and it's a good idea to have a second spokesperson lined up.

Take the time to consider if your release angle is going to be of interest to the audience of a particular media organisation. After all, what may seem to be groundbreaking news in your firm may realistically be of interest only to a specific sector or group of people. Therefore, targeting the relevant media is key to achieving successful media coverage. Sending a media release to 50 journalists, when it is really relevant only to five or six, in the hope that it will be picked up, is wasting time. Generally you should not call a journalist to check that they have received your release: journalists really hate being hounded. If the release is of interest, they will call you.

### Opinion pieces

Opinion pieces should be short and to the point. The advantage of brevity is that you reduce the chance of the 'Opinion' section's editor editing your piece, which can result in a change of meaning, viewpoint or the removal of a key element. Journalists love supporting research and quotable statistics and figures. If you can provide statistics to support your issue, it will have a greater weight with the media. ▶



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Barrister-at-Law and an APLA member of long standing, who has been invited to speak at the last six APLA National Conferences, is a former teacher, school principal, TAFE teacher, university lecturer, solicitor and Associate Professor of Education. He assists numerous Australian law firms in educational litigation involving personal injuries, discrimination, bullying, sex abuse, breaches of contract, and TPA matters. Dr Tronc appears frequently in court in several States providing independent expert opinion on matters concerning education and the law. Dr Tronc has published four national textbooks and looseleaf services on schools, teachers and legal issues.

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## Letters to the editor

Your media profile can be built by submitting occasional letters to the editor on topical / current issues. Keep them brief (newspapers publish word limits on the letters page - for instance, the *Sydney Morning Herald* stipulates a 200 word limit). Introduce interesting ideas, ensuring that they are topical / relevant to the paper's audience. In an era of short news runs, 24 hours can be too late to contribute to public debate on an issue.

Letters to the editor/producer is an excellent way to voice views, counter-opposing views, engage in debate or to correct misinformation already in circulation.

## Advertising

It is a common misconception that gaining media coverage is akin to free advertising. This is not the case with any reputable media publication or network / station. In fact, in many media organisations the journalists will have very little, if anything, to do with the advertising side of the business. Do not use advertising as leverage for editorial coverage.

## Round table

This is a meeting, often involving lunch, when politicians, industry leaders, unionists and lawyers can meet media representatives to discuss and debate a topic. If well-mediated, this

"Journalists want lawyers who are media savvy and commercially minded."

can be an excellent forum for getting your point across and enables journalists to gain an in-depth grasp of an issue from several different perspectives. All parties, however, need to be aware well in advance that media will be present.

## Media at conferences and seminars

Seminars and conferences are excellent opportunities for legal issues to be aired to a wider business and media audience, and also present an excellent opportunity for you to further build your media relationships and contacts.

When organising a seminar to which you would like to invite select media, you need to consider the following:

- What are you hoping to achieve by having the media attend? Coverage, awareness or relationship building?
- Are you prepared to talk to the media after the seminar and, if necessary, introduce them to other partners and colleagues?
- Will media presence restrict discussion? Do speakers know that the media will be attending, and have you checked that they will be comfortable with this?

Journalists prefer to receive PowerPoint presentations or copies of slides in advance of the event so that they can decide whether to attend and whether they need to schedule interviews before or after the seminar.

## NEGATIVE MEDIA COVERAGE

It is rare for a journalist to deliberately alter a story to suit their angle. However, journalists are human and inaccuracies do occur. The level to which the story is out of line should guide your response. It is best to alert your consultancy / in-house communications team about the extent to which the story is factually incorrect, and allow them to create an opportunity for a follow-up story or a right of reply.

## Recommended initial response to negative media

Knowing how and when to react if the media intends to report a negative or incorrect story is crucial, especially if the matter is potentially defamatory or seriously damaging.

If a journalist catches you by surprise, let them know that you need to fully understand the issue and agree to call back with an answer. The quicker you are able to respond, the better chance your organisation has of controlling how the issue will be represented.

If the issue only touches on you or your client, it may be in your best interests to leave the situation well alone.

- Respond to the allegation / insinuation immediately. Delaying a response will see your view taking second place to what is already in the media.

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- Decide who will speak for the organisation and establish their key messages.
- Spokespeople should never overreact or become agitated, even when provoked.
- Focus on the central message to be conveyed – keep it simple, clear and consistent and supply only the basic facts.
- Document the issue for key stakeholders and spokespeople, to maintain a consistent message.
- If you are not sure, say so, offer to find out, and get back to the journalist immediately.

When the journalist has the wrong information and intends to report it, take the time to set out your argument clearly. If it is appropriate, provide the journalist with supporting documentation and carefully go through the issues with the reporter. Try to help them to understand the issue and your position on it.

However, if after explaining all the facts the journalist still intends to report the story, then a warning letter or phone call from you or your firm to the Chief of Staff or Editor in Chief may be effective.

If the matter is grave, then it is advisable to seek immediate legal advice as to how to proceed.

#### **If an incorrect or defamatory story has run**

There are several options available once a story has run:

- A correction
- An apology
- 'Right of reply'
- Complaint to the relevant industry body
- Litigation.

#### **A correction, apology or right of reply**

Media outlets will try to avoid an apology or a correction unless you can quickly show errors of fact. If the issue is opinion, a lack of balance or right of reply, you should seek a more positive remedy, such as a follow-up story or a letter to the editor or producer.

A correction can sometimes include an apology, but this is generally forthcoming only when there have been small errors of fact.

An apology is usually used only when there has been a risk of legal action.

A right of reply is sometimes extended to a party disputing an aspect of a story or a directly related party that has not been given the opportunity to comment before the story has run. This is a way of providing balance to a story or debate.

#### **Complaints**

The Press Council has the dual function of upholding ethical standards in journalism and defending free speech. It can investigate complaints made against any newspaper published in Australia. The complaint must involve a breach of one or more of the 12 Press Council Principles, which include issues such as fairness and honesty in reporting, matters of taste,

discrimination, relevance and questionable public interest. Press Council Guidelines are available at [www.presscouncil.org.au](http://www.presscouncil.org.au)

#### **Media, Entertainment and Arts Alliance**

While the Press Council deals with newspaper publishers, actual complaints about individual journalists can be made to their union, the Media, Entertainment and Arts Alliance. Members can be fined or even expelled for a breach of ethics. However, the alliance has no jurisdiction over journalists who do not belong to the union: [www.alliance.org.au](http://www.alliance.org.au).

#### **Australian Broadcasting Authority**

Complaints concerning radio or television broadcasts fall under a separate system and while this is largely autonomous, a radio or television station can lose its licence for a serious breach. Codes of practice exist for both commercial television and radio, and the Australian Broadcasting Authority (ABA) can make compliance with these codes a condition of licence. While these codes cover fairness, accuracy and responsibility in reporting, the ABA does not handle complaints of defamation. The ABA does not regulate the ABC or SBS, but can make recommendations on the action they should take in relation to a complaint. Details on complaints procedures and commercial codes of conduct can be found at [www.aba.gov.au](http://www.aba.gov.au).

#### **ABC and SBS**

The ABC and SBS are government-run and as such have their own internal complaints systems. Information is available on their websites at [www.abc.net.au](http://www.abc.net.au) and [www.sbs.com.au/complaints](http://www.sbs.com.au/complaints).

#### **CONCLUSION**

While this guide only touches on the basics of handling media relations, there are thousands of public relations case studies exploring how companies and individuals have managed their communications during good times and bad. ■

The following is a list of national and international organisations that provide useful case studies:

- The Public Relations Institute of Australia ([www.pria.com.au](http://www.pria.com.au)) holds the Golden Target Awards for public relations case studies. These can be accessed at the University of Technology Library website: [www.uts.edu.au](http://www.uts.edu.au).
- The International Public Relations Association ([www.ipra.org](http://www.ipra.org))
- American Press Institute ([www.americanpressinstitute.org](http://www.americanpressinstitute.org))
- Findlaw ([www.findlaw.com.au](http://www.findlaw.com.au))
- Australian Press Council ([www.presscouncil.org.au](http://www.presscouncil.org.au))
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