

Dealing with the Media

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Radio

Newspaper

City Attorney

TV

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Media Rules 101




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

- ★ Understand the media's job. Reporters are not your friends.
- ★ **DO NOT LIE** – Reporters want to catch you in a lie.




Getting Caught in a Lie






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




Good Response by Public Official







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.



Do Not Become the Story





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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