



Dealing with the Media

- *Media is the unofficial watchdog whether driven by idealism or sensationalism.
- *Acts of public officials and municipalities subject to "strict" scrutiny.
- *Acknowledge the public's right to know and the media's job to report it.
- *Accept these premises and you're on your way to successful media relations.



Dealing with the Media

- *Government attorneys have traditionally been held to higher standards of ethical conduct than their private practice colleagues.
- *A government attorney has a duty to seek justice, not just a duty to a particular government agency.



Two Types of Rules

- **★**Texas Rules of Professional Conduct.
- **★Common sense rules** for attorneys representing municipalities to follow when initiating or responding to the media.
- **★Balance the need to communicate through** the media but protect your client's rights.



Texas Rules of Professional Conduct

- **★Rule 1.05 Confidentiality of Information**
- **★Rule 1.10 Successive** Government and Private Employment
- **★**Rule 3.07 Trial Publicity
- *Rule 4.01 Truthfulness in Statements to Others
- **★**Rule 8.04 Misconduct



Rule 1.05 Confidentiality of Information

- * (c) A lawyer may reveal confidential information:
- * (1) When the lawyer has been expressly authorized to do so ...
- **★** (2) When the client consents after consultation.
- * (4) When the lawyer has reason to believe it is necessary to do so in order to comply with a court order, a Texas Disciplinary Rule of Professional Conduct, or other law.



Rule 3.07 Trial Publicity

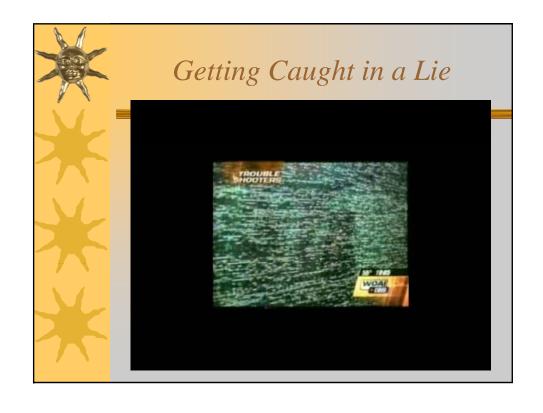
* (a) In the course of representing a client, a lawyer shall not make an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicatory proceeding. A lawyer shall not counsel or assist another person to make such a statement.



Rule 4.01 Truthfulness in Statements

- **★** In the course of representing a client a lawyer shall not knowingly:
- * (a) make a false statement of material fact or law to a third person...
- * (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid making the lawyer a party to a criminal act or knowingly assisting a fraudulent act perpetrated by a client.







Common Sense Rules

- *Talk to the media
- *"No Comment" should not be used, explain why you can't disclose information
- **★**Return the call, don't leave them hanging
- **★**Don't guess, if you don't know, get back with them
- **★**Speak English, don't use legal jargon





Common Sense Rules

- *THINK before answering.
- **★When a reporter makes a mistake call him and request they correct their story.**
- *Don't ever criticize your client's decision, even if they went against your recommendation.





Common Sense Rules

- *Keep your composure, no matter how much the reporter aggravates you.
- **★Only provide the information you have been authorized to release.**



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