

# Clearinghouse REVIEW

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Taking action to end poverty

# Using the Media



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**P**ublic interest lawyers fight for equal justice on a tilted playing field. Poor funding, government restrictions, lawyer jokes, a hostile political environment, and shamefully low salaries result in an uphill fight.

Here's another obstacle: fear of the media.

Many lawyers dodge reporters, fail to return their calls, and generally avoid promoting their organizations in the press, whether print, broadcast, or electronic. Institutionally, very few public interest organizations invest in experienced staff to work with the media. Yet, for many reasons, media advocacy should be part of every lawyer's (and firm's) quiver of advocacy tools, along with cross-examining witnesses and superb writing and research skills.

Why? Using the media can further your cause by increasing the visibility of your work and drawing attention to an issue or specific litigation to build public and political support. Savvy media work can educate key audiences, give voice to unheard people such as the homeless and foster children, prod public officials or private entities to change policies that affect your clients, increase donations, build staff morale, and help your organization be seen as a player that solves problems.

"If you have a vision, it needs to be shared," said Wilhelm H. Joseph Jr., executive director of Maryland's Legal Aid Bureau. "Effective communications is part of that sharing. And the most important aspect is the message. Therefore, it behooves organizations to be conscious of communications, to send the right message and make sure the right message is received by the audience."

A public defender from Cook County, Illinois, summed it up differently at a communications workshop we conducted at the 2004 National Legal Aid and Defender Association conference. "If you don't do media, media will do you," he warned the group, summing up why public interest lawyers need to work with newspaper reporters.

The top lawyer at the nation's largest legal aid organization agrees. "An aggressive media strategy is an essential part of advocacy for clients," said Steven Banks, attorney-in-chief of the Legal Aid Society and nationally recognized poverty law advocate who has battled four administrations in New York City on behalf of homeless New Yorkers.

"As in the courtroom forum, our clients must be zealously represented in the media forum," Banks said. "But, you've got to have a message that is simple and brief." Banks' simple message—that homeless children and adults need permanent housing,

not makeshift excuses—has been repeatedly cited in the national and New York media for more than two decades.

Some additional examples:

In Virginia, the Legal Aid Justice Center worked with grassroots leaders to organize a media effort drawing attention to the connection between new “standards of learning” tests and the increase in the number of high school dropouts, particularly among African American and Hispanic students. A press conference, combined with op-ed pieces (“op-ed” is shorthand for the page opposite the editorial page, where opinion columns run) and letters to the editor, yielded significant statewide coverage, including several editorials in support of the advocates’ position. As a result, public perceptions of the impact of the test on low-income students were challenged, leading the state to launch a study to look at the effects of the testing system.

At the Legal Aid Bureau of Maryland, building and maintaining a relationship with a beat reporter at the *Baltimore Sun* resulted in a string of favorable articles. The subject: Legal Aid’s lawsuit on behalf of the displaced tenants of a large, low-income apartment complex slated for mixed-income redevelopment. The articles not only were accurate but also featured quotes from Legal Aid’s lawyers early in the stories—a reflection of the reporter’s trust and appreciation of the help that the reporter received while covering the complex federal case. The outcome? A recent ruling may pave the way for the return of 650 families when the complex is redeveloped.

### How to Get the Right Kind of Media Attention

Effective media relations that achieve results like these require planning and strategizing. Our experience shows a direct correlation between an organization’s media skills and its ability to obtain good press coverage. Some training, an attitude check, and an ongoing effort are the keys to influencing the debate, shap-

ing public opinion, and garnering the right kind of media attention.

How is it done?

Become media savvy. Read newspapers with a critical eye, pay attention to bylines, and note the names of reporters who write on issues that affect you and your clients. These are the people with whom you need to build relationships. When a reporter contacts you for a story, build on that relationship (more on how to handle the call is below). Ask the reporter to stop by to discuss specific topics with a group of your lawyers, social workers, and paralegals.

Treat reporters as the professionals they are—and cultivate the ones who care about poverty and legal issues. (They’re out there: an old journalist saw, “The job of a newspaper is to comfort the afflicted and afflict the comfortable” could just as well refer to legal aid.)

Call the editors of local newspapers and set up meetings to introduce yourself. Don’t be shy. Newspapers have an obligation to hear from pillars of the community like you. Explain what your organization does and how it serves the community. Editors are always looking for material and want to build their networks of sources. They will be glad to hear from you.

Most important, when you meet with editors, give them some news—something they can assign to a reporter. Examples include a new building or location, an anniversary, a funding crisis, an issue affecting the poor (and therefore the entire community), a pro bono lawyer to profile, a “day-in-the-life” story about a reporter “shadowing” a legal aid lawyer, a new program, and so on. Whenever possible, personalize your story. Reporters want the human angle—which usually means interviewing a client.

### Steps to Success

What if you want a particular issue covered in the press?

For a specific media initiative—for example, pending litigation that will affect your

clients positively or negatively, effecting a change in your state's Medicaid policy, or an affordable housing issue—you must establish goals, target your audience, identify your news, frame the issue, develop your message, and create a strategy.

Establish your goals. What do you want to accomplish? The goals should drive your media effort—even when you are responding to a request from a reporter. Goals include influencing key audiences' perceptions of an issue, a case, or your program; increasing visibility of your program's work to improve fund-raising; drawing attention to an issue in the community; building public support for your position on an issue or a case; and educating key audiences, including reporters.

Other goals might be passing legislation; changing public misconceptions about an issue; giving voice to unheard people; “media advocacy” with the aim of getting public officials or private entities to change policies that affect your clients; and building staff morale.

The audiences you target follow from your goals. Whom are you trying to reach and why? Who needs to hear your message or be moved to action so that your goals can be met? Targets might be lawmakers and policymakers, funders, potential jurors, opinion and business leaders, the religious community, voters, reporters, future clients, and your staff. (Note: The “general public” should never be your audience—unless you have an advertising budget such as Procter & Gamble's. Even if you did, you wouldn't need to reach the entire population to accomplish your goals.)

Next, identify your news. Is it really a story? Don't waste reporters' time with something that's not newsworthy. When you pitch a story, think of your long-term relationship with the reporter—and take no for an answer graciously. There's always next time. Pitching stories is a percentages game. No one bats a thousand.

Framing your story is related to message. Ask yourself: what's this story about? What

are the main issues? For example, if a baby is bitten by rats in a housing project, what's the story about? Irresponsible welfare mothers who leave children in harm's way? Slumlords who refuse to respond to repeated requests for help with rodent problems? Or local government's failure to enforce housing codes? Often the same story or issue can be framed several ways. The message is your tool to frame the story to advance *your* goals.

What is the information or impression you want your target audiences to grasp? This is where message comes in. Remember that people connect best with an emotional or meaningful message that touches their values.

Decide what you want to say. Narrow your message to two or three key points and keep it simple. Before talking to reporters, write the points down. Anticipate tough questions. Prepare yourself by talking to others, especially someone not familiar with the issue (sometimes called the “family” or “brother-in-law” test). Practice the message. Be clear and brief. Repeat the key points over and over.

The message is more than words. The messenger is important, too. Determine who your spokesperson will be, whether the client, the lawyer or someone else. Remember that visuals can be part of the message. If the issue is low-income housing for people with disabilities, conduct the interview on site.

A simple, brief message delivered by an attorney and an extremely sympathetic client can produce a powerful story. The Legal Aid Society of New York was successful in a class action lawsuit on behalf of disabled and elderly immigrants who had been forced to choose among food, shelter, and medicine because they were ineligible for federal Supplemental Security Income benefits due to their immigration status. The decision affects disabled and elderly immigrants throughout the state. The *New York Times* ran the story locally and nationally, accompanied by a photograph of a client who had to choose between food and medicine.<sup>1</sup>

<sup>1</sup>Nina Bernstein, *Court Ruling Restores Benefits to Immigrants*, NEW YORK TIMES, Aug. 19, 2005, at A18.

During the interview, work in the message as often as possible. Repetition is the key to making your message resonate. You'll be sick of it long before the audience is. And stay on message. It takes practice, but view every question as an opportunity to deliver one or more of your message points.

Make sure your messages are echoed in all your forums (press releases, op-ed pieces, letters to the editor, and your website). Remember to speak in "sound bites" to increase your chances of being quoted. (Jesse Jackson's "a jobless recovery is like a swimming pool without water" is a gem.)

Develop a strategy to reach your target audience. The tools include media advisories (which tell reporters the when and where of a press conference) and press releases, story pitches to selected reporters, staged media events such as press conferences and tours for reporters, op-ed pieces and letters to the editor, radio and TV talk shows, editorial board meetings, and your website.

### Basic Rules

When dealing with the press, keep in mind a few basic rules. Remember that news is a two-way street. Respect for reporters' professionalism means that you should never lie to them. Once you're caught in a lie, the integrity of both you and your organization is fatally compromised:

- When being interviewed, start off by assessing the reporter's understanding of the issue. It's perfectly fine to ask the reporter questions and get a feel for his (or her) knowledge and angle. Be sure to give the reporter background information on yourself and your organization (offer to send a press kit that includes an annual report, brochures, and press clips). Try to be natural and be yourself. Avoid being angry or defensive.
- Be sure you understand a question before you answer it. Avoid saying "off the record," "on background," and "no comment." The first two should be negotiated with the reporter before the interview, usually in extraordinary circumstances. "No comment" sounds evasive or worse.
- Don't make funny or flip remarks with reporters you don't know. Don't assume any reporter is "off duty." They never are. Don't lecture reporters or argue with them. They always have the last word.
- If you can't answer a question or are unsure how to respond, don't fake it. Buy yourself some time; say you'll get back to the reporter and ask for the deadline. Then develop your message, craft a reply, and make the call.
- Never assume a reporter knows what you're talking about. Avoid jargon and legalese, and explain complex legal issues in basic English. Remember that you're the expert. Use the interview as an opportunity to educate the reporter and to establish a relationship.
- Lawyers often need to reverse their usual inclination to lay out the story bit by bit, building toward a conclusion. News stories are not written that way. When dealing with the media, picture an inverted pyramid. In journalism, the most important information comes first—ideally, in the "lead" or opening sentence—with underlying facts and reasoning lower in the story. Try to think that way when dealing with reporters. A final note: check your rules of professional responsibility when you're involved in litigation and talking with the press.
- Always return reporters' phone calls and meet their deadlines. It helps to understand how newspapers work. When you call a reporter, first ask, "Are you on deadline?" That way you sound like you have some understanding of the news business.
- "News holes" are the amount of news printed (measured in "column inches") and are in direct proportion to ad sales. (This explains why some good stories don't run—the news hole was too small—and why some not-so-good

stories do: the editor had a lot of space to fill that day.)

- Remember that reporters don't write headlines. Complain to them about a misleading or inaccurate headline and you'll look clueless.
- Understand that most reporters don't have an ax to grind. It's just a job. Make it easier (return those phone calls) and you'll usually be treated well. Find out each newspaper's reporting schedule. For morning dailies, mid- to late afternoon is the worst time to call (unless you're returning a call or have breaking news) and pitch a story. Mid- to late morning is best.
- For evening papers, the crunch is in the morning; make your calls after noon.

More tips: Create a list of experts on your staff whom reporters can call regarding legal stories that aren't about your organization (for example, housing issues, public benefits, poverty). Reporters are always looking for experts to quote. Let them use the words from someone in your organization (it's a morale booster and looks good to funders and political supporters).

Once you are on reporters' "expert" lists, you'll get many calls for comment on issues that are important to your organization. For example, on *Good Morning America* the head of the Legal Aid Society of New York's Juvenile Rights Division provided expertise on what happens to people like Mitchell Johnson, who was convicted in the Jonesboro, Arkansas, shooting deaths of a teacher and students when he was 13. Johnson was incarcerated and was to be released the next day at age 21.

The message: Rehabilitative services—mental health, education, job training—in a supportive environment do more to change a person than incarceration. We keep society as a whole safer when we provide the proper programs for youth like Johnson, who can turn out to be productive rather than destructive.

If you're misquoted or a story misrepresents your point of view, think hard before picking up the phone. It's water over the dam. If a story contained factual

errors, consider correcting them in a letter to the editor. Keep the tone civil and keep the letter short (and, as a side benefit, your organization's name will be in the paper again).

Write op-ed pieces and short, to-the-point letters to the editor. Develop yourself and your program as a major resource for the media in your community. Become seen as the expert on poverty law issues (after all, you are one!).

Print is usually the best media outlet for legal aid, if only due to ease of copying the stories for later distribution; and complex legal issues are better conveyed in print than in five-second sound bites on television news.

For electronic media exposure, contact television and radio stations' public affairs programs. They're usually hungry for guests. When you call, have an idea or two ready. (The bad news: these programs usually air at 6:00 a.m. on Sundays. The good news: they're usually taped in advance.)

Radio interviews are usually taped over the phone from your office. Speak clearly and firmly, but try to remain natural. Don't speak in legalese. Keep the inflection in your voice—and inject enthusiasm—by putting a smile in your voice. Take your time, work in your three key points, and don't be afraid to ask that a question be repeated or clarified. Be succinct.

Television can be tricky. Practice in advance with the worst questions you can think of before the interview begins. When the television truck arrives, greet the reporter warmly—doing so can disarm her (or him) and help you gain control of the interview.

When on camera, take your time—pauses are edited out later. Think your words through before you speak. Stall for time by asking that the question be repeated—and repeat the question as the first part of your answer.

Build in your three key points throughout the interview. Pause before key words for emphasis. Be aware that body language counts on television. Don't fidget and avoid nervous gestures such as touching your face or ears. Keep a smile on your face and in

your voice. Be energetic and enthusiastic while maintaining good eye contact (with the reporter, not the camera).

Stay calm and think “sound bites.” Jot down a couple before the interview. Remember, the interview isn’t over until the crew drives away—be careful what you say after the taping stops.

Finally, consider hiring a professional media trainer if you and your staff anticipate a lot of television interviews. You’ll have the opportunity to be coached, taped, and critiqued by a pro and to improve your on-air delivery vastly.

Most legal aid organizations should also consider broader planning for dealing with the media. Develop a media policy within your organization. Who has the authority to speak with reporters? Some organizations establish open policies that allow any lawyer to speak to reporters. Ideally, with such policies, everyone on staff receives media training and follows established guidelines.

Other organizations prefer that staff attorneys not talk with reporters. Instead, media calls are referred up the chain of command—perhaps to a communications director who can coach the attorney and sit in on the interview. This approach, of course, raises the question of hiring a communications director.

### Hire a Communications Director?

Having a full-time communications director means that a staff person will stay in regular contact with reporters and ensure that your organization’s successes will regularly make the pages of local newspapers (and, occasionally, national press such as the *New York Times*) and the evening news. A communications expert can fill the role of media advocate by writing investigative articles, columns, and op-ed pieces focusing on key issues that affect the community. You’ll also benefit from the continuous flow of accurate, timely, and relevant information that will educate your organization and community.

Staff will benefit as well. At the Legal Aid Bureau in Maryland, the communications director writes a twice-monthly newsletter,

*What’s Going On?*, that is e-mailed to all staff. An authoritative source of information from Legal Aid’s executive staff, it keeps employees abreast of the latest happenings, boosts morale, trumpets success stories, and slows the rumor mill. Other regular publications written by the communications director at Legal Aid include *The Justice Journal*, a quarterly newsletter that is the organization’s public face; *On the Docket* (a monthly electronic newsletter for donors); and a website that features fresh content.

### Client Confidentiality

Client confidentiality is a broad issue for legal aid organizations. When the clients are children, some very sticky issues can arise. Lawyers who represent children have particular ethical obligations—for example, the state’s permission may be necessary in order for a client in foster care to be interviewed by a reporter. While prohibiting all press interviews of child clients may be tempting, that may not always be the best policy. Think creatively—often compelling stories about, say, foster children can be told by clients who have aged out of the system.

Specific legal and ethical constraints apply when speaking about cases or clients. A director of communications must work closely with attorneys, who should be aware of the applicable ethical standards, including the Code of Professional Responsibility, statutory restrictions, and any court rules on free press/fair trial issues.

Avoid intruding on the attorney-client or other applicable privileges, and abide by the lawyer’s obligation to preserve the client’s confidences. The needs of children require special sensitivity, as do the needs of clients with mental or physical disabilities that limit their full participation in their cases.

Sometimes the attorney can tell the story of a child as an example. Getting permission from the parent, guardian, or foster care agency to have the child photographed (without the face showing) playing or talking to the lawyer may be possible.

## Crisis Communication

Someone attacks your organization and the media spotlight shines your way. What do you do? All you have read in this article comes into play when dealing with crisis communication. Your credibility with the media; a direct, simple, and truthful response; and a clear message will get you through the crisis.

An example illustrates these points. A few months after the World Trade Center disaster on September 11, 2001, a right-wing group in Washington, D.C., attacked New York's Legal Aid Society by suggesting that contributions for legal services to victims of the attack were being used instead to represent "possible terrorists."

CNN and Fox News picked up the story. The *New York Times*, the *New York Daily News*, and the *New York Post* declined to carry the story after speaking with Legal Aid's director of communications. The director next arranged for one of Legal Aid's top officials to appear on *The O'Reilly Factor* on Fox to deny the allegations and to explain that the immigration court had asked Legal Aid to interview immigrant detainees and obtain pro bono representation for them after the detainees had been cleared by the FBI of any terrorist activity.

After the explanation, Bill O'Reilly said to the Legal Aid official: "I believe you and I thank you for your courage to come on the show and explain the situation." Attorney-in-Chief Steven Banks appeared on CNN talk shows with similar favorable results.

On the other hand, what if someone in your organization has done something wrong? Your response must be quick and truthful. A number of years ago a Legal Aid Society employee misused the prison mail privilege granted attorneys. The *New York Post* discovered the abuse and called Legal Aid, which responded by saying that it would investigate immediately.

The next day, after an investigation, Legal Aid officials held a press conference and said that a paralegal had abused the prison mail privilege, that the employee

had resigned, and that if she had not resigned, she would have been fired. Legal Aid also pledged to review its policies. Legal Aid's quick response was noted, and the story had a forty-eight-hour life, with editorials congratulating the society for its actions.

The bottom line: Building relationships with reporters and editors will pay off in a higher profile that benefits you, your organization, your staff and, most important, your clients—even more so when news breaks about your organization. Many of the reporters who call will know, trust, and respect you.

And, echoing that Cook County public defender, you won't be in a position of having the media "do you."

## Additional Resources

For more information and resources on how to deal with the press and enhance your organization's profile in the media, get a copy of *Spin Works! A Media Guidebook for Communicating Values and Shaping Opinion*, put out by the Spin Project ([www.spinproject.org](http://www.spinproject.org)). It's aimed at community activists and public interest organizations and contains all the public-relations nuts and bolts for anyone working with the press.

More good sources: *Strategic Communications for Nonprofits* (Jossey-Bass Publishers), another tool kit for organizations seeking to enhance their media profile, and the *Media Relations Handbook* (TheCapital.net), written by a Capitol Hill veteran and containing a wide range of advice for both novices and professionals.

For answers to your most pressing legal aid communications and media questions, subscribe to the National Legal Aid and Defender Association's Communications Chat e-mail list. This list includes many executive directors and managing attorneys, and its members' communications experience ranges from a little to a lot, so it's appropriate for anyone doing communications for a legal aid program. To join, visit [http://lists.povertylaw.org/index.html/info/nlada\\_communications\\_chat](http://lists.povertylaw.org/index.html/info/nlada_communications_chat) and click the "subscribe" button on the left.