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Fete the Press: Lawyers, Make the Most of Media Interactions

By Jonathan Handel

From October 2007 through February 2008, I was interviewed many times regarding the Writers Guild strike — in print, on television and radio and online. Here are some tips that might prove helpful if you too find yourself in the media; your marketing coordinator or publicist, if any, may have additional advice. Most people want to appear in the media, either to promote their practice or further a particular client's interest. If the latter, be sure to review applicable ethics rules and get the client's consent.

The first thing to remember is that reporters are looking for information or interesting quotes, or for additional input (often called "guidance") to help them understand a story or a development from your vantage point. In the latter case, they may be speaking to you on background and you wouldn't

be quoted for attribution. In any event, you're helping them if you can deliver the goods, and they'll call you again and again if you do. They're usually on tight deadlines, so you should absolutely call back promptly; a late call is almost equivalent to no call at all. Even if you can't say anything other than "no comment," it's better to do that than ignore the call.

If you need to do some research or gather your thoughts, you can chat with the reporter, then call back a second time, if the deadline permits. You can also e-mail the reporter, and he can use a quote from your e-mail. This allows you to more tightly control your quotes, but makes it harder to interact comfortably with the reporter and understand the nuances of his questions.

You should assume that anything you say to a reporter is 'on the record' — meaning that it can be quoted in the media — unless oth-

erwise agreed. If you want to supply information without being quoted, preface your comments by stating that the remark is "off the record" and get the reporter's acknowledgment. You can sometimes head off a negative story by explaining the situation off the record.

If, on the other hand, you say something *on* the record that you wish you hadn't, immediately request that the reporter not quote you and that the comment be treated as off the record. Many, if not most, will agree.

In any case, be sure to establish whether "off the record" means that the reporter can't use the material in any form or that they can use it but without using your name — for instance, by attributing it to a "knowledgeable source," or "a source close to the defendant." The term is ambiguous. Even if your comments are off the record, the reporter might use what she's learned from you to obtain an on-the-record confirmation elsewhere.

Obviously, in speaking with a reporter, make liberal use of words like "apparently" and "allegedly" when advisable. You're trying to garner publicity, not litigation.

Reporters will sometimes seek to elicit certain quotes from you. Within limits, that's fine: For instance, if you make three related points, they may ask you to sum them up in one pithy sentence. Other times, reporters will try to argue. They may have a valid point that deserves response; you should think on your feet and offer the rebuttal or clarification, but don't be pushed into a quote that doesn't represent your thinking.

A case in point: One reporter with a strong point of view asked me, after some back and forth, "Why aren't you meeting me halfway?" I responded, "Because I don't agree with you." To his credit, he quoted me fairly and accurately.



Exchanging Information

Be sure to spell your name and your firm's name for the reporter and specify how you'd like to be identified. If you specifically ask to have your firm name included, most media outlets will honor the request, although some have a policy against this. You can also ask that your firm name not be used, if such is your preference or your firm's. Talk to your management and/or business development committee before the issue arises.

With online journalists, ask that they link to your blog, firm home page or your bio page. Most will. If you've got a blog of your own, and are talking to or e-mailing a blogger in a related area, also ask if she'll include your blog in her blog-roll, which is a listing of other blogs that she finds interesting.

Likewise, get the reporter's name, outlet name, telephone (work and cell) and e-mail. If you meet in person, get business cards from the reporter, producer and correspondent (even television personalities have business cards). That way you can contact them with follow-ups or corrections, and you can build a media list to use when you want to proactively seek media coverage. Be sure to include bloggers who have linked to you. Some journalists are on LinkedIn, so you may want to add them as contacts there if you develop a relationship.

In addition, ask when the story will appear. With a print journalist, also ask whether the story is for the print edition or online.

To end the interview, the term of art is to ask, "Do you have what you need?"

After the Interview

After you talk to the reporter, go to www.google.com/alerts and set up a Google Alert for your name (put your name in quotes to avoid spurious results). That way, you'll get an e-mail with a link to the story as soon as it appears, assuming you're quoted — and, by the way, don't write off a reporter who doesn't quote you, because he might next time.

Assuming that you are quoted, save an online copy and buy a print copy. If the Web site is subscription only, or the print publication is an out-of-town newspaper, some journalists will e-mail or mail you a copy if you ask. Maintaining a clipping file is important for marketing purposes. The customary style for pasting up clippings includes the newspaper masthead, the article headline and the portions of the article in which you're quoted. Thus, you should be sure to save the front page of the paper, as well as all pages of the article.

Be sure to also save links to the online versions of articles, so you can link to them from your firm Web site. You can't post copies of the articles themselves (even with attribution, you'd be violating copyright), but you can link to the online versions posted on the newspapers' own sites.

When an article subsequently appears, read it promptly. If you find you've been misquoted, immediately call and e-mail the journalist and request a correction (calling is faster, and e-mail creates a record, so do both). Web sites can be corrected quickly. Also, Web postings

of print articles will often appear before the press deadline for the corresponding print article. That means you can get the print article corrected before it even appears in print, if you see the online version soon enough (which is one reason to set up a Google Alert). If the print deadline has passed, and the error is important enough, ask that a correction be printed the next day. In contrast to newspapers, wire services frequently move multiple updated versions of the same story within the same day, so the next update can include your corrected quote within hours of the original story.

Self-Generated Media

Don't forget that in today's world, you can be a creator as well as consumer of content. You can start a blog, write an op-ed piece, create a YouTube video, do a podcast, etc. You can also, of course, write more technical content, such as articles for legal magazines and law reviews, and client alerts to post on your firm's own Web site. Each time you write something interesting, fire off an e-mail to the media list you've been building, and your writing will do double-duty.

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To Look and Sound Great On Air, Lawyers Should Be Prepared

By Jonathan Handel

Last week's article looked at working with journalists from all media. This week, we focus on television and radio, where there are additional things to know. For one thing, preliminary, off-air interviews are often conducted, and these will usually be done by producers rather than on-air correspondents. The on-air interview might be conducted by a producer, too; in that case, the producer doesn't appear on-air, and you may never meet the correspondent who presents the on-air story. Alternately, you may be interviewed by the correspondent.

Television interviews are conducted in various places, some of which are obvious: a studio with an interviewer, your office or a relevant location, such as outside Writers Guild headquarters in the case of the strike. But I also was interviewed in a couple of unexpected places: a network's parking lot — there's a nice background they like to use — and in a small dark studio with just me and a camera. That was for Canadian news shows. The room had a back wall painted green so that an image of the L.A. skyline could be electronically inserted as background ("green screened") while the interview was telecast. I could hear the interviewer through an earpiece, but couldn't see her or the broadcast.

If the interview is in a studio and will take place late at night or in the early morning to accommodate East Coast morning-show broadcast schedules, consider asking the show to provide a car, if you'd rather not drive bleary-eyed to a 4 a.m. interview. Be sure to get contact info

for both the producer and the car service, to avoid glitches.

Whether television or radio, find out if you are appearing live or on tape and, if on tape, whether the interview will be edited. If you're going to be edited, it's helpful to pause for a moment between thoughts to make the editor's job easier. If you stumble, or if there's background noise, you can interrupt yourself and restart your answer. In any case, don't speak over the interviewer. Shut off your cell phone before any interview.

If you're going to be live, find out whether the producer doing the preliminary interview will be present during the live interview. Often it will be a different producer. Be sure to get that person's name, telephone and e-mail address in advance.

You can ask the producer to e-mail you an MP3 (for radio) or mail you a DVD (for television). If possible, do this before the interview, because the producer may have to make arrangements for the copy to be made — and also, you have more implicit leverage before the interview. You should also remind the producer after the interview. I found that many radio producers and a few television producers were willing to send me MP3s or DVDs, but remember that you're asking a favor of someone who's already overworked.

Whether or not the producer will send you files or discs, remember to set your TiVo. In addition, ask the producer if the audio or video will appear online, and where. In many cases, the online content will be streamable but not readily downloadable, but RealPlayer can

sometimes download streamed media anyway. You'll want to wait a few hours before looking online for the audio or video, because it usually doesn't go up immediately after broadcast. But don't wait more than a day or so, because the online file may become too difficult to find on the Web site; the archive sections of television and radio Web sites tend to be disorganized and hard to search.

A common question is whether to look at the camera when being interviewed. The answer is generally not. Instead, look at the interviewer if there is one. If there is no local interviewer — as with a talk show where you're appearing remotely — look at the camera. If you're giving a press conference and there are multiple cameras, you may want to change the direction in which you're looking from time to time, so that you don't appear unnaturally stiff. It's more visually interesting and emphasizes that you are talking to multiple cameras.

In contrast to television, radio interviews are usually conducted by phone (these interviews are called "phoners"). If no camera crew is available, television interviews are occasionally phoners. In this case, the television producer will want a photo of you quickly, for use on screen. He or she can lift a photo directly from your Web site if the resolution is high enough.

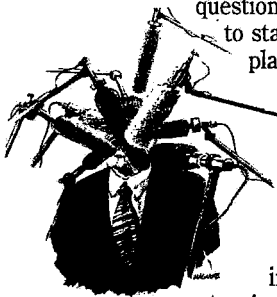
During any phoner, you should obviously keep background noise to a minimum — although, at one radio station's insistence, I did a phoner from the aisle of a Southwest jet as I was boarding. They said they

still got decent audio, though it was hard to imagine.

Assuming more normal circumstances, such as an office landline, you should close your office door, and shut off the ringer on your phone if possible. If you're doing the interview from home, and you make the call to the station rather than vice-versa, shut off call waiting if you have it on your line (usually, you can do this by dialing *70 on your phone before dialing the number). If you're on a cell phone, find the best zone you can, and, if driving, pull over with your windows up.

On both television and radio, avoid speaking in a monotone. Instead, modulate your voice so that you stress important words just a bit more than you normally would. For instance, after discussing the WGA deal provisions relating to traditional media, one might then say, "A *separate* issue is the treatment of *new* media." Don't speak too quickly.

Also important: Keep your volume up and have a glass of water close at hand. In answering questions, try if possible to start from a positive place even if you need to correct the host — for example, "That's right, and an even more important factor is ..." Of course, that advice doesn't apply if the host is simply wrong or, worse, is downright combative. In any case, if you're appearing for an interview show (rather than being interviewed for a quick sound bite), always thank the host at the beginning and end of the interview.



Recognize that you are visible or audible to other people every moment you're in front of the camera or microphone, even before or after the time you're on-air. You should act as though you're on-air starting from the moment the television producer gives you a 10-second warning and ending several seconds after the conclusion of the interview, or, in the case of radio, from the warning until several seconds after the interview ends. Also, if you're on a radio talk show via telephone, don't hang up until the producer comes on the line and says you're done. Otherwise, you may miss a chance for the host to come back to you for further comments.

A few points on dressing for television: Blue shirts or blouses look great; checked patterns and stripes are a bad idea (because they create distracting effects on-screen, called "moiré patterns"); and black on black doesn't work, because the camera can't see where your suit ends and shirt or blouse begins. Green is risky, because it could interfere with the green screen process described above; and bright red is also inadvisable, because it can "blow out" (appear neon-bright). It's a wonder there's anything to wear.

Be conscious of your facial expressions. If your normal facial expression is neutral or even a bit of a frown (look at yourself in a mirror to check), remember always to smile a bit on camera — not so much that you grin like a Cheshire cat, but just enough that you appear comfortable, approachable and pleased to be on the air. If you'll be interviewed in a studio, ask if makeup will be available, so that you don't appear pale under the television lights.

Body language is important too. Locking your head in one place looks robotic, especially if you are looking at the camera. Instead, move your head from time to time for emphasis, coordinating this with the cadence

of your voice — watch the television news and study how anchors do it. Hands are a different story though; here, movement is distracting. This is especially true if you are seated for the interview. That's because, on screen, there will be a "lower-third graphic" (sometimes called a "Chyron"), with your name and title or firm name. It will partially obscure your hands, so when you move them, the viewer will simply see something unidentifiable fluttering behind, and next to, the graphic. Sit or stand up straight and, if you're sitting, lean slightly forward. Don't fidget.

Another thing not to do, ever, is look down. To see why, try facing forward, then glancing down without moving your head, have a friend snap a picture, and you'll see what the audience would see, which is your half-closed eyelids. They look strange. Thus, if you need to look at notes during a taped interview, do so before answering the question. During a live interview, don't do it at all. And if you're conducting a press conference, and some of the cameramen are kneeling on the ground with their cameras pointed up (yes, this happens), don't look down at them.

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