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DOES CRISIS COMMUNICATION TRAINING WORK? TRAINING INTERVENTION EFFECTS ON ATTORNEY-SPOKESPEOPLE

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DOES CRISIS COMMUNICATION TRAINING WORK? TRAINING INTERVENTION EFFECTS ON ATTORNEY-SPOKESPEOPLE

by

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Dissertation

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Doctor of Philosophy

The University of Texas at Austin

May, 2006

Dedication

This dissertation is a tribute not to the perseverance of the author as much as to the talent of the advisor. Because Dr. Hart has invested so much in me, because his unwavering faith only wavered when he knew it would help, and because he is simply one of the finest human beings I will ever know, I dedicate this project to him.

Acknowledgements

Thanks beyond measure to: my husband, Eric Allen; my parents, Robert and Ruth Tyner; my advisor Rod Hart; and my coach Susan Corbin. Collectively, you gave me love, time, encouragement, tuition payments and really good advice. Thank you to ConocoPhillips, Williams, the Environmental Protection Agency, and Weil Gottshal for their endorsement of and participation in my study; I hope my findings are useful to these organizations who gave so much time and expertise. I couldn't have had a more supportive committee; thank you for your feedback -- excellent improvements all. I owe a debt to Danny Hayes for his able, cheerful, gracious assistance with the quantitative data. Thank you, too, to all the students who worked as raters or writers on this project.

This project would never have been completed without the expert guidance of important colleagues and friends: Sharon Jarvis, who drove to Dallas to mentor and advise; Vanessa Beasley, who said she'd like me even if I didn't finish; Anne Lucchetti Geary, who was excited about the data from the earliest point (and knew how to run the reliability measures); Lee Thompson, for modeling brilliance and efficiency with no loss of grace nor kindness; Susie Harburg, who said she'd keep asking me if I was done before she knew how many years she'd have to keep asking; Mary Snowdon, who has been there from the beginning and, thus, knows the whole story.

Finally, I want to acknowledge my two excellent sons, Buck and Grady, both born during this project and demonstrating that procrastination has its own rewards. I love you two very much.

DOES CRISIS COMMUNICATION TRAINING WORK? TRAINING INTERVENTION EFFECTS ON ATTORNEY-SPOKESPEOPLE

Publication No._____

Erika Tyner Allen, Ph.D.

The University of Texas at Austin, 2006

Supervisor: Roderick P. Hart

This comprehensive field study evaluates (1) how lawyers compare to communication professionals as crisis communicators, (2) how training affects their performance and (3) how media changes as a result of training. Participants were drawn from two Fortune 100 energy companies, an agency of the federal government, and a nationally-respected law firm. Quantitative and qualitative results demonstrate distinctive communication markers of attorneys. The researcher also found that training does impact crisis communication skill, improving it in almost all respects. In addition, trained spokespeople generated media coverage that is more positive, less negative and generally longer.

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CHAPTER ONE: INTRODUCTION

RESPONDING TO AN ERA OF LEGAL TRANSPARENCY

The very existence of written constitutions with substantive limitation on future conduct is evidence of skepticism, if not outright pessimism, about the moral caliber of future citizens; else why not simply enjoin them to "be good" or "do what you think best." Writers of constitutions must have a very high confidence in the ability of language to both "harden" and to control.

Sanford Levinson, 1988 (p. 157)

A new era of legal transparency

On July 30, 2002, President Bush signed into law the Sarbanes-Oxley Act of 2002 ("Sarbanes-Oxley"), which he heralded as "the most far reaching reforms of American business practices since the time of Franklin Delano Roosevelt." "With strict enforcement and higher ethical standards, we must usher in a new era of integrity in Corporate America," Bush had said just a few weeks earlier. "In the end," said Bush, "there is no capitalism without conscience, no wealth without character." (Gongloff, 2002)

While the President spoke in comprehensive moral terms, the legislation more specifically required that the companies listed with the SEC put certain safeguards in place to better assure lawful business practices. Moreover, the statute stipulated how these companies should communicate with the public about their lawfulness. Most simply, Sarbanes-Oxley is a federal statute about how companies communicate about the law.

This watershed legislation is just the centerpiece of a sweeping emphasis on how organizations relate to the laws affecting them. Sarbanes-Oxley focused on financial management, specifying what companies have to report annually to the government and, thereby, to shareholders. Just a few years prior, in 2000, the SEC adopted Regulation Fair Disclosure. "Reg FD" as the rule is commonly called, also decreed that communications to select investors or analysts of any material sort must be simultaneously conveyed to the general investor community by press release or by some other more public venue. Taken together, these two statutes stipulate both *what* is being communicated about the law and *to whom*.

In addition, more and more corporate communication is being identified as "legal talk" and thus subject to the rule of law. Consider *Kasky v. Nike:* In the mid-1990s, public interest groups levied a series of allegations that Nike was mistreating its workers overseas. Nike responded with press releases and other public relations efforts to counter the agitation and bolster their reputation as a humane organization. In 1998, a California resident Marc Kasky sued Nike for deceptive trade practices, alleging that this PR was misleading. Moreover, Kasky argued, public relations is "commercial speech" and thus not protected by the First Amendment.

While no judge ever addressed the truth or falsity of Nike's statements themselves, the case went all the way to the Supreme Court on the question as to whether PR constitutes commercial speech. The parties settled before that question was answered, leaving corporate communicators entirely unclear – and very nervous -- about the protections afforded their work and the standard of accuracy expected of them. The case seems to suggest, however, that at this moment in history, the law governs now not only *what* corporations communicate about the law and *to whom*, but also *how clearly*.

Similarly, it is useful to consider the sky-rocketing expectations for corporate document management. For many years, organizations have been required to keep certain sorts of business records for prescribed periods of time. There have long been penalties, too, for corporations who purposefully destroyed certain incriminating records in the manner of Arthur Anderson or, years ago, Ollie North.

Yet a series of decisions over the past two years have it made it clear that federal judges, at least, now expect companies to be able to produce any and all of these records, and to produce them extremely quickly. When Morgan Stanley couldn't locate a complete set of email on time, a Florida judge required that they pay a client a record $1.58 billion (Craig, 2005, p. A1); In April 2005, a jury awarded over $29 million -- $20 million of which was punitive damages – when they couldn't produce requested records in a simple employment case. *Zubulake v. UBS Warburg, 2005 U.S. Dist. LEXIS 4085 (SDNY March 16, 2005).* These cases demonstrate that, at the risk of draconian penalty, companies must now also manage the efficiency with which they communicate about legal issues. Morgan Stanley and others add *when* to the list of *what*, *to whom* and *how clearly*.

Corporate America has clearly entered an era of *legal transparency* in which organizations are expected to communicate openly, accurately, and in a timely manner about the law and events with legal implications. At a conceptual level, we have come to assume that language can create accountability – not just express it, but make it out of whole cloth. Moreover, companies are expected to communicate about the law not only in the confines of the traditional legal spheres such as courtrooms and conference rooms. Now, legal communication has a much more public stage. While once scholars debated the merits of cameras in the courtroom, the nation has now embraced "Court TV," which is watched regularly in nearly 80 million homes. "Litigation PR" has become an

independent industry whose practitioners declare to be a distinct specialty from both the traditional practice of law as well as other sorts of public relations or communications activities (see., e.g., Roschwalb & Stack,1995).

It is not surprising, then, that corporate organizations are making tremendous investments in their efforts to communicate well, or at least correctly, about the law. Nationally, companies are now hiring compliance officers, frequently at the highest executive level, to manage how legal issues will be handled and communicated. Many organizations, such as the beleaguered Marsh & McLennan, has established board of directors' compliance committees to help manage how legal expectations will be met and communicated to regulators (Lublin, 2006). In some cases, the CEO himself or herself is taking on legal compliance as a visible top priority -- How Citibank's CEO Chuck Prince has taken the throttle of the company's legal fumbles in Japan in 2004 and, more recently, in Australia come to mind (Riley, April 1-2, 2006, B1).

Organizations are taking more seriously their obligation to communicate about the law to outside parties – customers, investors, regulators, judges – and also to communicate about legal expectations within the company to employees, too. Only a few discrete laws mandate training employees about the law (OSHA's requirement for industry-specific safety training or California's state requirement for sexual harassment training, for example) and yet "legal compliance training" has become a fixture of supervisor training and development plans. Whereas once supervisors learned time-management and team-building, they are now required to understand wage and hour principles, antitrust rules and proper classification of contractors.

Again, these sorts of internal initiatives reflect a culture that demands communicating clearly about the law, both inside of corporations and outside. Indeed, one might argue that the requirement for legal transparency has made speaking about the

law an actual component of lawfulness itself: Sarbanes-Oxley told companies that not only do you have to perform accounting correctly, but, to obey the law, you also have to report it to shareholders in the right way. The Morgan Stanley decision told companies that not only do you have to meet your fiduciary obligations but, to avoid an "adverse inference" and have any chance of success in the courtroom, you also have to explain your practices efficiently during a lawsuit.

In addition, internal legal training efforts reflect an understanding that talking with employees about the law is part and parcel with abiding by it. Financial giant Citigroup lost privileges to serve clients in Japan a few years ago because it was not meeting certain Japanese regulatory requirements. Citigroup brought in a new CEO -- Charles Prince -- an attorney who made legal compliance the company's top priority. Prince agreed to dedicate at least half of his executive time and energy to legal compliance and to increase the budget for such issues by 30 percent (Pacelle, 2004). He underlined that talking about the law was the key ingredient: "[In the past] we emphasized the short-term performance side of the equation exclusively. We didn't think we had to say: 'And, by the way, don't violate the law.' There were unspoken assumptions that needed to be spoken." (Pacelle, 2004, A2).

A quick look at some of the foremost regulatory schemes seems to confirm this notion that how organizations talk about the law has become part of the law itself. Federal rules now exist that both simultaneously reward disclosure and penalize those who withhold. The Federal Sentencing Guidelines, for example, which set the frameworks under which defendants are formally sanctioned in federal courts, suggest lower penalties for organizations willing to "forgo privilege" and open all records to investigators. Guidelines issued by the Department of Justice as to when prosecutors should charge organizations echo this same sort of "credit" for openness.

What explains this philosophical shift to legal transparency, in which communication about the law has, in fact, become part of the law itself? Perhaps all of this is a natural outcome of a nation unsure that it can easily agree on underlying community standards. So, instead, we reach for agreement on form. Instead of debating whether a president should remain in office after indiscretions with a staffer, we now choose to debate whether or not he lied about the affair. Here, in striking example, communication about the law becomes the fighting issue itself. How legal talk came to represent so much – in corporate culture and more broadly -- is an important question to answer but one for another time. More practical concerns – more imminent fires to put out – now demand our attention. This study addresses such matters.

Inherent tension between lawyers, the media and crisis circumstances

Companies across the country find themselves at a moment in time in which both the stakes for legal transparency and investment in it could not be higher. Yet tension remains between key players: public relations practitioners and the legal community. At this point, this mutual animosity is well-trodden ground, but consider just a few steps along the path. As early as 1969, academics were recording the disdain with which communications professionals held lawyers and visa-versa (Simon, 1969). In 1971, a special national symposium was called to try to sort through these strained relations (Fretz, 1973). Since then, a series of surveys and studies have confirmed what we already suspected: lawyers and the PR people they work with just don't like each other. (see, e.g., Dreschel, 1989; Doppelt, 1991; Stein, 1993; Fitzpatrick, 1996; Reber, Cropp & Cameron, 2001).

Corporate America, then, is in a bit of a pickle. At a time when communicating about the law has become paramount, the two key players just can not get along.

Lawyers see communications professionals as rough-hewn spin-doctors; communicators view lawyers as single-minded nay-sayers. And the respective distrust often has to produce its most important results under emergency circumstances. But perhaps the two groups just haven't yet figured out how to work together.

Typically, communications professionals are charged with crafting the public messages of the company, subject to the scrutiny and often even the permission of the legal group. The lawyers are tasked with protecting the liabilities of the organization in the realm to which they are expert. Thus, they are often relegated to preliminary risk assessment (Coombs, 1999) or as the conservative editor of prepared communications (Barton, 2001). In these limited roles, the attorneys are quick to censure communications that might otherwise serve strategic ends and recommend instead a simple "no comment."

True legal transparency, however, requires accurate and open communication both outside of the courtroom as well as within. So what if lawyers and public relations groups worked together differently? Rather than serve as auditors and editors, what if lawyers became instrumental in the communication process? Could, for example, attorneys be effective as spokespeople? If so, not only might corporations better fulfill their obligations to communicate about the law but perhaps, too, lawyers and communications professionals could collaborate more effectively, more harmoniously, and better serve broader constituencies simultaneously.

The important questions

Asking lawyers to serve as instruments of the corporate communication process holds promise. However, up until this point it has been unclear how they might fare in

such a role. To know whether or not one would want lawyers speaking on behalf of the company, one would have to answer three important questions:

1. *How do the innate media skills of attorneys differ from the skills of non-lawyer public relations professionals?* This is a preliminary question. Public spokesmanship would be a new role for most lawyers; would they be any good at it? In ways that we'd recognize? While much research has articulated the differences between how lawyers and non-lawyers write, there is no research that specifically details how lawyers' oral public statements in a setting outside of traditional legal arenas differ from those of non-lawyers in the same settings.
2. *Could training meaningfully improve the way attorneys talk about their companies and the law in a press meeting?* Perhaps one can identify the particular markers of lawyers' communication styles up front, but could training bring them completely up to speed? Is there any discrete intervention that would arm attorneys with skills that would make them as effective as PR people? One would want to know both how training affects communications skills as well as what specific pedagogies prompted the changes. Said differently, the best investigation would answer two questions: Does training work and how?
3. *Do more thoughtful media statements translate into different news coverage? Better news coverage?* Most people learn about the law through some media. How sensitive are these media to better and worse statements? Even if lawyers could communicate at the level PR professionals would expect, would it affect the news coverage they generate?

These three questions are each individually important but difficult to answer. Answering them well would require a complicated field study involving several steps. First, a researcher would need to collect the public statements of both lawyers and public relations professionals. For purposes of effective comparison, these statements would have to reflect the same set of facts – the same emergency event – and these statements would need to be given under the same set of circumstances. Thus, the most reliable comparisons would require the creation of a hypothetical exigency, rather than an assessment of recent emergency communications. Ideally, we would test attorneys and communications professionals from several organizations. The best study would also evaluate their statements both qualitatively and quantitatively. And it would not rely on a lone evaluator, but would instead employ a team of "expert critics" whose work could be tested for reliability.

Second, a trainer would need to provide instruction on crisis spokesmanship skills and solicit a second series of statements from spokespeople to compare to the first. Then a researcher would have to evaluate statements made before and after the training intervention. Again, the best study would allow a reliable team of expert reviewers to evaluate this before/after data both qualitatively and quantitatively.

Third, the researcher would employ journalists to prepare news coverage based on the most representative "before statements" and "after statements." These news stories would have to be coded to evaluate how coverage changes when a spokesperson has been trained. The best study would not only look at the journalists' coverage, but would also ask journalists to evaluate speakers in the same manner as the expert reviewers. Thus, the researcher could also compare journalists' assessments to expert assessments of the same speaker.

This study

This field study was designed to follow exactly these steps by way of three separate investigations. The researcher was fortunate to enlist support from two Fortune 100 energy companies, an agency of the federal government, and a nationally-respected law firm. Each organization supplied lawyers from their legal departments and communication professionals from their public relations departments as participants. While a full discussion of the study methods is provided in chapter three, following is an overview:

The researcher, also serving as trainer, conducted 23 separate training programs at the four organizations, teaching potential spokespeople how to address the media. The researcher/trainer instructed participants in skills needed meet the goals consistently addressed in the trade literature on crisis communications: control the interview, stay on message, etc. All participants practiced these skills on the same set of hypothetical facts about an explosion at an energy facility, a case developed especially for the study. There were three or four participants in each session and, after accounting for practical difficulties, the study ultimately enrolled 39 lawyers and communication professionals as participants. The study met all of the requirements for work with human subjects as set forth by the University's Internal Review Board.

Participants were video-taped both at the start of the session, before learning any skills, and after they had received training. The resulting 78 tapes were edited and turned over to an able team of 19 university speech communication instructors serving as "raters" to achieve more independent evaluation. These raters used an instrument created for the study that collected both quantitative and qualitative data. Each speaker was evaluated by three instructors both before and after training, as well as by the researcher,

to determine how lawyers differed from communication professionals (and how training changed the performances of all speakers.)

Last, six segments were selected for additional study: three videos of speakers before training, three videos of speakers after training. The researcher enlisted 43 student journalists to prepare hypothetical newspaper stories based on the videotaped statements**.** These stories were then coded in several ways to evaluate how newspaper coverage changed as a result of training.

Organization of the paper

This dissertation reports on the comprehensive field study conducted. It is divided into seven chapters, the first three of which provide context for the study. Chapter two reviews the existing literature on communications training effectiveness in the three areas related to this study: studies on media and crisis communication; studies on the effectiveness of university speech courses; and studies on the effectiveness of business speech courses. All together, one finds surprisingly little work that measures the practical effect of communications training in any setting and even less work that tries to trace outcomes to specific pedagogy.

Chapter three provides a detailed explanation of the study protocol for all three investigations. It reviews the case about which all speakers spoke and includes short biographies of the four participating organizations: Williams, ConocoPhillips, the Environmental Protection Agency and the nationally-respected law firm Weil, Gotshal & Manges. The chapter also explains the training content and curriculum and its rationale, as well as the reliability and other support for the evaluation process and tools. All the materials used during the training sessions themselves are appended to this paper.

Chapters four through six report on the results of each of the three investigations, respectively. These investigations generated a tremendous amount of data, and each of these three chapters deploy just portions of it to answer the study's specific questions. Chapter four examines the data on lawyers' unique communication traits and compares them to the communication style of traditional PR practitioners. Attorneys, it turns out, have surprising systemic communication approaches that are particularly useful, even before any additional instruction. Chapter five details the significant effect, mostly improvement, that training had on the attorney-spokespeople and interprets what curriculum was responsible for the changes. Chapter six reviews how media coverage changed in striking ways when information was provided by a trained spokesperson. Chapters five and six are perhaps the heart of the study, demonstrating in both specific and practical ways what the communications discipline has too often and too long just assumed to be true: communication training ***does*** work.

Taken together, chapters four, five and six generated rich data to conclude that organizations make a wise investment when they spend time and money to train spokespeople, especially attorney-spokespeople. Chapter seven goes one step further to suggest that this study has civic as well as commercial ends. There is a compelling case to be made that training attorney-spokespeople might simultaneously serve their organizations and the public good as well.

We are now in a new era of legal transparency, an era in which talk about the law has become of paramount importance; indeed, it has become a vital component of lawfulness itself. Today, organizations simply ***must*** make sure that they are communicating well about the law. To that end, corporate America is well advised to ask who should be doing the talking, whether the investment in preparation and training makes a difference, and what happens when the media serve as interlocutors. Moreover,

one might also ask whether meeting these corporate ends can be accomplished with the public good in mind, as well. I am pleased to report that this study provides practical, specific answers to each of these questions.

CHAPTER TWO:

COMMUNICATION TRAINING -- EXISTING RESEARCH

Is there not need for patient, scientific research in voice?

No field has suffered more from quacks. . . .

J.A. Winans, 1915

Communication education is popular. Universities have long recognized the core role of speech communication in both undergraduate and graduate programs. Moreover, business and industry leaders know that the speech skills of their employees are vital to organizational success. For example, a full 88% of US companies provide communication skills training, and pubic speaking is taught at almost three-quarters of those organizations (Industry report, 1999). Last, communicators themselves know they need help with speech. Surely, with this long history and abundance of communication instruction, certainly there is some amount of hard-nosed evidence that it actually works.

Indeed, one would expect boundless research on how communications instruction should be conducted for maximum result: review after review, meta-analysis after meta-analysis. Surely, there exist shelves full of studies on the relative effectiveness of different classroom pedagogies, comparable successes of different sorts of participants, competing values of different learning environments. After all, there has been in publication over 50 years a formidable journal of *Communication Education.* In a special volume of *Communication Education*, Sprague (1993) comments on the state of the art:

For the majority of communication scholars pedagogy is our praxis. While we may write about organizations, the media, or politics, it is in our classrooms that we ourselves wield power and manipulate symbols with real consequences on other human lives. It might be expected, then, that dialogues about communication education would provide the unifying discourse of our field, that the one place all our leading scholars would meet would be in dialogues over teaching, that the most intense theoretical debates would be joined in pedagogically-oriented writings. (Sprague, 1993, p. 106)

There are important reasons to follow Sprague's lead. In 2002, a leading scholar argued that research on instructional practices and learning outcomes must take highest priority. Scholars themselves demand more research on communication training effectiveness, campus-wide pressure for accountability demands it, and, most important, the discipline cannot improve its methods of instruction without it (R. A. Clark, 2002, p. 396 – 397). Too, practitioners will be better off or worse off depending on the quality of the skills they develop. And their real communication practices will potentially transform or stymie technology, begin or end wars, save or damn souls.

There exists a talented community for researching instructional effectiveness. It can be argued that the academic discipline of communication was quite literally born to do this sort of work. In 1916, the National Communication Association -- which began operations under the name National Association of Academic Teachers of Speech – published only its second edition of the *Quarterly Journal of Speech* – also notably born as the *Quarterly Journal of Public Speaking.* J. A. Winans, a founding father of study in communication and the second president of NCA, opened that issue with an article entitled *The Need for Research:* "[W]e shall not only stand better but teach better, when we have more scholarship; when we have the better understanding of fundamentals and training in methods which test and determine truth (Winans, 1915, p. 18)

Yet one does not find the expected. The answer to Winans' clarion call to action, now 90 years old, remains incomplete. In 2002, a recent past editor of *Communication Education* wrote with disappointment:

> To my surprise, I received few manuscripts focused directly on the impact of instructional practices on learning outcomes. And as I scanned the past three decades of the journal, I found few issues with more than a single piece of such research, and many issues containing none at all. My suspicion is that the scarcity of such research results not from editorial bias, but rather from the dearth of such work being submitted. (R. A. Clark, 2002, p. 396)

This concern itself is a ten year-old echo: "[S]adly, the area of our field that can most engage us all in situated debate about communicative practice has gradually become marginalized." (Sprague, 1993, p. 106)

Why has the discipline of speech communication marginalized research on instructional methods? Some scholars have opined that communication researchers haven't studied teaching methods because there exists a mistaken assumption that the methods of speech instruction are simply obvious:

> But when one hears a teacher say that speaking is too simple for research, one loses his breath and sputters. Just to be clear and pleasing and convincing and persuasive – yes, indeed, that is all there is to it! One recalls the advice to a shy man: "Adopt an easy and graceful manner, especially towards the ladies." (Winans, 1915, p. 20)

The discipline seems to have come full circle today, with scholars now suggesting that part of the difficulty in doing methods study is getting one's arms around the specificity of it all. Sprague (1993) notes that teaching *speech* well is not a generic

teaching task. Rather, she argues, one must learn particular talents suited to one's particular discipline, a "discipline-specific pedagogy":

> Excellent teachers have a special domain of knowledge. Not only do they have a deep understanding of the subject; not only do they know about how to teach in general, as in how to lead an effective classroom discussion. Excellent teachers have a repertoire of analogies, metaphors, demonstrations that enables them to transform their subject into terms their students can understand. (Sprague, 1993, p. 108)

In discrete course offerings and training workshops across the nation, work like this happens in a very personal way. Instructors refine classroom exercises, hone good examples, and develop alternate explanations. While teachers may share instructional ideas with colleagues, they are rarely put to the test:

> Finding that a certain method helps in some cases, do we not too often jump to the conclusion that it embodies a great principle? And we repeat our guess until we believe it proved. We need the man of patient research to subject our guesses to rigid investigation. . . . (Winans, 1915, p. 18)

Clark (2002) asserts that the barriers to a more complete understanding of instructional effectiveness are both more straightforward and simultaneously more difficult to overcome. At bottom, evaluating instructional effectiveness in communication study is hard work. At the start, it requires identifying the desired outcomes of instruction: attitudes, affect, skills, knowledge and behavior. It also means that researchers are tasked with measuring long-term, enduring outcomes. Moreover, researchers most likely have to conduct their research in real teaching situations, which means overcoming the common pitfalls associated with evaluation in that setting: lack of a pretest, lack of control populations, lack of multiple instantiations of the method being tested.

Moreover, communication training is difficult to assess because the methods of evaluation are so often unique to the instructor and, as such, suspect. Researchers have explored the impact of having real people evaluate speakers and the attendant possibility of "rater bias." (see, e.g., Bohn & Bohn, 1985; Stiggins et al., 1985). Second, researchers have also worried that "teacher-constructed" evaluation forms, so often used in both university and industry instruction, lack reliability and validity. (see, e.g., Rubin, 1990).

So there are compelling explanations for why one does not find ample studies of instructional effectiveness. Yet surely there should be more such studies; indeed, this project aims to supplement that bibliography. But one must not overlook the work that has already been done and, in many cases, that has been done in excellent form. Yet the existing research on instructional practices in communication is limited both in explanatory force and audience. First, what studies do exist generally attempt to demonstrate effectiveness of communication instruction rather than explain how the effect occured. Too, it appears that subsequent generations of basic course teachers, forensics coaches, corporate training managers, and communications consultants are not well versed in these studies.

My work examines the impact of speaker training on participants' effectiveness in performing crisis communication. Within the larger body of work on communication instruction effectiveness, three areas of research are especially relevant to this larger project; this chapter reviews that existing research: Studies on media and crisis communication; Studies on the effectiveness of university speech courses; Studies on the effectiveness of business speech courses.

Studies on the effectiveness of media and crisis communication

Legions of public relations practitioners and consultants make a living promoting and conducting media and crisis communication training. Fortune 500 companies unanimously report that they require management personnel to undergo media and crisis communication training, and that a full quarter require such training annually (Galifianakis, 1995). Despite all of this, however, there are no published studies assessing the effectiveness of this sort of instruction. This dissertation appears to be the first attempt to collect data on participant improvement of this type. In fact, only recently has there developed a discrete field of writing on communication with the media, especially during crisis events. Such research largely takes the form of event case studies, scholarly typologies and genres, and spokesperson advice pieces.

A significant literature exists on communication strategy during specific crises. After all, in a crisis, the rhetorical stakes are high -- morality, legality, legitimacy, profitability, death – and great speeches are often made of such things. So, for example, scholars have considered communication practices in all manner of tragedies: plane disasters (Fishman, 1999; Ray, 1991), tainted products – especially Tylenol (Benoit & Lindsey, 1987; Benson, 1988; Sellnow, Ulmer & Snider, 1998), product recalls (Huxman, 2004), spills – especially Valdez (Small, 1991; Williams & Olaniran, 1994; Williams & Treadaway, 1992), plant explosions (Ice, 1991, Seeger & Bolz, 1996, Seeger & Ulmer, 2002), exploitative employment practices (Sellnow & Brand, 2001), media investigations and attacks (Hearit, 1996; Kernisky & Kernisky, 1999).

Typically, these case studies serve to explore the effectiveness of classifying crises and matching them to strategic responses. Indeed, the bulk of the research on crisis communication focuses on typologies. Scholars have classified crises according to the nature of the event (Barton, 2001; Fearn-Banks, 1996; Goodman & Coombs, 1995;

Mitroff & Killman, 1984), by stages of development (Fearn-Banks, 1996; Millar & Heath, 2004; Turner, 1976) and by the symbolic or rhetorical features (Barton, 2001; Bennett, 1981; Coombs & Holladay, 1996; Hearit, 1995; Hearit & Courtright, 2004; Huxman, 2004; Millar & Heath, 2004). Similarly, scholars have articulated many types of crisis response strategies (Benoit & Brinson, 1994; Benoit, 1995; Hearit, 1995; Huxman, 2004; Sellnow & Ulmer, 1995, 2004; Ware & Linkugel, 1973). The genre of "apology" has received especially thorough and thoughtful attention (Benoit, 1995; Benoit & Brinson, 1994; Cohen, 1999, 2002; Hearit, 1994, 1995, 2001, 2004; Tyler, 1997, Wagatsuma & Rosett, 1986).

This typological work has a strategic focus -- in a most practical way, perhaps even a predictive way: Under what circumstances should the spokesperson apologize? When should she deny things altogether? When should she blame someone else? For example, Coombs & Holladay (1996) characterized types of crises by both intentionality of the harm and locus of control. Using this template, they created a schema of four types of crises: Accidents (unintentional and internal), Transgressions (intentional and internal), Faux Pas (unintentional and external) and Terrorism (intentional and external). They found that organizations suffered the least reputational damage when spokespeople employed a crisis response strategy that suited the type of crisis at hand (according to their schema). Sellnow & Brand (2001) used Nike's response to sweatshop allegations as a test case for the utility of "model" and "anti-model" arguments. Huxman (2004) examined Firestone's 2000 recall of SUV tires to suggest the value of a new thirteen-element "crisis response index."

Of course, whether or not this scholarship is useful turns on the ability of any organization in crisis to actually deploy the communication strategy recommended. Scholars have recognized that crisis communications are situated and therefore subject to

all manner of social pressures and systemic barriers (Hearit, 2001, Rothenbuhler, 1998). Missing from scholarly consideration, however, is whether or not the individuals who speak in behalf of an organization in crisis can be guided to invoke such strategies. Said differently, can one train crisis spokespeople to deliver the goods strategically?

As stated previously, no studies have attempted to measure whether spokesperson training is effective. A fair amount of literature, however, assumes that it is. This commentary takes the form of "tips articles," largely published either in business and professional publications or in books for potential spokespeople and for the public relations professionals who consult with them (see, e.g., Ansell, 1998; Drucker, 2002; Kirkpatrick, 1997; McGaugh, 2001; McLoughlin, 2002; Newman, 1988; Patterson, 2003; Scudder, 2003; Stewart, 2004). Particularly relevant to this larger project are the advice articles tailored to attorneys as crisis communicators (Blattel, 1992; Boles & Heaviside, 1987; Bromley, 1999; Castle, 1985; Chanen, 1998; Cox, 1993; Duckworth, 1993; Gardner, 2001; Harper, 1984; Keeva, 1995; Stepanek & Friedman, 1994; Warner, 1986; Wiedler, 1994).

In only a few cases has the advice provided in these pieces been evaluated. Coombs (1999) ran a field test to determine whether common advice about content and form affected perceptions of organizational reputation. Arpan (2002) evaluated the impact of spokesperson ethnicity on audience evaluation of crisis communication. In a few cases, journalists themselves have critiqued the advice given by media coaches and trainers (Lieberman, 2004; Robertson, 2002).

In review, there is a well-established body of writing on crisis communication. Scholars have prepared nuanced typologies of crisis events in hopes of predicting what sorts of responses will be most effective. Real crisis events have served as test cases for

evaluating the usefulness of these strategies. Moreover, practitioners and others appear hopeful that spokespeople are willing and able to adopt strategic methods.

In this literature, two obvious gaps appear. First, there is apparently no work that translates the sophisticated academic typologies (and response genres) into materials easily accessed by PR practitioners and spokespeople. In other words, a gap exists between the strategies suggested by academics and the tips proffered in trade journals. Work must be undertaken to make this academic work more available to the community that could put it into effect. While important, that is not the primary focus of my project.

The other omission in the existing work on media and crisis communication focuses more squarely on my concerns here. While there exists in the literature exciting guidance for crisis communicators, it remains to be seen whether speakers can actually use it. For research on how communication instruction can be made effective, one must turn to studies on university coursework and business training.

Studies on the effectiveness of university speech courses

The most studied venue for communications training is the basic undergraduate course in public speaking. That seems appropriate given the amount of speech training that happens in undergraduate curriculums. A review of this research reveals, however, that most studies focus on quantifying results rather than explaining them, with the exceptions noted below.

The first major published work on instructional methods is perhaps the most informative. This early seminal study was published in four successive installments of the *Quarterly Journal of* Speech beginning in 1939 (Hayworth, 1939; Hayworth, 1940; Hayworth, 1941; Hayworth, 1942). The study, conducted over fifteen months and employing up to 55 researchers, sought to answer some of the most important

foundational questions about speech teaching, including whether or not the effectiveness of the basic course could be measured.

The study collected 52 types of data from four sources: instructors, speakers, fellow students and third-party raters. The results of the study are intriguing in general and fascinating in the specific. The findings easily support the sweeping notion that public speaking courses make students better speakers: "Not only can speech be taught, but, surprisingly enough, every indication seems to show that we can get results in almost any aspect of speaking that we wish to take" (Hayworth, 1942, p. 353)

What makes Hayworth's study so special, however, is that it sought to *explain* effectiveness as well as quantify it: Memorizing oratory selections, for example, produced more improvement than extemporaneous exercises (Hayworth, 1941); public speaking courses consistently improved students in the first few sessions, then improvement plateaued, and began again after about the 25th lesson (Hayworth, 1941). This sort of review of specific practices exists in very few more recent studies.

While Hayworth's study remains both the most comprehensive and the most detailed, other, more recent work also exists. Most of this research, however, focuses on simply whether or not instruction is effective. Some focuses on the impact of a single course: For example, Rubin et al. (1997) found that students self-reported more communication competence at the end the semester-long basic course; Trank and Steele (1983) found that students' speaking improved at the end of a semester-long speech and writing course. Other studies have focused on the impact of a series of courses: Rubin et al (1990) found that students' communication competence improved during four years of college; McKelvey (1944) synthesized alumni reflections on the effectiveness of their undergraduate speech training in general.

As Clark (2002) noted, a preliminary barrier to assessing instructional effectiveness is identifying exactly what instructors want students to learn. Indeed, there are only a few studies that have attempted to specify the results of training in terms more narrow than the broader classifications such as "speech competence." One exception is the meta-analysis perfomed by Allen, et all (1999) to integrate the data (largely to-date unpublished) on whether or not communication training improves critical thinking. This study examined the relative effectiveness of the basic speech course, advanced speech courses and competitive forensics. Researchers found that advanced speech courses improve thought better than the basic course, and that forensics improves thought most of all. But importantly, all kinds of training have an impact:

Their results confirm that communication training does. The most important outsome of the present meta-analysis is that regardless of the specific measure used to assess critical thinking, the type of design employed, or the specific type of communication skill training taught, critical thinking improved as a result of training in communication skills. (Allen, et al, 1999, p. 27)

Another area in which researchers have focused on a particular instructional outcome is the scholarship assessing how to best help students overcome communication anxiety. Reducing communication anxiety is, by a significant margin, the most researched specific area of instructional effectiveness. Indeed, a full half of all the communication education articles published in *Communication Education* have dealt with speech apprehension. (Sprague, 1993) This rich line of research owes much to the development of a valid and reliable instrument for assessing anxiety (McCroskey, 1978). As a result of identifying specific outcomes and creating a tool to track them, researchers have been able to document the effectiveness of an array of specific pedagogical

techniques for reducing speaker anxiety (see, e.g., Ayres, Hopf, & Edwards, 1999; Dwyer, 2000).

This research is particularly useful because reducing communication anxiety seems linked to improving speakers' competence in other areas. McCrosky (1980) and others have argued that improving a speaker's skills will lower the speaker's apprehension. Other researchers have tried to show the opposite: that decreasing anxiety will prompt improvement in skill. Yet still others have been content to note that lower anxiety seems correlated with higher skill but have declined to speculate about which of the factors is the chicken and which is the egg (see, e.g., Ellis, 1995; Rubin et al., 1997)

Several studies have examined what factors beyond instructional methods affect performance. For example, it is not surprising that previous speech training appears to affect subsequent speech training. Hayworth (1941) found that those basic course students with previous experience in speech show less improvement than those for whom the class was their first (Hayworth, 1941). Moreover, students with previous training in public speaking were not significantly better at the end of the course than those with relatively low initial ability (Hayworth, 1940). That said, limiting a class to a select group of "superior-starting students" will stimulate greater improvement than when these students are taught as part of a broader mix (Hayworth, 1940). More recently, Thomas, Thurber and Gruner (1965) found that students performed significantly better in the basic course when they had taken a high school speech course.

Taken together, then, the majority of research on instructional methods for communication has focused on university courses. However, with the exception of work on reducing anxiety and a few selected other studies, there is little research that examines the effectiveness of specific instructional practices. My hope in this study is to add to that bibliography by assessing a discrete training intervention, aimed at a discrete

communication task. Because my focus will be on extra-university venues, however, the research on business instruction is also relevant and follows in this paper.

Studies on the effectiveness of business speech courses

The previous section reviews the bulk of research on instructional effectiveness, much of which focused on university communication courses. Yet there is a lot of speech training that happens away from the university. Sixty-six percent of organizations with 50 or more employees provide communication training (Ford, 1989); 78% of organizations with 100 or more employees also provide communication training (Gordon, 1990).

The business training world has created its own templates for instructional design and evaluation. Kirkpatrick (1987) articulated four levels of evaluating training programs of all sorts, and this framework has become the standard for an organization's own internal assessment. The four levels can be paraphrased as follows:

Reaction: How well did the participants like the program?
Learning: Did participants learn appropriate principles, facts, techniques or new attitudes?
Behavior: What behavior changed because of the training?
Results: What are the tangible results of the training?

Despite the development of a tidy evaluation framework, training programs are frequently not evaluated at all. When they are, evaluators almost always use simple participant "self-report" evaluation forms or "smile sheets." Knapp (1969) surveyed 308 of the largest US corporations about their speech training and found that only about half

of the companies performed any sort of evaluation of effectiveness, which, in turn, may suggest that "evaluators may find little improvement" (Knapp, 1969, 132). Johnson and Kusmierek (1987) found much the same thing.

More strenuous evaluation is usually left to the researcher who steps in from the academy. Several published studies have sought to evaluate business communication training programs at the learning and behavior level (Campion & Campion, 1987; Bennett, 1981; Bowers, Gilchrist & Browning, 1980; Clark, 1985; Blakeslee, 1982; Golembiewski & Munzenrider, 1973; Allen, Hunter & Donohue, Sonnenburg, 2004). Several studies have specifically focused on the effect of public speaking or presentation skills training in the workplace. For example, Seibold, Kudsi & Rude, (1993) collected data from participants, instructors and third-party evaluators to find that a two-day training class generated improvement in almost all measures of speech performance, both immediately following training as well as weeks later. Bell & Kerr (1987) found participants improved by about 20 percent from initial to final class presentations in a business communication class. Webb has reported two studies (Webb, 1989; Webb & Howay,1987) that used a multiple-choice test to evaluate whether participants understood intellectual concepts taught in a public speaking class.

But academic researchers have long been critical of business-based communication training. In 1938, after a year's sabbatical to observe how speech was being taught nation-wide, Professor Ray Immel announced at an NCA convention that the best speech teaching possible anywhere was provided by the Dale Carnegie Institute. In light of such a heretical proclamation, Millison (1941) formally assessed the techniques of Carnegie and concluded that "Dale Carnegie courses are not academic courses in speech; his methods cannot be taught as such; nor in the main can they be transferred to the academic class . . ." (p. 72)

Millison's statement seems to reflect a persistent disdain for communication training in business. In 1915, Winans was discussing business trainers when he asked, "Is there not need for patient, scientific research in voice? No field has suffered more from quacks." . . . (Winans, 1915, p. 20) Indeed, most of the communication consulting and training provided to organizations is not conducted by academics (Leathers, 1988, p. 127). This likely explains, in part, why there is less research on the effectiveness of communication instruction in business and industry. The research also surely suffers from lack of access to and familiarity with business populations.

This researcher hopes to augment the study of business communication instruction by examining such training up close, having been given access to and control of communication training programs at two Fortune 100 companies, a silk-stocking law firm and an agency of the federal government. Moreover, I begin with a sense of optimism regarding the integrity and impact of training occurring outside of the academy. These two elements suggest a real addition to the existing research on instructional effects in business training.

Conclusion

Three fields of research are especially relevant to a field study on the instructional effectiveness of training on crisis communication: Research on media and crisis communication, research on university communication training and research on business communication training. This chapter has reviewed the major work conducted to date in each of these areas.

All three have produced excellent, useful work. In particular, of the media and crisis research, the studies by Arpan (2002) and Coombs (1999) seem to suggest a move toward evaluating the now well-developed theoretical models. Among the studies of

university speech instruction, the work of those who study communication anxiety recall the preciseness and explanatory power of the landmark studies by Hayworth (1939-1942).

At present, though, obvious opportunities still exist to advance scholarship in media and crisis work, university instructional practices and business communication effectiveness. Strides could be made with any of the following:

Research that infuses practitioner "tips" with academic theory;

Research within situated training circumstances, by researchers who are open-minded about what they will find;

Research that ties instructional effect to particular pedagogical methods;

Research that quantifies "real world" outcomes;

Research that assesses effectiveness of training on specific communication genres.

While the present study cannot meet all off these calls completely, it will treat them as worthy goals indeed.

CHAPTER THREE:

RESEARCH METHODS

Introduction

This section overviews the method used in this study. The study included three separate investigations, and the results of each investigation are reported separately, in three installments: chapters four through six. These chapters each answer the research questions below, respectively:

> *Investigation One - R1. How do the crisis communication skills of attorneys differ from the skills of non-lawyer, public relations professionals?*
>
> *Investigation Two - R2. What is the instructional effect of crisis communication training on attorney spokespersons?*
>
> *Investigation Three - R3. Does a spokesperson who has completed crisis communication training affect the newspaper coverage of the crisis event?*

Case

The researcher developed a simple crisis fact pattern (the "Jackson case," appended). Generally, the case described an explosion and subsequent fire at a gas-processing facility in Colorado owned by Jackson Energy. It also indicated that an eco-terrorist group has claimed responsibility for the fire. The case included some essential background information about the company and asked the reader to assume the role of crisis spokesperson about the event.

The case was developed with the assistance of the director of media relations at one of the participant companies (Williams Energy Company, described below) to assure

that the case portrayed a possible scenario, that it accurately portrayed the facts involved, and that it provided the approximate amount of information a spokesperson might have immediately following such an event. For example, the case specifically – strategically -- withheld most recent information about injuries, details about the eco-terrorist group, and other possible causes of the fire.

Participating organizations

The researcher sought participants by contacting organizations with which the researcher had a professional relationship as a consultant. The researcher agreed to provide media and crisis training to the organizations at no cost in exchange for the opportunity for participants to agree to allow their video-taped presentations to be used as part of this study.

The dissertation committee encouraged the researcher to involve more than one organization and, if possible, more than one industry. The researcher was pleased to successfully recruit participants from a total of four organizations, representing three separate industries. Participants came from two major energy companies: ConocoPhillips and Williams Energy Company; from the federal government: the Environmental Protection Agency, Region 6; and from private law practice: the nationally-respected law firm Weil, Gotshal & Manges.

ConocoPhillips (NYSE: COP) is an international, integrated energy company formed by the merger of Conoco, Inc. and the Phillips Petroleum Company in 2002. Headquartered in Houston, Texas, ConocoPhillips operates in more than 40 countries. The company has approximately 35,600 employees worldwide and assets of $107 billion. It is the third largest energy company in the United States, based on market capitalization,

oil and gas proved reserves and production; and the second largest refiner in the United States.

Williams Energy Company ("Williams"; NYSE: WMB) is also an integrated energy company, producing, gathering, processing and transporting natural gas across the country. Williams operates 15,000 miles of gas pipelines across the country, moving 12 percent of all gas consumed in the United States. In addition, Williams is one of the nation's largest gas gatherers with operations in Wyoming, the San Juan Basin, the Gulf of Mexico, Venezuela and Canada. In 2005, Williams reported $12.5 billion in revenue.

The Environmental Protection Agency ("EPA") is the office of the federal government, founded in 1970, tasked with preserving the quality of the environment. Major activities include cleaning up previously unmanaged hazardous waste site ("Superfund clean-up") and enforcing a diverse set of environmental laws including those related to air and water quality, the correct use of pesticides and the transportation of hazardous substances. The EPA employs 18,000 across the country, divided geographically. Training took place in Region Six, which serves Louisiana, Arkansas, New Mexico, Texas, Oklahoma and 65 tribes and which is headquartered in Dallas, Texas.

Weil, Gotshal & Manges ("Weil") is a law firm with a national and international presence, employing 1,200 lawyers world-wide. Weil is head-quartered in New York with offices throughout the U.S., Europe and Asia. The firm offers comprehensive services in corporate transactions and structuring, finance, tax, litigation, and regulatory practice areas. The Dallas office, where the training occurred, employs 80 attorneys, with a practice heavily focused on private equity and corporate finance.

The researcher chose these three industries because each brought to the study a different combination of knowledge and affect about the facts alleged in the study's case.

The case asked the participant to assume the role of a corporate spokesperson explaining an accident at one of the corporate facilities. Given their backgrounds, one would assume that the energy company participants would be both knowledgeable and supportive of the scenario. Said differently, because of their current occupation, this population would be both familiar with facts about a facility fire and generally disposed to support an energy company in such a situation. The EPA participants, on the other-hand, would be familiar with the facts of an industrial accident but not generally disposed to speak in defense of the energy company at which it happened. Last, the firm lawyers were all transactional lawyers with a client base of neither energy companies nor environmental organizations. Thus, one would expect this population to be both unfamiliar with the facts and neutral as to their position. Having such a diverse population allows for both comparisons on the basis of knowledge and affect and perhaps expands the groups to which the study's results can be applied.

The researcher asked the organization to schedule five-hour training sessions on mutually convenient dates for the participants and the researcher. Ultimately, these sessions were conducted on 23 different dates at organizations' operations in Tulsa, Oklahoma; Bartlesville, Oklahoma, Dallas, Texas and Houston, Texas. These sessions were always conducted in the organization's conference rooms and generally ran from 8:30 am to 1:30 pm. The researcher served as the trainer for these sessions and, as a result, is simultaneous referred to as the "researcher" and "trainer" in this paper. This dual role certainly opens the door for criticisms of trainer bias or over-interpretation of the data. To quell these concerns, the study was designed with significant roles for third-party raters and writers.

Each session enrolled four participants, and the researcher asked the organization to assure that at least one of the participants held a J.D. and currently practiced law on

behalf of the sponsoring organization. The researcher's goal was to create a study population of eight energy company lawyers, eight government lawyers, eight firm lawyers, eight non-lawyers (communication professionals). The researcher trained over 60 participants but, unfortunately, many of these were excluded from the study for various reasons: several participants did not complete the whole class, video camera or tape problems developed on a few occasions, etc. Ultimately, the study accepted 31 lawyers (12 energy lawyers, 10 government lawyers and 9 firm lawyers) and 8 communication professionals, thus meeting the goals of the study. Admittedly, the relative small size of the non-lawyer population colors the magnitude of the comparisons that can be drawn.

Participants in these sessions met all of the requirements for research on human subjects. The consent form used is appended, and copies of signed forms are available from the researcher.

Training session

An itinerary for the training session is appended, and the set of activities is described in this section. The case study was the first activity of each session. Participants read the study facts aloud and then had the opportunity to ask the trainer clarification questions. In some cases, the trainer declined to answer a participant's question as the information they sought would simply not be available to a real spokesperson at that time. Participants were then escorted to another room and given approximately five minutes to prepare. Participants prepared alone. They were given no guidance about strategy or form. Participants were simply told that they would be expected to "talk with reporters" about what had happened at Jackson.

One by one, participants were asked to return to the room. At that point, the trainer began asking questions about the facts. In some cases, a communications professional from the sponsoring organization also "sat in on the session" and served as a second questioner. This exchange between the participant and questioner(s) was video-taped and is subsequently referred to in this methods chapter as the "pre-test."

After all participants completed their video-taped pre-test, participants were brought back together as a group. At that point, the trainer began instruction on strategic crisis communication. As noted in Chapter Two, while there has been little academic study of crisis communication training, there is a good deal of material describing guidelines for crisis speakers (see, generally, e.g., Ansell, 1998; Drucker, 2002; Kirkpatrick, 1997; McGaugh, 2001; McLoughlin, 2002; Newman, 1988; Patterson, 2003; Scudder, 2003; Stewart, 2004. For advice tailored to attorneys, see, e.g., Blattel, 1992; Boles & Heaviside, 1987; Bromley, 1999; Castle, 1985; Chanen, 1998; Cox, 1993; Duckworth, 1993; Gardner, 2001; Harper, 1984; Keeva, 1995; Stepanek & Friedman, 1994; Warner, 1986; Wiedler, 1994).

This advice is strikingly consistent and straight-forward, and is both *macro* and *micro*-focused. Advice that focuses on the larger picture (macro) seeks to guide spokespeople to set a stage in which the best communication with the media can happen: establish relationships with the media before a crisis breaks, initiate coverage when a crisis occurs, return calls from reporters promptly. This advice about managing crisis communications before a crisis erupts is important, and participants in this study's sessions were taught its nuances. This study does not, however, seek to evaluate the impact of this advice as to on-going relationships with the media.

The second sort of advice provided in the trade literature goes to the heart of the testable instruction in this study: micro advice on how to manage the interview itself.

Thus, the training sessions for this study – like those "micro-focused" articles themselves – sought to instruct participants on goals such as: develop key messages, speak in lay terms and in unequivocal statements, address corrective measures and future prevention, and articulate compassion. The instructor's notes are appended.

This instructional content was delivered through pedagogy and with tools that the trainer had used previously with other clients. Participants reviewed three texts in which real spokespeople performed poorly (i.e., by violating the guidance above). Two of these consisted of video coverage; one was a written New York *Times* article (appended). After reviewing these texts, participants watched their own pre-test video as well as the pre-test videos of the other participants. Throughout the session, the participants recorded were encouraged to report the advice given on this array to texts on a simple "Dos and Don'ts" worksheet (appended).

Finally, participants watched video coverage of a crisis spokesperson performing well. From this text and their notes on the previous texts, participants created a template for what effective crisis speakers do (appended). Participants were then given 10 minutes to prepare a revised statement on the Jackson facts, using the template developed in class.

On by one, participants entered the room and delivered their revised statement and responded to questions. Once again, these statements were videotaped: the "final test." Participants watched all of the final tests to identify both what they did well and what needed continued work. Then the session was concluded.

Evaluation

After all the participant tapes were collected, the useable segments were sent to a professional videographer. The videographer edited them into a series of 22 VHS tapes, each which contained 8 – 10 segments. The segments were assigned to the tapes so that

each tape had both pre-test segments and final test segments; however, no tape had both a pre-test and a final test of the same speaker. The videographer inserted a graphic element in each segment that identified the speaker and segment by a letter-number combination as a measure to maintain anonymity. The videographer also inserted transition graphics between each segment as a cue for the raters who would be watching the tapes.

The researcher recruited 19 Ph.D. students in the Department of Communication Studies at the University of Texas to assist in evaluating the speakers. Most of these students were currently instructors of a basic speech course or had other experience in basic instruction. These raters received modest compensation to evaluate tapes of speakers.

Raters were given basic training either in person by the researcher or through a short videotape that was sent to raters who could not attend an in-person meeting. Raters were told that they would be watching statements by spokespeople talking to media personnel during a crisis event. Raters were also given discrete background facts on the fire at Jackson, although less information than was provided to the speakers. Raters were *not* told that some segments were completed before training and that some were completed after training, nor were they told anything about the over-arching goals of the study.

Raters were asked to watch a segment on the tape and then complete a one-page instrument, evaluating the segment (Instrument appended). When raters had evaluated all segments they returned the tape and the written instruments to the researcher. The rating instrument was designed by the researcher, tailored to evaluate the specific goals of instruction of crisis speaking. Obviously, using a tool that has not been more widely tested for reliability and validity is problematic; however, a few studies have found that

similar teacher-created instruments to be quite acceptable tools (Bohn & Bohn, 1985; Carlson & Smith-Howell, 1995). Overall reliability for this instrument was alpha = .86.

After all evaluation instruments were collected, the researcher worked with a fellow graduate student who was better versed with statistical research to manage the quantitative data. Certainly, one limitation of the study is the researcher's own limited expertise with statistics. However, the quantitative data for this study was relatively unsophisticated and the interpretation proved quite straight-forward. Had the population been larger, the researcher would have also conducted factor analysis. Given the smaller-size, however, this clustering work was done less formally.

News stories and journalists' evaluation

This study proposed to measure instructional effect not solely according to third-party evaluation, but also in its real-world consequence: Does news coverage look different when the spokesperson has been professionally trained? Thus, a second-stage evaluation was completed to generate news stories based on the segments from the training session.

Using data collected from the raters and from re-watching the taped segments, the researcher selected three pairs of segments to test. In each case, the pair contained a pre-test and a final test. In two pair, the pre and final tests were the work of different speakers. In one of these pair, both speakers were Caucasian males in their thirties; the other pair consisted of Caucasian females in their thirties. In the final pair, both the pre-test and the final test were presented by the same speaker, a Caucasian male in his forties. In all the segments selected, the speakers were attorneys.

Student journalists were recruited to participate in this second stage of evaluation. All students were advanced journalism students at either Southern Methodist University

(Dallas) or The University of Texas at Austin. Journalists received credit for a course in which they were currently enrolled by participating in the study. Altogether, 43 journalists participated in the second stage and, after accounting for practical problems such as students who failed to submit stories, the researcher collected 37 useable articles.

The journalists' sessions were conducted in a group setting in one of several computer labs reserved for communication students at the respective universities. Journalists were told that they had been assigned to cover the Jackson fire for a city paper in Colorado. They were told to write no less than 300 words, and that their reports were due in 90 minutes. They received some background information about the Jackson fire and then watched one of the spokesperson video segments. Some journalists watched pre-tests and some watched final tests. Journalists were not instructed as to which tape they were watching nor about the larger purpose of the study.

When journalists completed their stories, they submitted both written and electronic copies to the researcher. At that point they also completed the same rating instrument for the speaker.

Conclusion

This section has overviewed the method for the entire study, which included three separate investigations. Additional information on methods relevant to each of the three separate investigations is included in chapters 4 – 7. Each of these chapters address these investigation-specific methods, respectively, in detail. Generally, however, the researcher was pleased that the methods of the overall study met or exceeded the research goals established.

CHAPTER FOUR:

INVESTIGATION ONE -- ATTORNEYS AS CRISIS COMMUNICATORS

Chapter Two reviewed the work that exists on the efficacy of instruction in communication, revealing that there remain significant gaps in the current research. My study seeks to find a place in that bibliography by, as described in Chapter Three, collecting data on the immediate and practical effect of communication training of a particular sort: crisis spokesmanship. Additionally, as discussed in Chapter One, several events have come together to turn lawyers into crisis spokespeople. Because I have isolated this professional cohort for the study, I ask a preliminary question: Do lawyers have any special predispositions that affect how they would approach crisis communications? Do their language instincts predispose them to perform crisis communication differently from public relations professionals? In particular:

> *Investigation One - R1. How do the crisis communication skills of attorneys differ from the skills of non-lawyer public relations professionals?*

I. Introduction

Researchers have generated a discrete body of work on legal communication, almost unanimously arguing that lawyerly language is distinctive. Moreover, despite popular intuitions that lawyers are facile language-users, attorneys' unique communication traits do not immediately seem to serve them well outside the courtroom.

In light of these two points, it seems useful to determine a baseline measure for attorneys as crisis communicators.

The language of lawyers is certainly distinctive. Tiersma (1999) details more than twenty specific markers of modern attorneys' "decidedly peculiar" communication styles (p. 2), and traces the roots to a literally separate legal language of "Law French." He argues that the strangeness of legal language has always been explained by, first, the political goals of professional insularity and, second, by the competing strategic goals of purposeful precision and deliberate obscurity. Daicoff (1997) reviews hundreds of studies published in psychology journals to suggest that a distinct legal language stems from a distinct legal personality, one that both precedes and is honed by legal education and practice. Robertson (1984) argues that legal language is so distinct that foundational American literature can only be properly read with an understanding that it was almost entirely written by lawyers:

Half of the important critics of the day trained for law, and attorneys controlled many of the important journals. Belles letters societies furnished the major basis of cultural concern for post-Revolutionary America; they depended heavily on the legal profession for their membership. Lawyers also wrote many of the country's first important novels, plays, and poems. No other vocational group, not even the ministry, matched their contribution. . . . The central texts of American republicanism acquire new coherence from a legal aesthetic just beneath the surface. (Robertson, 1984, p. 5)

Whatever the explanations for a unique legal style, a primary reason that lawyers have a distinctive voice is that it serves the end of the law itself:

> Words are . . . a lawyer's most essential tools. Attorneys use language to discuss what the law means, to advise clients, to argue before a court or

> jury, and to question witnesses. The legal rights and obligations of their clients are created, modified, and terminated by the language contained in contracts, deeds and wills. Few professions are as dependent upon language. . . . (Tiersma, 1999, p. 1)

Clearly, the legal profession – like many educational or vocational cohorts -- speaks in a tongue created by the requirements of a complex professional system and that is tailored to work within this system. That the legal system is more "language-based" than, say, the scientific or artistic community only serves to emphasize and reify legal language style.

All this emphasis on legal language does not necessarily mean that lawyers communicate skillfully in other settings, however. Indeed, some of the very traits that make an attorney an excellent communicator in court or with other attorneys may jeopardize communications in more public settings. That lawyers have spent a tremendous amount of time and energy learning the language skills they use for work does not necessarily make them skilled public communicators. Indeed, research exists to suggest that it makes them worse.

Several groups have documented lawyers' problems when communicating in nontraditional settings. First, scholars and practitioners interested in lay understandings and lay participation in the law have long argued for "plain language" -- the rewriting of legal texts to better serve audiences of nonlawyers. Plain-language advocates cite goals of clarity and efficiency as well as practical cost-savings. Kimble (1996-1997) reports on 25 studies that document the consequences of problematic legal communication. For example, the Federal Communication Commission's regulations for CB radios were originally written in traditional legal prose, and the agency employed five full-time staff members to answer questions about interpretation and meaning. When the regulations

were rewritten in plain language in 1978, so few clarifications were requested that all five staffers were reassigned (Kimble, 1996-1997, p. 8). In 1991, researchers revised some of the form letters used by regional offices of Veteran's Affairs. Comparing lay understanding of the new letters to the old, the researchers found that following mailing of 750 old letters, the VA office received 1128 calls requesting clarification. When using the same amount of revised letters, the VA received only 192 clarification calls (Kimble, 1996-1997, p. 9).

Plain-language advocates recognize the systemic difficulty lawyers have when communicating with the public generally. Moreover, those who work with lawyers in their particular role as media participants underline this difficulty. Instruction in legal language, while significant, does not amount to lessons in public communication: as Robert Shapiro has pointed out, "The reality is that lawyers have no training whatsoever dealing with the media." (Weilder, 1994, p. 6) And even a general awareness that public communications have different demands does not appear to improve the circumstance:

> In an occurrence as regular as the swallows returning to Capistrano, legal periodicals publish articles professing to explain how lawyers can learn to deal with the media . . . [These articles] constitute an acknowledgement that even with all this available advice, lawyers still struggle with the underling difficulties of this interprofessional relationship. (Rothman, 2000, p. 3)

Public relations professionals are perhaps the harshest critics of lawyers' language skills. As far back as 1969, PR practitioners have gone on record to cite lawyers as deterrents to their work (Simon, 1969). Throughout the 1990s, this critique continued (see, e.g., Stein, 1993; Fitzpatrick & Rubin, 1995; Fitzpatrick, 1996). In 2001, Reber, Cropp & Cameron reviewed many of these works as well as collected new data to conclude that "When asked how highly they regard members of the opposite profession

generally, both lawyers and public relations practitioners were kind but cautious." (p. 211). Legal language simply does not pass muster with the public itself, nor with those expert in speaking to the public.

Other work suggests that lawyers' language is both distinctive and relatively disadvantaged for use in public crisis communications. The first stage of this study, then, aims to determine more precisely what innate differences and relative skills or problems exist. As described below, Stage One compares crisis statements made by attorneys to those made by communication specialists before either population has received instruction as to how such statements should be given.

II. Method

A. Sample

The researcher conducted 23 five-hour training sessions at four different organizations. More than 60 actual participants completed the sessions and, after accounting for practical difficulties such as equipment failure, the researcher was able to collect useable samples from 39 participants. The population included 31 attorneys (12 energy company lawyers, 10 government lawyers, 9 firm lawyers) and 8 non-lawyers (communication professionals).

The researcher videotaped each participant delivering a crisis statement two times: both before and after the training session. Most statements were about 3 minutes long. After all the participants were taped, the researcher sent them to a professional videographer. The videographer edited them into a series of 24 VHS tapes, each of which contained 8 – 10 segments, as described in Chapter Three.

B. Instrumentation

The researcher evaluated these segments in two ways: First, the researcher collected quantitative evaluation data from third-party raters. Second, the researcher collected qualitative evaluation data from third-party raters. (The third-party raters were doctoral students who were recruited and trained as described in chapter three.) To interpret the rater findings, the researcher herself also assessed each of the video segments.

Raters evaluated segments using an instrument created for the particular purpose of assessing participants in crisis training (inserted as Figure 4.1 below). The instrument included 20 specific items on a unidimensional scale (one-to-five) as well as an overall item on the same unidimensional scale (one-to-five). Because this was the first time the researcher had attempted to validate this instrument, the researcher was pleased with an overall reliability value on the quantitative items (Cronbach's alpha) of alpha = .86.

Raters also evaluated the segments qualitatively by (A) providing three words to describe the speaker, and (B) responding to the following statement: "If this speaker were in a public communication class you were teaching, you'd give him or her this piece of advice . . ." The researcher condensed this qualitative data into a Word chart and performed a basic grouping analysis.

Figure 4.1

EVALUATION

Tape Number _____

Segment number _____

Your name _____

On a scale from 1 – 5, with 5 being the most "true," please evaluate the following statements:

This speaker is credible.	1 2 3 4 5
This speaker is in control.	1 2 3 4 5
This speaker is telling the truth.	1 2 3 4 5
This speaker is nervous.	1 2 3 4 5
This speaker is telling you everything he or she knows.	1 2 3 4 5
This speaker is smart.	1 2 3 4 5
This speaker knows how to communicate.	1 2 3 4 5
This speaker is responsive.	1 2 3 4 5
This speaker cares about the problem.	1 2 3 4 5
This speaker is organized.	1 2 3 4 5
This speaker knows what he or she is talking about.	1 2 3 4 5

This speaker is intelligent.	1 2 3 4 5
This speaker is trying to work with the media.	1 2 3 4 5
This speaker is flustered or disorganized.	1 2 3 4 5
This speaker is compassionate.	1 2 3 4 5
This speaker is honest.	1 2 3 4 5
This speaker is a good spokesman.	1 2 3 4 5
This speaker is hiding something.	1 2 3 4 5
This speaker has lost control.	1 2 3 4 5
This speaker is confident.	1 2 3 4 5

On a scale from 1 – 5, with 5 being best, what is your overall evaluation of the speaker: 1 2 3 4 5

Three words to describe this speaker:

If this speaker were a student in your public communication course, what advice would you give him or her?

_____

III. Results

A. Quantitative data by third-party raters

To evaluate the quantitative data, the researcher compared mean evaluations on the attorney population to the mean evaluations of the non-attorney population on each quantitative item on the instrument. Figure 4.2 shows the average ratings (and standard deviations) before training on each of the 21 evaluative measures for (a) all attorneys compared to (b) all non-attorney communication specialists. Based on these data, before training, attorneys were evaluated more favorably than communication specialists on 18 of 20 specific items: *Credible, In control, Truthful, Less nervous, Telling all that the speaker knows, Smart, Good communicator, Responsive, Caring, Organized, Intelligent, Trying to work with the media, Not flustered, Compassionate, Honest, Good spokesperson, Not lost control,* and *Confident* (attorneys were not rated higher on *Not hiding something* or *Knowledgeable).* Moreover, attorneys were rated higher on the overall item.

Figure 4.2

Mean rating by speech teachers

Attorneys vs. PR Professionals

Before Training

	Speaker's Profession		Mean	Std. Deviation	Std. Error Mean
Cred1	Attorney	1	3.4086	.5558	9.983E-02
	Not Attorney		3.1667	1.2084	.4272
Ctrl1	Attorney	1	3.1828	.7141	.1283
	Not Attorney		2.9583	1.1877	.4199
Truth1	Attorney	1	3.5323	.5382	9.666E-02
	Not Attorney		3.4583	.5327	.1883
Nerv1	Attorney	1	2.8925	.8709	.1564
	Not Attorney		2.5000	1.1409	.4034
Tell1	Attorney	1	3.2366	.6277	.1127
	Not Attorney		2.9167	.5270	.1863

	Speaker's Profession		Mean	Std. Deviation	Std. Error Mean
Smart1	Attorney	1	3.4140	.5787	.1039
	Not Attorney		3.3333	.8357	.2955
Comm1	Attorney	1	3.2419	.5372	9.649E-02
	Not Attorney		2.9167	1.0351	.3660
Respon1	Attorney	1	3.8333	.5869	.1054
	Not Attorney		3.4583	.9418	.3330
Care1	Attorney	1	3.3978	.7706	.1384
	Not Attorney		3.1667	.9428	.3333
Org1	Attorney	1	3.1774	.7213	.1295
	Not Attorney		2.7917	1.1810	.4176
Know1	Attorney	1	3.2419	.6664	.1197
	Not Attorney		3.2500	1.2440	.4398
Intell1	Attorney	1	3.4624	.5817	.1045
	Not Attorney		3.3750	.7001	.2475

	Speaker's Profession		Mean	Std. Deviation	Std. Error Mean
Try1	Attorney	1	3.7634	.5850	.1051
	Not Attorney		3.6667	.8357	.2955
Fluster1	Attorney	1	3.3495	.7257	.1303
	Not Attorney		2.8333	1.2971	.4586
Comp1	Attorney	1	3.1022	.7337	.1318
	Not Attorney		2.8750	.9074	.3208
Hon1	Attorney	1	3.5538	.5007	8.993E-02
	Not Attorney		3.3750	.7224	.2554
GdSpoke1	Attorney	1	3.0806	.7636	.1371
	Not Attorney		2.6667	1.2724	.4499
Hiding1	Attorney	1	3.2634	.5897	.1059
	Not Attorney		3.4167	.6108	.2159
LstCtrl1	Attorney	1	3.5161	.6531	.1173
	Not Attorney		2.9583	1.3852	.4897

	Speaker's Profession		Mean	Std. Deviation	Std. Error Mean
Conf1	Attorney	1	3.1237	.7958	.1429
	Not Attorney		2.8333	1.0983	.3883
Over1	Attorney	1	3.0591	.6215	.1116
	Not Attorney		2.7083	1.2654	.4474

B. Qualitative data by third-party raters

The researcher also performed a basic grouping analysis of the qualitative data provided by the third-party raters. After clustering the words and advice that raters used to describe all participants -- both attorneys and communication specialists -- eight themes emerged: *Anxiety, Preparation, Cooperation with the media, Concern, Knowledge, Candor, Organization,* and *Physical delivery.* Within this framework, attorney spokespeople were described in five distinct ways: *Relatively More Calm, More Prepared, More Informed, More Candid and More Organized.* Based on the qualitative data, attorneys were not distinct from communication specialists relative to *concern*, *cooperation* or *physical delivery.* Attorneys were, however, rated more highly on the first two of these criteria in the quantitative assessments as measured by scores on *caring, compassion, trying to work with the media,* and *responsiveness*. The quantitative assessment did not attempt to evaluate physical delivery

C. An aside on "Foundation Speech Skills"

Investigation One aimed to collect data on how lawyers distinguished themselves from communication specialists, and these findings are considered at length in the discussion section below. But before turning to how lawyers are unique, it is worth noting that the eight master groups identified by raters for all speakers are, in and of themselves, interesting. Why did raters choose these particular yardsticks by which to measure the speakers? Why did they overlook others? There are several possible answers.

First, surely the tuning effect of the quantitative instrument played some part in what the raters chose to address, as raters would have completed the quantitative instrument before the qualitative portion. However, in the quantitative assessment, the raters did not simply mirror the quantitative categories. As one notable example, almost without exception, raters did not comment on *control* exhibited by the speakers even though it was a key term in the quantitative instrument.

Second and alternatively, raters were all Ph.D. students, engaged in instructing university speech classes. As such, perhaps their qualitative assessment themes reference common textbook schemas for good speech. Yet, as with any tuning effect, raters' qualitative statements do not wholly mirror Aristotle's paradigms or any other set of known categories.

Thus, at least in part, raters' qualitative categories likely represent what "sticks out" to a viewer of a crisis statement. As such, these very categories are instructive in at least two ways. First, it is instructive that very few raters commented on the relative "control" of the speaker vis-a-vis the reporters (i.e., whether the reporters set the framework of the speech situation with questions or whether the spokesperson established the terms of the delivery by refusing questions until after he or she made a statement). While such "control" is one of the most important crisis communication

skills, it appears that its role is more subtle (perhaps "foundational) than explicit. Said differently, "control" doesn't stick out; rather, it leads raters to describe the speaker in other ways. For example, the manner in which descriptions of attorneys as "informed" appears to be fueled by "control" as discussed below.

Second, while raters often commented on a speaker's poor physical delivery ("cut the non-verbal pauses," "make your facial match your words"), very few raters characterized speakers by *good* delivery. Like "control," good physical delivery appeared to be transparent, foundational, and contributing to other positive descriptions. Indeed, in some cases, when the raters noticed what many would cite as "good delivery," they critiqued it as "too slick" or "too rehearsed." This seems to suggest that raters – and perhaps real viewers – value substance over form, inherent grace over grooming. This hypothesis is explored in the discussion of attorneys as "prepared" below.

In sum, the choice of the very words and phrases that the raters used in all of the qualitative evaluation suggests a useful theoretical model of "foundational speech skill." Foundational speech skills are those that are necessary not because the audience values them in and of themselves, but because these skills prompt other important appraisals: if a speaker learns "control," he or she seems more informed; if a speaker learns delivery skills, he or she seems more prepared. Speech instructors can use this notion of foundational speech skills to better hone their diagnosis of speech problems and to devise practical solutions: if, for example, a speaker is receiving feedback that she is not prepared, maybe it is a control problem. This discussion of "foundational speech skills" is not central to the purposes of this study, but is one of the more interesting implications of the data collected here and also something this researcher hopes to pursue in the future.

IV. Discussion

Investigation One found that, even before training, lawyer-spokespeople were both distinct from and performed better than communication specialists when asked to conduct crisis communication. But what were these lawyers doing that prompted the more positive evaluation? Why would lawyers have an advantage over public relations professionals on these discrete points? This discussion section suggests that lawyers' training and experience prompted them to exercise specific skills in a crisis communication setting that accrued distinctly to their advantage. Not only does this reveal a certain "rhetorical intelligence" among attorneys, but offers lessons about effective spokesmanship and about the nature of crisis publics as well.

Why are attorneys appraised as smarter, more intelligent, more knowledgeable, and better informed?

On both the quantitative and qualitative data, attorneys were appraised highly on criteria related to information and intellect. Reviewing video segments of attorney speakers, it becomes clear that many attorneys were exercising two distinct strategies that generated this appraisal: articulating available facts and practical control.

Articulating available facts

Each study participant received a packet of information about the crisis scenario before he or she was asked to speak. At the start of the study session, participants read aloud the written fact packet and were allowed to ask questions of clarification; participants also retained the written fact packet as they prepared for their taping. This information was purposefully incomplete because, at the onset of a real crisis, the spokesperson simply would not have as much information as he or she might desire.

Most important, however, all participants in the study were armed with identical sets of information. Thus, no participant – attorney or non-attorney – actually participated in the study with more complete information.

As a group, however, the attorneys did a much better job of including the limited factual information they did have in their taped communications. In some cases, attorneys simply did a better job of recalling the facts they were provided, such as the EPA fine amounts ($1.1 million) or the production measures of the facility (700 MMcf/d). In other cases, though, attorneys relied on more creative strategies to interject facts.

Consider the following reporter's question that was asked to many of the study spokespeople:

Q: How will this fire impact energy shortage in California?

There are many ways in which a spokesperson could approach this question. Most speakers responded literally to the "how" of the phrasing, and often included several caveats when making such projections: "I don't know how it will affect California" or "It is not clear yet how it will affect California. Of course, we hope it won't have too much of an impact. . . ." The answer of speaker 100AAW was representative of many attorneys, however, and it was strategically different:

> A: "This facility did supply fuel to power plants in California. We are currently looking into solutions to help our customers and put them in a better situation."
> (100AAW)

In this response, Speaker 100AAW creates the opportunity to supply facts in two different ways. First, the speaker takes a step back to make the definitive statement inherent in the question: "The facility *did* supply fuel to power plants in California." Then she articulates the company's current understanding in definitive terms as well. Rather than concentrate on what Jackson does not know, the speaker is more dynamic -- Jackson is "currently looking into solutions." In statements like this one, attorneys simply isolate what information they did have and featured it in their remarks.

Of course, one can question just how useful such information is. For example, how much do we really learn from the two facts supplied by 100AAW? For the raters, however, the utility of the facts appears to have been secondary to the facts themselves. This shouldn't be surprising: Cialdini (1993) argues that a broad swath of social psychology research reveals that humans are not subtle decision-makers. For example, while people are persuaded by "reasons," they often do not care how good those reasons are (Langer, 1989). Instead, they listen for "rationality cues" of form such as simple "because" phrases. My study suggests a similar point -- that "informed-ness" and "intelligence" turns on the existence of facts in a statement rather than on the quality of the facts themselves. Against this backdrop, lawyers are better at identifying all the facts and, thus, are judged smarter by third-party evaluators.

Practical control

As mentioned above, very few of the raters commented on the relative "control" of the speaker vis-a-vis the reporters (i.e., whether the reporters drove the speech situation with questions or whether the spokesperson established the terms of the delivery). Yet all specialists in the area of crisis communication would stress that the speaker must control the media situation to be effective, and those specialists could cite

multitudes of real cases – having both good and bad outcomes– to support this advice. In my study, too, "control" appears to have been important to speaker success, albeit for reasons that might not have been predicted.

The attorneys studied here were much more likely to control the speech situation. In some cases, attorneys exercised generalized control over how the event proceeded. For example, speaker 244AAF opens his discussion in a manner similar to other lawyers-speakers: "I am Jonathon [last name]. I have a prepared statement I'd like to begin with. . . ." Then, when the researcher interrupted him with a question, the speaker countered, "As soon as I finish this statement, I'd be happy to respond with some details." Other attorneys maintained control by keeping the reporters focused on fact. For example, attorney-speaker 192AAP chides the reporter in response to an over-reaching question: "Surely, to answer that would be speculative . . . ."

Yet this attorney "control" seemed to be treated by raters as a foundational speech skill, as discussed above. Watching video segments, it appears that when the lawyer controlled a crisis statement effectively, he or she was evaluated by raters as "informed" or "intelligent" or "prepared." Alternatively, when he or she ineffectively controlled the situation, he or she was described as "uninformed" or "disorganized." Raters rarely seemed aware of the concept of "control" itself. In effect, the skills related to "control" purchased the attorneys something different and, in some cases, something quite valuable.

Taking a step back, my findings seem to suggest that the raters, and perhaps real viewers, may be unaware of the potential situational tension between spokesperson and press that exists in any crisis coverage scenario. In reality, reporters (and videographers and news editors, etc.) have the capacity to dramatically affect the spokesperson's communication. Yet raters seemed to regard the positive or negative outcomes that a

speaker garnered from being in control (or out of control) as factors unique to the speaker rather than the circumstance.

Social psychologists have already suggested as much. Beginning with a now-classic study by Jones and Harris (1967), the notion of *fundamental attribution error* has become a conceptual cornerstone in the field. Fundamental attribution error refers to the well-researched phenomenon that when people make an attribution about an action or person, they tend to over-emphasize dispositional factors about the actor and under-emphasize situational factors. In other words, people tend to make the default assumption that what a person does is based more on what "kind" of person he or she is, rather than the social and environmental forces at work on that person. While the role of fundamental attribution error has only been touched in communication scholarship (see, e.g., Kaplan & Sharp, 1974), the phenomenon seems to be well at work in my study.

***What explains why attorneys are appraised as especially credible, truthful and honest*?**

On many measures from both the quantitative and qualitative data, attorneys were appraised highly on criteria related to credibility. Surely the reader may be surprised that attorneys distinguished themselves by their apparent honesty. Yet, when the researcher reviewed video segments, she found that attorney speakers consistently exercised two strategies that apparently justified this appraisal of honesty: offering explanations for what they did not know and discerning available facts consistently.

Offering reasons for what the speaker does not know

In the taping sessions, the speakers -- both lawyers and non-lawyers -- were asked questions they were not prepared to answer and, as a result, both populations were put in the position of having to plead ignorance. Yet it appears that lawyers said “I don’t know”

with greater skill than the non-lawyers. Lawyers were much more likely to include an explanation of what they didn't know, allowing them to remain credible and honest and, notably, to remain credible and honest without sacrificing evaluations of their intelligence.

There were several consistent *topoi* offered by lawyer-speakers for what they didn't know. In many cases, the attorneys drew on the inherent timeline and recent unfolding of facts to suggest that it was simply too early to have the information that the reporters sought. For example, 243AAF emphasizes the timeline to explain why Jackson doesn't yet know what caused the fire:

> A: As you know, it happened at 6:30 last night, and we have been consumed since with the health and safety of our colleagues and maintaining our resources and services to our customers. So, we have not really focused on the investigation ourselves but are leaving it to the FBI…

Other lawyer-speakers cited immediate past facts in a more passing manner: "We don't have all of the facts at this time as this is all under investigation right now" (192AAP); "This just happened at 6:30 last night, so, at this point, we are mostly focusing on helping the FBI start their investigation. . . ." (232AAF); "Given that this happened less than 24 hours ago, we don't yet know . . ." (242AAF)

It is not surprising that lawyers would effectively use a timeline to explain why they could not answer all questions. After all, the work of lawyers is typically time-intensive and meticulously crafted. Moreover, attorneys typically price and bill their time in hourly increments. And, to the extent that lawyers are often involved in investigations – as part of litigation, audit work or due diligence – they would be familiar with evolving understandings of fact. Taken together, then, the attorney speakers would have been well

aware of the time they were given to become prepared, that it was less time than desired, and certainly less time that they needed to offer a comprehensive explanation. As a result, they showed that there was much information they had not yet mastered, a condition resulting from the small amount of time they had been given to prepare their remarks.

While some attorneys cited the timeline to explain what they did not know, others suggested that practical concerns actually ***prevented*** them from releasing information. In particular, many attorneys side-stepped questions about security procedures by referencing continued safety. For example, speaker 244AAF responds: "I am sorry that I cannot provide any additional details, but privacy is part of our security plan"; speaker 192AAP demurs: "I do not want to address the details of our safety protocol in the event that this is an attack by an outside group. . . . . [W]e wouldn't want to guide them in any future attack . . ." Some speakers combined the timeline and security concerns to explain what they could not, did not, say: "It is a little too early to talk about that. . . . . especially, while we are evaluating the security at our other facilities. . . ." (241AAF)

Again, one might expect attorney spokespeople to respond in these terms. In any legal transaction or dispute resolution, lawyers manage very specific procedural rules as to what information must be provided and what can be withheld. Does the attorney-client privilege allow us to exclude this email from discovery? What does the FRCP tell us about the admissibility of hearsay evidence? In learning these rules, lawyers identify the specific, practical concerns of providing and withholding information and learn to readily cite those concerns as a reason to be circumspect.

Attorneys cited still other reasons for not answering. For example,

Speaker 231AAF underlines accuracy as a reason to not respond: "I would have to check that exact number so that I provide you the correct information." Other

attorneys routinely employed passive voice to avoid the phrase "I do not know" and its inherent focus on their personal shortcoming. For example, over and over again, speaker 230AAF responds: "That has not been confirmed."

At bottom, the manner in which lawyer-spokespeople successfully navigated the information they did not know reveals some nuance to notions of honesty and candor. In a real crisis setting, most spokespeople will find that they simply cannot provide all the answers needed. That decision, in and of itself, does not generate negative appraisals. To remain "intelligent," however, the speaker must reason for the audience and reporters why he or she does not know the information. Said differently, "candor" is more than admitting what one doesn't know; it is better defined by the higher standard of a "reasoned lack of understanding."

These findings also suggest something about public perceptions of crisis circumstances. By their very nature, crisis events are unusual, out-of-the-ordinary. In such cases, it may often be unclear to outsiders how well the crisis is being managed. My findings suggest that it is incumbent on the speaker to educate the public about how a crisis unfolds: that there is a timeline, that releasing all information may not be practical or strategic. In this fashion, the spokesperson becomes a resource not just for the specific facts but on crisis processes more generally.

Discerning facts consistently

Another reason that lawyers were appraised as honest and candid has less to do with what they did in their videos and more to do with that they did *not* do. Crisis spokespeople can compromise their honesty if they initially say that they don't know something but then respond with information later in the interview suggesting the contrary. Perhaps the most notable example of this in actual crisis spokesmanship was a

live CBS interview on May 1, 1987 with Exxon's then Chairman and CEO, Lawrence Rawls. The day before the interview, Exxon had submitted its clean-up plan for the spill in Valdez, Alaska. As one would expect, all of the initial interview questions focused on the clean-up plan:

> Q1: Can you give me details of this plan? Why was it submitted at the wee hours right before the deadline?
>
> A1: Well, I can't give you the details of the plan. As you noted, it was just submitted. . . .So, I don't have the details of the plan. It is a very thick, complicated plan."
>
> Q2: Well, there are some . . . It is not only complicated, but there is some controversy already. You want permission, I understand, to burn some of the sludge which would circumvent some of the environmental laws. Is that correct?
>
> A2: As I just indicated, I don't have all the details . . . I'm not really familiar with the plan, however.
>
> Q3: Why aren't you familiar with the plan?
>
> A3: Well, it was just completed. Obviously, there has been some misunderstanding of what the Chairman of a worldwide corporation does. One of the things you don't do is read every technical plan. . .

Time and again in this interview, Rawls says that he cannot address the plan, that, even as CEO, he is not competent to speak to it. Yet, near the conclusion of the interview, Rawls speaks with some detail about the plan's scope, the review process for plan changes, and the development history of the plan. Given the amount of information Rawls discloses at the end of the interview, viewers no doubt found Rawls to be

dishonest since he certainly demonstrated that he was competent to address the plan. The implication is that he was initially trying to cover something up and, eventually, the reporter just wore him down.

Rawls' real mistake – and the mistake made by countless other spokespeople – might well be attributed to something more innocuous than dishonesty. It is far more likely that, when questioned directly, Rawls simply overestimated the level of information needed to respond. Toward the end of the interview, however, it became clear to Rawls that the standards of evaluation were less stringent than he imagined. By the end of the interview, Rawls came to understand that the reporter needed only general information about the plan, the easy kind of overview that he was well-prepared to provide. Yet by providing at the end what he initially withheld, Rawls appeared deceptive to his millions of observers.

This researcher has seen many crisis spokespeople initially overestimate the level of information they are being asked for and then regroup, thereby coming to be seen as cagey in the manner of Rawls above. In my study, just one attorney speaker was called on the mat for exactly the mistake Rawls makes. A rater described speaker 213AAG as "lying" and then wrote, "Don't contradict yourself: first you said you didn't know what ERF is, and then later said you had a history of problems with them." Clearly, then, the speakers in this study ran the risk of compromising honesty with a "Rawlsian error." Yet, with the exception of 213AAG, none of the attorney spokespeople in this study made this same mistake. As a result, almost none of the attorneys compromised their image of honesty in this way.

There are several possible explanations for why the lawyer spokespeople would have been better poised to consistently answer questions. For example, perhaps the lawyers' skill at discerning and remembering facts, as discussed above, allowed them to

disclose without fear from the start. Perhaps lawyers -- persons familiar with the framework of a trial -- better understand the risks of changing one's answer during the course of a conversation. Or perhaps, as a result of their own sense of professional status, the lawyers were just less likely to overestimate the caliber of the information a reporter – and viewing audience – would want.

In any event, this phenomenon also reveals something about public perception of crisis coverage. Viewers perceive a change in a story as being dishonest rather than simply a sign of registering the speaker's growing confidence. This suggests that, at some level, viewers are suspicious of crisis spokespeople. More interesting, however, this is another example of how viewers overlook the performative quality of crisis communication. Just as they seem unaware of the effect of the relative "control" tension between reporter and spokesperson (discussed above), viewers also seem less likely to perceive spokespersons' levels of anxiety. Viewers seem to understand crisis coverage on its face and have no interest in, or perhaps no ability to appreciate, the practicalities that shape the communications presented to them.

What explains why attorneys are appraised as more prepared and organized?

On many measures of both the quantitative and qualitative data, attorneys were appraised highly on criteria related to preparation and organization. Reviewing the video segments of attorney speakers, it becomes clear that many attorneys were exercising several strategies that led to this effect: comprehensive organizational form, leveraging other forms of preparation, and focusing on substance rather than delivery.

Comprehensive organizational form

Reviewing the tapes reveals that one reason why attorneys sound relatively more organized is that they wove their exchange with reporters into a whole-sounding piece of communication. This is no small challenge, as most of the information the attorneys were providing came in their answers to a veritable laundry list of questions. How does one organize a conversation when one cannot control the questions? Lawyers had several effective techniques.

First, some attorney speakers, like 241AAF and 244AAF, simply refused to respond to questions until after they had delivered a short, well-organized statement. In so doing, these attorney speakers were anticipating the advice they would receive in the training before their second taping. Making a statement allows the speaker to organize the communication not only for his or her own end, but to more clearly provide the necessary information to the reporter and ultimate audience.

But many of the attorneys who simply responded to questions also sounded organized because they effectively invoked one of several strategies. Some speakers, like 233AAF, answered questions in a consistent pattern of claim/supporting fact/restate claim. Not only did this formula generate answers that were individually well-organized, but it also created a rhythm that suggested an over-arching scheme. Attorney speaker 241AAF accomplished something similar by connecting his isolated answers to one another with phrases like “first, second, thirdly”

Other speakers, such as 233AAF and 232AAF, took the opportunity at the end of their questions to overview what they had discussed. In so doing, they were able to create a sense of belated organization for the reporter. One rater noted the lawyer’s approach and encouraged more: “The theme is ‘concern with workers’; open with it and refer to it during. Don’t just close with it.” (200AAG)

Last, some attorney speakers maintained a sense of organization by avoiding topics not material to the crisis at hand. Attorney speakers did not hesitate to refuse to comment on extraneous topics. For example, when asked to comment on Enron, attorney speaker 192AAP simply said he had no comment; when asked if the ERF also burned down a ski lodge in Vail, attorney speaker 202AAG says, "I have no information on that." When attorneys did answer off-topic questions, they called attention to their lack of relevance. Speaker 233AAF is asked if Jackson has the financial wherewithal to regroup and answers:

> A: "We'll be getting information out to the financial community and our investors about our insurance levels and our plans to rebuild. But that is really a secondary concern at this point . . . "

So lawyers used a number of techniques to give form to their conversation with reporters and, when they accomplished it, raters responded with positive evaluations of "organization." This seems to suggest that the public expects a certain comprehensive narrative in crisis coverage, with the viewer rewarding the spokesperson for organizing the event. Of course, in a real crisis the media bear a lot of the responsibility for editing and refining the coverage. Indeed, one limitation of Investigation One is that raters were responding to unmediated statements.

On the other hand, perhaps the lawyers studied here suggest a strategy for spokespeople to gain the upper-hand with the reporters and viewers: if the spokesperson organizes his or her communication, he or she gains points with the audience. Moreover, perhaps the journalist edits the statement less completely. Perhaps well-organized statements retain their "integrity" through the media and then for the ultimate viewer or reader. Not only might that reduce the incidence of being "misquoted," but it would

allow the spokesperson to retain greater control over the facts presented as well as their characterization. This certainly serves the spokesperson's ends but also the ends of the public. After all, the spokesperson typically has the most comprehensive set of facts. Whether or not organized statements remain intact, and with what effect, are questions pursued in this dissertation in Study Three.

Leveraging off other preparation

The attorney-spokespeople were excellent at referring reporters to other sources of information. Thus, even when they weren't themselves prepared, the lawyers were prepared to be information brokers. In some cases, the information was already readily available in some other location. For example, when asked about Jackson's revenues (information not provided to the participants), speaker 244AAF said, "I don't have all of that information in front of me, but it is available in our public securities filings." When asked about the same issue, attorney speaker 192AAP said, "I would refer you to our filing with the Securities and Exchange Commission." When asked about the nature of Jackson's EPA fines, speaker 244AAF responded, "That is a matter of public record."

Attorneys also leveraged the other players in the crisis events by pointing out when a reporter's question would be better directed at someone else. For example, when speaker 243AAF was asked about how a security breach could have happened, he answered "I would certainly address that question to the FBI. They are certainly better equipped to provide that sort of information." Speaker 244AAF also pointed to the FBI when asked about the ERF, the terrorist group claiming responsibility for the fire:

> A: "I cannot comment on the ERF. We have provided all the information we have to the FBI and we are deferring all questions about the investigation to them. . . . I am in no place to comment on the reasons

> behind an attack like this one. Again, all of those questions need to go to the FBI."

Other sources were cited, as well. For example, when asked if the community needed to be evacuated, 202AAG responded that "the fire department will make those assessments; the local police department will enact that process. . . ."

Taken together, this approach suggests that lawyers understand that being prepared in a crisis isn't about knowing all the answers but, at least in some cases, knowing who does. Perhaps this strategy is born from a graduate education that specifies its content areas quite carefully. Said differently, knowing the law in its specificity is valuable to a lawyer, but so too is understanding that he or she is not expert in other realms of knowledge. Perhaps a lawyer understands better than a communication professional that there are specialists in all things and that, many times, one is better advised to find a specialist than to try to manage the available information independently.

Preparation was substantive, not delivery

A last reason why attorneys garnered high marks for "preparation" is more subtle but perhaps most important. Raters' evaluation of speakers' preparation was always tied to speakers' knowledge of facts; raters never commented positively about "preparation" in reference to speakers' use of language, voice, demeanor, etc. In fact, when delivery seemed honed in advance, raters were often critical, calling those speakers, among other things, "rehearsed" (100AAW), "smooth" (241AAF), "slick" (192AAP). Said differently, it appears that raters distinguished form from substance and clearly preferred that spokespeople perfect the former, not the latter.

It is not news that people often prefer a delivery style than seems natural, unrehearsed, and unscripted. College speech teachers coach new speakers to speak extemporaneously because it sounds more natural than delivery-cum-manuscript. Experienced speakers appreciate the appeal of "naturalness," too, and thus annals of great orations are filled with texts in which the speaker makes a point -- a very scripted point, mind you -- to underline their own lack of preparation or rehearsal, etc. As just one example, consider how Marc Anthony concluded his famous funeral oration:

> . . . Good friends, sweet friends, let me not stir you up
> To such a sudden flood of mutiny.
> They that have done this deed are honourable:
> What private griefs they have, alas, I know not,
> That made them do it: they are wise and honourable,
> And will, no doubt, with reasons answer you.
> I come not, friends, to steal away your hearts:
> ***I am no orator, as Brutus is;***
> ***But, as you know me all, a plain blunt man,***
> ***That love my friend; and that they know full well***
> ***That gave me public leave to speak of him:***
> ***For I have neither wit, nor words, nor worth,***
> ***Action, nor utterance, nor the power of speech,***
> ***To stir men's blood: I only speak right on;***
> I tell you that which you yourselves do know;
> Show you sweet Caesar's wounds, poor poor dumb mouths,
> And bid them speak for me: but were I Brutus,

And Brutus Antony, there were an Antony
Would ruffle up your spirits and put a tongue
In every wound of Caesar that should move
The stones of Rome to rise and mutiny.

Perhaps it is not surprising that audiences generally prefer speech delivery skills that are natural or transparent rather than obvious. But why is this the case? While a full exploration of the question is surely beyond the scope of this project, a few explanations seem useful. First, people generally believe in and, in fact, seem to prefer a world in which both content and sincerity drive form: "When I know my subject, I deliver it well"; "When I believe in what I am saying, I deliver it well." Said differently, at some level many people believe that being truthful or being sincere makes something beautiful as well. Perhaps to reward form separately from content would be to challenge this established order by suggesting that maybe form itself was sometimes the driver.

Moreover, people seem to believe that form is secondary to content -- an added bonus when one has the time to be poetic. Bourdieu (1987) explored this philosophical point at length, arguing that the social value of "style" in all things, including communication, is explained by our esteem for those who have the resources to do the extra work style requires. For one to exhibit communication style, he argued, is to reveal that one is speaking beyond the pull of necessity. We may applaud obvious devices of style in some speech situations -- a state of the union address, a retirement roast. Yet in most speech circumstances the speaker ought not take time or resources away from what is really necessary. If this is true, certainly crisis communication are included in the "only things necessary" pile, and obvious devices of style should be eliminated.

Whatever explains the raters' seeming preference for a natural style of delivery, the attorney-speakers achieved it better than did the communication professionals. This makes sense. After all, attorneys are rewarded for substantive knowledge and, thereby, develop delivery skills that are less likely to detract from that legal knowledge. Communication professionals, on the other hand, are in the business of language. The results of this study suggest that communication professionals may err by calling attention to a rehearsed or prepared delivery style, a style that becomes especially inappropriate in a crisis setting.

Conclusion of Investigation One: What this tells us about crisis communication

Investigation One, the subject of this chapter, is part of a larger project seeking to determine how instruction can affect lawyers when speaking to the public about crisis events. This part of the project responds to the existing research suggesting that attorneys are uniquely inept when speaking to external, non-legal audiences. Investigation One employed university speech teachers to evaluate attorney-speakers giving un-coached crisis statements. Speech teachers evaluated attorneys both qualitatively and quantitatively, and ultimately judged the attorneys better than communication professionals on almost all measures. The researcher then reviewed the attorneys' taped segments to discern the specific strategies the attorneys used to garner the positive ratings. All together, Investigation One offers useful lessons for three constituencies: those who plan for crisis communications, crisis spokespeople themselves, and those who study public understandings of emergency situations.

To those at organizations tasked with preparing for crisis events, Investigation One suggests a vital preliminary point. All spokespeople are not created equal: certain populations have better innate crisis communication skills than do others. Due to

professional training and experience, attorneys, in particular, bring bounties to the table. And given the public's seeming preference for substance over form, communication professionals may risk being too distinctive in style and not focused enough on the crisis facts. Perhaps, then, attorneys could effectively play a more visible and more direct role in crisis communications.

Also, those preparing for crisis events can take advantage of the notion of "foundational speech skills." Recall that foundational speech skills are those that are useful not because the audience looks for (or even notices) them, but because these skills prompt other important appraisals. For example, this study suggests that if a speaker learns "control," he or she will seem more informed; if a speaker learns delivery skills, he or she will seem more prepared. Those preparing for crisis communications can better prepare their spokespeople if they understand that speech strategies sometimes garner different appraisals one would expect at first glance.

To crisis spokespeople, Investigation One offers specific guidance. First, spokespeople must articulate all available facts for the media, even when they are facts of seemingly limited value. Second, the spokesperson must help the audience understand the nature of crisis events by explaining why the spokesperson doesn't know everything and also by organizing the communicated message into a comprehensive whole. Third, spokespeople must have the confidence to articulate what they know from the very start of the interview so as to maintain consistency throughout. Fourth, spokespeople must learn what other players and resources are available to the media during a crisis, both to stay focused in their own work and also to assist the media in gathering additional information.

To those interested in public understandings of crisis events, Investigation One suggests two things. First, the results of this study seem to underline substance/form

dichotomy, with a strong audience preference for preparation in substance. That isn't to say that speakers' delivery doesn't matter in crisis events. Rather, it is to suggest that the public expects a natural "grace under pressure" rather than visible delivery preparation during crisis events. Moreover, this study suggests that the public evaluates crisis communications on its face, not focusing on underlying practical issues such a control or speaker anxiety. All this seems to reveal that the audience is not particularly interested in how crisis communication comes to be. In fact, when speakers reveal the manner in which they have prepared, the audience naturally recoils. Future research might explore what community psychology explains this collective mindset.

CHAPTER FIVE:

INVESTIGATION TWO – IMPACT OF TRAINING ON CRISIS COMMUNICATION

I. Introduction

Investigation One revealed that lawyers approach crisis communications in a distinct manner. Attorneys are excellent fact-managers, among other things, and they know when questions are best answered by other experts or at a later time. They usefully educate audiences about the nature of crisis events by explaining timelines and circumstances. And even when someone else is asking the questions, many times their answers create an elegant overall structure and comprehensive form. Simply put, left to their own devices, lawyers are distinctive crisis communicators and, in many respects, that distinction accrues to their advantage.

But crisis communicators are rarely left to their own devices. Crisis communicators should receive guidance on how to communicate in emergencies and, at large organizations, they usually do. This chapter reviews Investigation Two which, rather than focusing on what lawyers bring with them to the table, examined how a training intervention affects lawyers' crisis communication. In light of a faint literature on the impact of communication instruction, this chapter asks:

> *Investigation Two - R2. What is the instructional effect of crisis communication training on attorney spokespersons?*

II. Method

A. Sample

The data for Investigation Two was collected at the same time as that for Investigation One, using largely the same method. In review, the trainer conducted 23 five-hour crisis communication training sessions at four different organizations. The participant population included 31 attorneys representing four different organizations and three different industries. The participant population also included eight communication professionals.

The trainer videotaped each participant delivering a crisis statement on two occassions: both before and after the training session. After all the participants were taped, the trainer produced 24 VHS tapes, each of which contained 8 – 10 statements, as described in Chapter Three. The trainer distributed the edited VHS tapes to assistant instructors of speech communication who were retained to provide both qualitative and quantitative evaluations.

B. Instrumentation

Raters evaluated segments using the same instrument described in Chapter Four. In review, the instrument assessed 20 specific items on a unidimensional scale (one-to-five) as well as an overall item on the same unidimensional scale (one-to-five). Raters also evaluated the segments qualitatively by (A) providing three words to describe the speaker and (B) responding to the following statement: "If this speaker were in a public communication class you were teaching, you'd give him or her this piece of advice . . ."

To evaluate the quantitative data, the trainer made several comparisons. First, the trainer compared mean evaluations on the attorney population *before* training to the mean evaluations of the attorney population *after* training on each quantitative item on the

instrument. Second, the trainer compared the attorney mean evaluations before and after training according to industry: energy company to government to law firm. Third, the trainer compared all of these attorney mean evaluations to mean evaluations of communication professionals before and after training. Last, the trainer also compared the relative mean improvements scores of each group. To interpret the findings, the trainer herself also assessed each of the video segments.

III. Results

A. Training has a specific impact: it improves attorneys' crisis communication skills in several distinct ways. It compromises crisis communication skills in one specific way, as well.

Figure 5.1 shows the average ratings (and standard deviations) before training and after training on each of the 21 quantitative measures. Based on these data, after training, attorneys were evaluated more favorably on 15 of 20 specific items: *Credible, In control, Truthful, Less nervous, Smart, Communicative, Caring, Organized, Knowledgeable, Intelligent, Not flustered, Compassionate, Good spokesperson, Didn't lose control,* and *Confident (*more highly with a measure of significance on *Control, Communicator, organization, knowledgeable, good spokesperson).* Moreover, after training, attorneys were rated higher, with a measure of significance, on the "overall effectiveness" item. After training, however, attorneys were rated lower on five specific measures: *telling all that they know, responsiveness, trying to work with the media, honesty, hiding something* (lower with a measure of significance on *Telling all he or she knows, responsiveness,* and *trying to work with the media).*

Figure 5.1

Mean rating by speech teachers

All attorneys before training vs. after training

Credibility

Time	Population	Mean	Standard dev	
Cred1	All Attorneys	3.4086	.5558	31
Cred2	All Attorneys	3.5806	.6775	31

Control

Time	Population	Mean	Standard dev	N
Ctrl1	All Attorneys	3.1828	.7141	31
Ctrl2	All Attorneys	3.6935	.7889	31

Significant main effect for training $F(1, 28) = 10.449$, $p = .003$, $eta^2 = .27$.

Truthfulness

Time	Population	Mean	Standard dev	N
Truth1	All Attorneys	3.5323	.5382	31
Truth2	All Attorneys	3.6183	.4497	31

Nervous (recoded)

Time	Population	Mean	Standard dev	N
Nerv1	All Attorneys	2.8925	.8709	31
Nerv2	All Attorneys	2.9570	.8377	31

Telling all that s/he knows

Time	Population	Mean	Standard dev	N
Tell1	All Attorneys	3.2366	.6277	31
Tell2	All Attorneys	2.7581	.5232	31

Significant main effect for training $F(1, 28) = 9.47$, $p = .005$, $eta^2 = .25$.

Being Smart

Time	Population	Mean	Standard dev	N
Smart1	All Attorneys	3.4140	.5787	31
Smart2	All Attorneys	3.6022	.6522	31

Communicativeness

Time	Population	Mean	Standard dev	N
Comm1	All Attorneys	3.2419	.5372	31
Comm2	All Attorneys	3.4247	.6963	31

Significant main effect for training $F(1, 28) = 3.94$, $p = .057$, $eta^2 = .12$.

Responsiveness

Time	Population	Mean	Standard dev	N
Respon1	All Attorneys	3.8333	.5869	31
Respon2	All Attorneys	3.0591	.9723	31

Significant main effects for training $F(1, 28) = 21.40$, $p = .000$, $eta^2 = .43$

Care

Time	Population	Mean	Standard dev	N
Care1	All Attorneys	3.3978	.7706	31
Care2	All Attorneys	3.4086	.7827	31

Organization

Time	Population	Mean	Standard dev	N
Org1	All Attorneys	3.1774	.7213	31
Org2	All Attorneys	3.5968	.7979	31

Significant main effect for training $F(1, 28) = 8.68$, $p = .006$, $eta^2 = .24$.

Knowledge

Time	Population	Mean	Standard dev	N
Know1	All Attorneys	3.2419	.6664	31
Know2	All Attorneys	3.5376	.7598	31

Significant main effect for training $F(1, 28) = 5.17$, $p = .031$, $eta^2 = .16$.

Intelligent

Time	Population	Mean	Standard dev	N
Intell1	All Attorneys	3.4624	.5817	31
Intell2	All Attorneys	3.6344	.6575	31

Trying to work with media

Time	Population	Mean	Standard dev	N
Try1	All Attorneys	3.7634	.5850	31
Try2	All Attorneys	3.2742	.9355	31

Significant negative main effects for training $F(1, 28) = 6.06$, $p = .020$, $eta^2 = .18$.

Flustered/disorganized (recoded)

Time	Population	Mean	Standard dev	N
Fluster1	All Attorneys	3.3495	.7257	31
Fluster2	All Attorneys	3.5430	.8210	31

Compassionate

Time	Population	Mean	Standard dev	N
Comp1	All Attorneys	3.1022	.7337	31
Comp2	All Attorneys	3.1774	.6338	31

Honest

Time	Population	Mean	Standard dev	N
Hon1	All Attorneys	3.5538	.5007	31
Hon2	All Attorneys	3.4839	.5953	31

Good spokesperson

Time	Population	Mean	Standard dev	N
GdSpoke1	All Attorneys	3.0806	.7636	31
GdSpoke2	All Attorneys	3.3172	.8282	31

Significant main effect for training $F(1, 28) = 5.13$, $p = .031$, $eta^2 = .16$.

Hiding something (recoded)

Time	Population	Mean	Standard dev	N
Hiding1	All Attorneys	3.2634	.5897	31
Hiding2	All Attorneys	3.0430	.6925	31

Lost control (recoded)

Time	Population	Mean	Standard dev	N
LstCtrl1	All Attorneys	3.5161	.6531	31
LstCtrl2	All Attorneys	3.7849	.9008	31

Confidence

Time	Population	Mean	Standard dev	N
Conf1	All Attorneys	3.1237	.7958	31
Conf2	All Attorneys	3.3172	.7333	31

Overall Evaluation

Time	Population	Mean	Standard dev	N
Over1	All Attorneys	3.0591	.6215	31
Over2	All Attorneys	3.3710	.7932	31

Significant main effects for training $F(1, 28) = 13.07$, $p = .001$, $eta^2 = .32$.

B. Training makes lawyers as effective as communication professionals – if not better – at delivering crisis communication.

Figure 5.2, below, compares the average ratings (and standard deviations) of all attorneys and communication specialists after training. Based on these data, after training, lawyers outperformed the communication specialists on 12 of the 20 specific items: *Credible, In control, Truthful, Less nervous, Telling all they knew, Caring, Communicative, Responsive, Trying to work with the media, Compassionate, Honest, Good spokesperson,* and *Not hiding something*. Moreover, after training, attorneys were rated higher than communication specialists on the overall item.

Figure 5.2

Mean rating by speech teachers

All attorneys vs. communication professionals after training

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Cred2	Attorney	31	3.5806	.6775	.1217
	Not Attorney	8	3.5000	.7127	.2520
Ctrl2	Attorney	31	3.6935	.7889	.1417
	Not Attorney	8	3.5417	1.1538	.4079
Truth2	Attorney	31	3.6183	.4497	8.076E-02
	Not Attorney	8	3.5000	.5345	.1890
Nerv2	Attorney	31	2.9570	.8377	.1505
	Not Attorney	8	2.7500	.7071	.2500
Tell2	Attorney	31	2.7581	.5232	9.398E-02
	Not Attorney	8	2.3750	.9161	.3239

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Smart2	Attorney	31	3.6022	.6522	.1171
	Not Attorney	8	3.6250	.5756	.2035
Comm2	Attorney	31	3.4247	.6963	.1251
	Not Attorney	8	3.0833	.8864	.3134
Respon2	Attorney	31	3.0591	.9723	.1746
	Not Attorney	8	2.5833	1.1513	.4070
Care2	Attorney	31	3.4086	.7827	.1406
	Not Attorney	8	3.4167	.7507	.2654
Org2	Attorney	31	3.5968	.7979	.1433
	Not Attorney	8	3.7083	.7001	.2475
Know2	Attorney	31	3.5376	.7598	.1365
	Not Attorney	8	3.5417	.7754	.2741
Intell2	Attorney	31	3.6344	.6575	.1181
	Not Attorney	8	3.7500	.5270	.1863

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Try2	Attorney	31	3.2742	.9355	.1680
	Not Attorney	8	2.5833	1.0653	.3766
Fluster2	Attorney	31	3.5430	.8210	.1475
	Not Attorney	8	3.6667	.9258	.3273
Comp2	Attorney	31	3.1774	.6338	.1138
	Not Attorney	8	2.9167	.5842	.2065
Hon2	Attorney	31	3.4839	.5953	.1069
	Not Attorney	8	3.3333	.5345	.1890
GdSpoke2	Attorney	31	3.3172	.8282	.1487
	Not Attorney	8	3.0833	.8683	.3070
Hiding2	Attorney	31	3.0430	.6925	.1244
	Not Attorney	8	2.8750	.6156	.2176
LstCtrl2	Attorney	31	3.7849	.9008	.1618
	Not Attorney	8	3.8333	.9258	.3273

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Conf2	Attorney	31	3.3172	.7333	.1317
	Not Attorney	8	3.3750	.9501	.3359
Over2	Attorney	31	3.3710	.7932	.1425
	Not Attorney	8	3.2083	.5327	.1883
INDEX1	Attorney	31	66.7742	8.0732	1.4500
	Not Attorney	8	61.9167	16.8982	5.9744
INDEX2	Attorney	31	67.8118	11.3553	2.0395
	Not Attorney	8	65.0417	12.2260	4.3225

The findings above represent the evaluations of lawyers across all employers: energy company, government and law firm. Lawyers at law firms responded especially well to training. Figure 5.3, below, compares the average ratings (and standard deviations) of attorneys employed at law firms to communication specialists, again after training. Based on these data, after training, law firm lawyers outperformed the communication specialists on all 20 specific items as well as the overall item.

Figure 5.3

Mean Rating by Speech Teachers

Firm Attorneys vs. PR Professionals

After Training

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Cred2	Firm Attorney	9	3.8889	.5270	.1757
	PR Pro	8	3.5000	.7127	.2520
Ctrl2	Firm Attorney	9	3.9259	.3643	.1214
	PR Pro	8	3.5417	1.1538	.4079
Truth2	Firm Attorney	9	3.6667	.4082	.1361
	PR Pro	8	3.5000	.5345	.1890
Nerv2	Firm Attorney	9	3.3333	.4082	.1361
	PR Pro	8	2.7500	.7071	.2500
Tell2	Firm Attorney	9	2.8889	.3727	.1242
	PR Pro	8	2.3750	.9161	.3239
Smart2	Firm Attorney	9	3.8889	.4410	.1470
	PR Pro	8	3.6250	.5756	.2035

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Comm2	Firm Attorney	9	3.7407	.2778	9.259E-02
	PR Pro	8	3.0833	.8864	.3134
Respon2	**Firm Attorney**	**9**	**3.8889**	.3727	.1242
	PR Pro	**8**	**2.5833**	1.1513	.4070
Care2	Firm Attorney	9	3.5556	.8165	.2722
	PR Pro	8	3.4167	.7507	.2654
Org2	Firm Attorney	9	4.2222	.3727	.1242
	PR Pro	8	3.7083	.7001	.2475
Know2	Firm Attorney	9	3.8333	.5893	.1964
	PR Pro	8	3.5417	.7754	.2741
Intell2	Firm Attorney	9	3.9259	.5472	.1824
	PR Pro	8	3.7500	.5270	.1863
Try2	**Firm Attorney**	**9**	**4.1111**	.4410	.1470
	PR Pro	**8**	**2.5833**	1.0653	.3766
Fluster2	Firm Attorney	9	4.0370	.2003	6.677E-02
	PR Pro	8	3.6667	.9258	.3273

	Speaker's Profession	N	Mean	Std. Deviation	Std. Error Mean
Comp2	Firm Attorney	9	3.2593	.6827	.2276
	PR Pro	8	2.9167	.5842	.2065
Hon2	Firm Attorney	9	3.5926	.5720	.1907
	PR Pro	8	3.3333	.5345	.1890
GdSpoke2	Firm Attorney	9	3.7778	.6009	.2003
	PR Pro	8	3.0833	.8683	.3070
Hiding2	Firm Attorney	9	3.1852	.4747	.1582
	PR Pro	8	2.8750	.6156	.2176
LstCtrl2	Firm Attorney	9	4.4444	.3333	.1111
	PR Pro	8	3.8333	.9258	.3273
Conf2	Firm Attorney	9	3.6296	.3514	.1171
	PR Pro	8	3.3750	.9501	.3359
Over2	**Firm Attorney**	**9**	**3.8519**	.3379	.1126
	PR Pro	**8**	**3.2083**	.5327	.1883

In addition, Figure 5.4, below compares the relative ***improvement*** of firm lawyers to communication professionals for each variable after the subjects had gone through the training. These data were drawn by comparing the mean evaluations on each variable before training to evaluations after training. For example, looking at credibility, law firm lawyers scored 3.11 before training and 3.89 after training, giving them an improvement of .78. Based on these data, firm attorneys showed more relative improvement on every specific item as well as on the overall item. Moreover, firm lawyers demonstrated significant improvement on 13 of 20 variables as well as the overall item.

Figure 5.4

Mean evaluations by speech teachers – improvement

Firm attorneys vs. communication professionals

	Firm Attorneys (N=9)	**PR Professionals (N=8)**
Credibility	**.78**	.33
In Control	**.74**	.58
Truthful	.30	.04
Nervous	.44	.25
Telling all s/he knows	-.37	-.54
Smart	**.59**	.29
Communicative	**.74**	.17

Responsive	.13	**-.88**
Caring	.56	.25
Organized	**1.41**	**.92**
Knowledgeable	**.94**	.29
Intelligent	**.67**	.38
Trying	**.56**	**-1.08**
Flustered	**.96**	**.83**
Compassionate	.33	.04
Honest	.19	-.04
Good Spokesperson	**1.04**	.42
Hiding	-.07	-.54
Lost Control	**.96**	.88
Confident	**.78**	.54
Overall	**1.07**	.50

IV. Discussion

Investigation Two found that, after training, lawyer-spokespeople performed crisis communications differently than before training. In most respects – but not all – attorneys' post-training communications were appraised more highly than they were before training. Moreover, after training, lawyer-spokespersons were appraised more highly than communication specialists on the majority of items. In particular, following training, lawyers employed at a law firm improved dramatically to outperform other types of lawyers as well as communication specialists on all measures.

What did these lawyer-spokespersons learn from the training intervention that prompted these different and generally much more positive evaluations? In some cases, the lawyers learned what the trainer intended, and findings of this sort provide new, specific evidence of instructional effectiveness. In some cases, however, spokespersons could have performed better with additional instruction. Indeed, in at least one arena, the training intervention actually compromised speakers' performances.

Taken together, this discussion section suggests that a crisis training intervention is an effective tool for learning a certain, discrete set of communication skills, and this learning can be measured and reported. In addition, crisis communication training as commonly conducted can be enhanced and modified to achieve even better results on the improved criteria and to achieve other specific ends. While the findings above are rich and could take many directions, this chapter's discussion will focus on three key points suggested by the data.

Why, after training, were attorneys significantly more organized, knowledgeable and in control?

After training, university speech communication teachers appraised attorneys higher on all the criteria related to organization, control and knowledge. Attorney-speakers were evaluated higher with a measure of significance on the quantitative data for each of these specific criteria: *CONTROL* (mean T1= 3.1828; mean T2=3.6935), $F(1, 28) = 10.449$, $p = .003$, $eta^2 = .27$; ORGANIZATION (mean T1 = 3.1774; mean T2 3.5968), $F(1, 28) = 8.68$, $p = .006$, $eta^2 = .24$; KNOWLEDGEABLE (mean T1 = 3.2419; mean T2 = 3.5376), $F(1, 28) = 5.17$, $p = .031$, $eta^2 = .16$. In addition, attorneys were also evaluated higher (but shy of statistical significance) on the quantitative data for CREDIBLE, TRUTHFUL, SMART, INTELLIGENT, and DIDN'T LOSE CONTROL. In the

qualitative portion of the questionnaire, raters also described attorneys as relatively more organized, controlled and knowledgeable after training.

These improved scores on items related to organization, control and knowledge are perhaps the strongest findings of the study. But what did attorneys learn during training that generated these results? Reviewing video segments of these speakers, it becomes clear that, after training, many attorneys adopted certain distinct strategies that improved their evaluations on measures of organization, control and knowledgeableness: they managed the speech format, made explicit the speaker's focus on fact, and emphasized their own first-hand experience with the crisis.

Manage the speech format

During training, participants were instructed to set ground-rules, or manage the format, for how information would be provided to the media. The trainer instructed participants to be direct about such format guidelines, telling the media explicitly what format their information would take (i.e., "lecture-style" briefing or statement), whether or not the speaker would take questions, the framework for questions -- if any -- and how further information would be provided.

Managing the speech format is vital given the particular nature of crisis communications. Too often, crisis speakers entirely forfeit control over format and simply show up to answer questions from the media. Indeed, this is what almost all of the study participants did in their pre-training statement. Yet in most crisis scenarios, the media have very little information on the underlying crisis events. After all, the crisis has just happened and, moreover, following a crisis, editors may not wait for the reporter with useful expertise but simply assign the nearest person. Thus, disseminating

information in response to reporter questions is to allow the relatively less-informed party to determine what is being discussed.

All of this is made more difficult because the crisis speech format is typically contested. That is, the media will not easily concede their own lack of expertise. Moreover, the rules of the game in this sort of coverage do change from crisis to crisis: the reporter may recall experiences in which a novice or untrained crisis spokesperson simply answered reporters' questions, and given the amount of information the reporter collected turned entirely on how aggressively he or she questioned the spokesperson. Thus, reporters usually try to dictate the format of crisis communication via traditional "questions and answers."

Against this backdrop, the crisis speaker may feel the urge to be especially cooperative and, thus, submissive. The speaker may lack spokesperson experience; after all, crises are by their nature not regular events. In addition, the speaker may be flustered knowing that his or her knowledge is incomplete, and the speaker may also feel uneasy about any unfortunate facts related to the event. Moreover, attorneys are more familiar with highly circumscribed speech settings – courtrooms, hearings, etc. -- where the rules for communication are fixed by custom or even law and, thus, may not realize that he or she can challenge the reporters' format. This combination can be disastrous: the attorney spokesperson is far more competent to control the format of the communication, but, for many reasons, far less confident about doing just that.

Following training, however, attorney speakers largely overcame these pressures. Many attorney speakers opened their statements by directly announcing what the format would be. The first few lines by speaker 220BAG are representative: "I am here to make a brief statement, and I will not be taking questions at this time. I will provide you,

though, with ***all*** the information I know up to this point." Or consider the opening by Speaker 213BAG:

Before we start – is everyone ready? – I am [name and title]. I will also be the media contact person. I will read a statement as well as distribute written materials. I will take no questions. Our next briefing will be at 3 pm and we will take your questions at that time. Okay . . . .

Attorney-speakers also often concluded with additional instruction about format. Many times, it was simply to signal that the statement/lecture portion of the exchange was over and that questioning could begin. For example, speaker 201BAG concluded her statement by saying "At this time, I will answer any questions that you have." Also, at the end of their presentations, attorney-speakers did a good job of signaling how the reporters could get further information. Speaker 200BAG ends by saying ". . . . I will come back in 30 minutes to update you again . . . ."; Other speakers, like 202BAG, directed the press about additional or on-going communications earlier in their statements with the following: "I have been asked by the general counsel to act as the press contact, so feel free to reach me as you need to . . ."

In many cases, the speaker had to assert his or her format against the desire of the media. The trainer (role-playing the media) tried to control the event by asking persistent questions. For example, when 201BAG walked into the room, the trainer began asking questions before she began speaking. Yet the speaker cut these short immediately: "Before I answer any of your questions, I will make a brief statement." Speaker 200BAG refused to be interrupted by questions, quieting the media three different times. Responding to the third question, she explained "I appreciate that there is a lot of information about which you may have questions. Let me finish giving you what I know, and I promise that I will take time to answer questions at the end."

Altogether, then, after training attorney-speakers managed the speech format well and this seems to have, at least in part, improved evaluations of their control, organization and knowledge. It is not surprising that the participants made significant changes on this particular skill. Without instruction about managing the speech format, for all the reasons discussed above, crisis speakers may easily reify the speech event, assuming that if one is asked questions it is one's formal obligation to respond. Simply giving speakers the license to manage the format appears to have been enough to generally produce the change in skill sought by the trainer.

Make fact-basis explicit

During training, the trainer instructed participants to call attention to the factual nature of the information they were presenting by using the terms "fact," "hard information," or similar terms whenever possible. This appeared strategic for several reasons: First, the trainer hypothesized that characterizing the speaker's information as "fact" would boost evaluations of the speaker on criteria related to credibility, knowledge and intelligence. Second, the trainer believed that it would discourage reporters from asking questions that required speculation or, at least, make reporters more favorably disposed to the speaker when he or she declined to speculate. Third, the trainer believed that labeling information as fact would require the speakers to differentiate their casual opinions from those that could be verified.

Following training, attorneys did a good job of characterizing their information in this way. In many cases, attorney-speakers used "fact" or similar terms in a straight-forward manner: " . . . I will tell you all the facts I know to date . . . . (Speaker 201BAG) or " . . . I have been asked to give you all of the facts we know. . . ." (Speaker 200BAG) or "I will tell you what we know at this time. . . ." (Speaker 241BAF) or "My job is to

give you as much information as we can, as I have, about what has happened. . . ." (Speaker 133BAP). Speaker 152BAW underlined the fact-basis of his statement as bookends to the beginning and the end of his statement by opening with " . . . The facts as we know them at this time are . . ." and closing with, ". . . These are the facts that we have at this time."

In some cases, speakers relied on such "fact labels" to explain why they couldn't yet answer a question. For example, when asked about how the fire might have happened, Speaker 202BAG responds: "Jackson is involved in the [FBI] investigation. Once we know what the cause [of the fire] is we will certainly fill you in on that fact . . . ." When asked about the status of injured workers, he says "As soon as we have any hard information, we will pass it on."

It is not surprising that the attorney-participants were especially receptive to characterizing their information as "fact." First, as discussed in chapter four, even before training the attorneys were good at identifying facts and using them in their statements. Thus, there was little issue in the training intervention to explain the preliminary distinction of fact versus opinion or interpretation. Moreover, in the specialized language of the law, lawyers are accustomed to categories of information: hearsay, admissible, binding – all these are important labels for the information that an attorney might choose in other settings. Taken together, the attorneys came to the training session already making choices to use fact and could also draw upon their past experience in labeling their communications. As a result, this skill was easy to adopt in the crisis setting.

Emphasize first-hand experience

In the training intervention, the trainer instructed speakers to reference their personal role in the crisis response by explaining how long they had been on-site as well

as what their role in the investigation or communication would be. The trainer believed that this first-hand information would be useful no matter what the speaker's personal timeline and role really was. If the speaker had been on-site for a long time and would have a significant role in the on-going events, this information would seem to bolster his or her credibility as well as the veracity of the information provided. On the other hand, knowing that the speaker had more recently arrived on the scene or would have discrete responsibilities (i.e., contact for the media) seemed to offer some justification as to why the speaker might have incomplete information. Either way, the trainer reasoned that asking the speaker to clarify his or her personal role would bolster appraisals of organization, knowledge and control.

Moreover, the trainer hypothesized that the media, as well as the public, expects crisis spokespeople to represent -- indeed "embody" -- the crisis in a very personal way. When the media, and ultimately the public, attacked Exxon for how it handled the Alaskan oil spill, a significant part of the problem was that the designated spokesperson refused to be personally invested in the tragedy. Consider again an exchange during a live CBS interview on May 1, 1987 with Exxon's then Chairman and CEO, Lawrence Rawls about the company's clean-up plan. About a minute into the interview, the reporter tried to clarify Rawls' role in the clean-up plan:

> Q: . . . You want permission, I understand, to burn some of the sludge which would circumvent some of the environmental laws. Is that correct?
>
> A: As I just indicated, I don't have all the details . . . I'm not really familiar with the plan, however.
>
> Q: Why aren't you familiar with the plan?

> A: Well, it was just completed. Obviously, there has been some misunderstanding of what the Chairman of a worldwide corporation does. One of the things you don't do is read every technical plan. . .
>
> Q: Your company is facing somewhat of a PR disaster. You have a boycott now going on against your company. Shouldn't the Chairman be involved in decisions in cleaning up the Valdez spill?
>
> A: The Chairman has been involved in all the decisions that have occurred. But looking at a plan that is many, many pages thick, a highly technical plan, which has evolved through negotiations with eight or more government agencies -- that is really not the Chairman's role in this regard.

After Rawls distances himself from the facts, the reporter addresses his role directly:

> Q: Mr. Rawls, in the Gulf of Valdez right now, you must look at the pictures and you see the environmental disaster that has been caused by your oil company. You have dead otters, you have what many people say -- including the head of NOAH -- this cannot possible be cleaned up. When you look at those pictures, don't you say "I am at fault," "This is my fault"?
>
> A: Me, personally? . . .

Based on the errors that the trainer had diagnosed in real crises handled in a manner similar to the Valdez spill as well as her other hypotheses about the added strategy of using first-person explanations, the trainer instructed participants to underline their personal role when responding.

Following training, attorney speakers did a good job of explaining their first-hand involvement in the crisis. Statements were typically straight-forward: 220BAG "I arrived on site this morning . . . ." (Speaker 220BAG); "I was here yesterday when the

fire broke out . . . " (Speaker 202BAG). Speakers also spoke about what their personal role would be going forward: "I have been asked by the general counsel to act as the press contact. . . ." (Speaker 202BAG) In addition, some speakers created opportunities to tie themselves to the event in other ways. For example, Speaker 242BAF uses the first person to describe the damages of the fire " . . . Four of *my* colleagues were injured . . . "

Instructing the attorney-participants to speak about their first-hand involvement in the response appears to have been important. Much of the time, business or professional communicators are dissuaded from speaking personally and, instead, adopt an organizational or institutional tone. Despite writing manuals decrying the problems with nominalization and passive constructions, such phrasings of an institutional voice are all too tempting. Moreover, Tiersma (1999) identifies "impersonal constructions," including the use of the third person, as characteristic of legal language. Yet, with discrete, specific instruction, the participants effectively overcame this sort of familiar but more distanced tone and began to speak as themselves.

Why, after training, were attorneys more caring and compassionate?

The literature on crisis communication suggests that compassion is the most important element for a speaker to embody. Four studies have evaluated the importance of an organization demonstrating compassion in its communications following a crisis. Coombs (1999), Coombs & Holladay (1996) and Siomkos & Shrivastava (1993) all found that articulating compassion after a crisis improved an organization's reputation and also had other positive effects. More specifically, Marcus & Goodman (1991) found that compassion impacted stock price positively following a scandal or other "transgressive" catastrophic event. While all of these studies underlined the importance of conveying compassion, none attempted to measure the extent to which, and the

manner by which, the use of compassion could be increased during a training intervention.

This study, however, did evaluate how compassion can be taught and with what effect. After training, raters appraised attorneys higher on the quantitative criteria related to CARE (mean T1 = 3.3978; mean T2 = 3.4086) and COMPASSION (mean T1 = 3.1022; mean T2 = 3.1774). What did attorneys learn during training that generated this improved appraisal? Reviewing video segments of these speakers, it becomes clear that, after training, many attorneys adopted three distinct strategies that improved their evaluations on measures of care and compassion: identifying employees as the company's top priority, offering a philosophical message or "secular prayer" to those , and requesting that the media not speculate about the severity of injuries. Though these strategies appear to have generated higher appraisals of compassion and care, raters would have liked speakers to work even harder to give the organization a more personal tone.

Injured employees are top priority

In the training session, the trainer instructed participants to stress the company's prioritized concern for their injured workers. The trainer believed that the media would find these injuries compelling and newsworthy, especially when many of the other aspects of the crisis were more difficult to understand: responsible party, causation, etc. In addition, the trainer believed that the media would treat Jackson's response to the injured employees as an index of how the company was responding to the crisis more generally. While the trainer recognized how the spokespeople handled these injuries was important, she worried that, compared to all the diverse issues that the crisis case presented, the spokespeople might overlook the importance of the injuries. Thus, the

trainer encouraged the participants to address the company's position of the employee injuries directly, by stating that they were "top priority" or a "most important concern."

After training, attorneys did a good job of speaking about the injured. Said Speaker 220BAG "This is a very difficult day for our company, and our top priority is taking care of our injured employees . . ." Speaker 201BAG said "Our first priority is to support our employees and their families, especially those hurt in the fire"; Speaker 152BAW said "Our number one concern is for the well-being of our employees who were injured . . ."; Speaker 211BAG said "We have been in contact with the families of the injured employees throughout the night. Our top priority is taking care of those families." In some cases, speakers detailed how Jackson was responding to the ramifications to the employees. For example, Speaker 213BAG said, "Jackson does care about our employees. Injured employees will receive medical care and those displaced by work will receive pay. . . ."

Other speakers demonstrated how important the injuries were to Jackson Energy simply by how they included the injuries in the fact-presentation. Some speakers featured the injuries as the headline story. For example, speaker 244BAF opened his statement this way: "Yesterday, Jackson energy suffered a tragedy in which several of our employees were injured and a fire devastated our facility. . . ." Other speakers made sure that the fact that there were serious injuries was not eclipsed in an effort to tell a favorable story. Compare the difference in emphasis in the following otherwise-similar statements:

> Speaker 232BAF: While a number of members of the Jackson family were treated at a nearby hospital for minor injuries and released, four employees were seriously injured and were evacuated to a hospital in Denver. . . .

> Speaker 192BAP: The vast majority of our employees were uninjured or were treated for very minor injuries and released. We are very glad to say that. . . .
>
> Speaker 232BAF puts the emphasis on the more seriously injured employees rather than stressing his relief over those less injured and was therefor evaluated as more compassionate and caring.

Admonition about speculating

In training, the trainer advised participants to ask the media not to guess about the current physical condition of the injured employees and to make that request in the name of the injured employee's privacy. To be frank, the trainer gave this advice largely to avoid any disparity between the speaker and media as to current information – to create a framework in which it would be acceptable for the speaker not to address evolving details about injuries, treatment, etc. Reviewing the videos, however, this sort of statement seemed to signal compassion and care, as well. Perhaps this effect was created by the terms in which the speakers cast the request. For example, speaker 232BAF asked "Out of respect for the injured employees and their families, please do not speculate about the conditions of any of the injured"; speaker 230BAF "We ask that you not speculate about the seriousness of the injuries until we have that information for you out of respect for the families. . . . "

Secular prayer

In the training session, the trainer also instructed participants to offer a personal statement of sadness or a wish for healing and care-taking for injured employees. The trainer hypothesized that public would expect that, in addition to the company's taking practical, "top-priority" measures to assist the injured, that some human representative

should be emotionally burdened by these injuries. The trainer believed that a personal statement or wish would reflect such a personal investment. Moreover, the trainer believed that the participants would have to be specifically instructed to provide such a statement because participants would likely be otherwise hesitant to express emotional grief or personal concern.

Following training, most participants choose to articulate some sort of concern for the injured. Most often this statement was phrased as a "secular prayer" in which the speaker wished both spiritual as well as philosophical care for the injured employees and/or those around them. The trainer did not instruct participants specifically to use the phrase "thoughts and prayers," although the majority of the participants chose these terms: "Our thoughts and prayers are with our injured friends and co-workers, and their families" (Speaker 244BAF); "Our thoughts and prayers go out to the extended families of the injured" (Speaker 232BAF); "Two of our employees were critically injured, and our thoughts and prayers go out to their families at this difficult time" (Speaker 241BAF).

Why did speakers so consistently offer a secular prayer? Most likely in the study, it was simply a matter of convention. Yet secular prayer is conventional because of the specific purpose it serves. Used interpersonally or in this crisis setting, "our thoughts and prayers are with you" allows a speaker to express concern but remain distanced at the same time. It does not reveal any specific personal feelings ("I am hurting about what has happened") nor does it require any tangible act by the speaker ("I will be visiting each of the injured employees later today"). It is what one says when something bad has happened to someone other than oneself.

These limitations may explain why participants' evaluations on CARE and COMPASSION were not *more* improved after training. Secular prayer -- as well as the other compassion strategies -- seem to explain, at least in large part, why the raters

evaluated the speakers as more caring and compassionate after training. It was clear, though, that the raters would have preferred speakers to make their statements more intimate or personal. The raters' qualitative evaluations of the speakers were filled with directives for more emotion, compassion, etc. For example:

> Show more compassion. We need to see your human side even more.
>
> Show more empathy and concern.
>
> Try to emphasize the human element more.
>
> It doesn't seem like she is compassionate about what she is saying.
>
> Show compassion if you have it, and don't just read from a paper.
>
> More emotive in statements about employees.
>
> Strive towards [articulating] compassion about the loss, not just saying it.

In some cases, the rater provided that feedback despite the fact that the speaker had offered a secular prayer or other compassion strategy. For example, even though speaker 211BAG stressed that the top priority was caring for injured workers, one rater advised "Show more empathy and concern." Though speaker 192BAP spoke directly to the serious injuries in the opening of his statements, one rater advised "Show more compassion and concern. We need to see the human side even more."

This seems to underline the extent to which the public expects a crisis spokesperson to embody the group he or she represents. There are simply limits to the compassion any organization can show. Rather, if the organization is going to successfully demonstrate compassion and care, these emotions must become intimate -- personal -- to the individual speaking them in the organization's behalf.

This notion of a required "organization incarnate" is largely unaddressed by scholarship on crisis communications, although the idea is certainly implicit in all of the writing on the role of apology following catastrophe (for a review see, e.g., Taft, 2000). Additional research could explore what strategies would further improve appraisals of compassion in this way. For example, perhaps spokespeople should be instructed to use the first-person singular (versus plural), to make statements that are more specific and not attributable to convention.

Why, after training, were lawyer-spokespersons less forthcoming?

While participant attorneys were rated higher on 15 of the quantitative items as well as the overall item, training was not a wholesale improvement. The attorneys were not rated higher after training on five specific measures:

TELLING ALL THAT THEY KNOW (mean T1: 3.2366; mean T2 2.7581), $F(1, 28) = 9.47$, $p = .005$, $eta^2 = .25$; RESPONSIVENESS (mean T1: 3.1774; mean T2: 3.5968), $F(1, 28) = 8.68$, $p = .006$, $eta^2 = .24$: TRYING TO WORK WITH THE MEDIA (mean T1: 3.7634; mean T2: 3.2742), $F(1, 28) = 6.06$, $p = .020$, $eta^2 = .18$; honesty (mean T1: 3.5538; mean T2: 3.4839); HIDING SOMETHING (mean T1 3.2634; mean t2: 3.0430). In fact, after training, raters evaluated participants lower with a measure of significance on the first three of these items: TELLING ALL HE OR SHE KNOWS, RESPONSIVENESS, TRYING TO WORK WITH THE MEDIA. In the qualitative portion of the questionnaire, raters also described attorneys as relatively less forthcoming after training. Taken together, training appears to have made participants less forthcoming, perhaps even calculatedly taciturn.

What practices did the participants adopt after training that created that impression? Reviewing the videotapes, the fact that participants were deemed not forthcoming was almost entirely explained by how individuals handled questions as parts

of their statements. It is not that participants bungled their answers. Indeed, participants were taught, and executed, several specific question-taking strategies quite well. These included initial control and limiting questions as well as announcing future question opportunities. In hindsight, however, while it appears that these strategies helped participants provide better answers, they compromised a more general impression of openness. These strategies, and how they could be improved upon or added to in future training, are reviewed below.

Initial control and limiting questions

In the training crisis scenario – as is true under most real crisis conditions – each spokesperson was provided with a limited and incomplete set of facts. Moreover, the study's reporters were even less well informed about the crisis events. In light of this relatively low level of information, the trainer wanted the spokespersons to exert significant control over the speech situation. In particular, the trainer did not want the reporters to have the opportunity to ask any and all questions to keep them from straying from both what the spokesperson could answer well and what was relevant to the general public. Thus, the trainer instructed the participants to control reporter's questions in several ways.

As a preliminary matter, participants were instructed to deflect any questions at the start of the briefing until after they had provided a comprehensive statement (delivered lecture-style). Reporters typically began asking questions as soon as the speaker entered the room. Speakers generally succeeded in quieting the reporters, although with varying degrees of grace. Some speakers, like 240BAF, simply ignored the reporters' questions and began speaking. Other speakers did acknowledge in passing the questions being called out. For example, Speaker 182BAP opened with: "Before I

answer any questions I want to make a statement . . .”; Speaker 133BAP spoke very loudly to talk over the questions being called to her: “Let me first say . . . .

All of these techniques succeeded in creating an opportunity for the speaker to deliver a statement and, thus, give a more thorough and organized overview. It appears, however, that this framework contributed to appraisals that the speakers were not forthcoming. Perhaps speakers would have been served by opening with a more explicit statement about the importance of questions as well as how they will balance a statement and questions. In future training, this trainer will coach speakers to begin with a specific acknowledgement: “Please, Your questions are important. I want to answer all of them, and I will answer all of them. First, though, it will be useful for me to give you an overview of all the facts I know to give you at this time. . . .”

In training, participants were instructed to take questions at the end of their statements if they felt comfortable doing so. The trainer instructed those taking questions to limit the questions by time or other circumstance. The trainer believed that, assuming the speaker provided a comprehensive statement, it was likely there was little additional information they could provide in response to questions. Rather than have speakers say repeatedly, “I don’t know,” the trainer wanted speakers to have a reason to bring the questioning to a close. There seemed little downside to such an approach: if questioning was going well, the speaker could always stay longer than he or she had originally intended.

Many of the speakers referenced time limitations at the beginning of questions: For example, when Speaker 200BAG concluded her statement, she said: “I think I have time, maybe, (looking at watch), to take a few questions. . . .” After she took two questions, she said, “That’s about all the time I have now. I appreciate your patience. . . .” Speaker 133BAP limited questions even more carefully: “That concludes my

statement. I have time for just one question. . . .” A few speakers signaled their limitations earlier. For example, Speaker 133BAP said in the very first few lines of her statement “At the conclusion of the statement, I will have time for only one or two questions . . . .”

This strategy of limiting questions appears to have saved speakers from strings of questions they couldn’t answer and, thus, likely contributed to the improved appraisals of intelligence and knowledge. These same limitations, though, probably compromised appraisals of forthcomingness. Perhaps speakers would have struck this balance more successfully had each said explicitly that they wanted to answer all questions but that other important responsibilities involving the crisis would limit their time to some extent. Some speakers, like 182BAP, intuited this sort of strategy. The trainer will encourage participants in future sessions to do the same and to use limitations phrased more like his: “Now, I know you all have questions, important ones. I want to answer all of them, and I will answer all of them, as I can. At this meeting, however, I will only time for a few before I go back to our facility to collect more information for you.”

Moreover, in future training, the trainer will instruct participants more clearly that they must both honor whatever question format they propose as well as answer every question asked during that period. In too many instances, speakers ended questioning abruptly when they received a difficult question. For example, Speaker 182BAP opened questions with: “I have got to go to a meeting with our response team, but I have time to take a few questions. . . .” But after he took the very first question – a difficult one -- he simply held up his hand to signal “stop” and began walking out. In addition, speakers must understand, as did Speaker 240BAF, that a speaker must wrap-up with any concluding statement or other comment on the heels of the last question he or she

chooses to answer. Any pause that allows reporters to shout additional questions will seem "unaddressed" if the speaker terminates the session abruptly.

Announcing future question opportunities

Speakers were instructed to let the reporters know that they would have other opportunities to gather information, ask questions, etc. Speakers were instructed to give specific details about what those opportunities would be. The trainer believed that knowing about these additional opportunities would help defuse reporters' angst about getting questions answered immediately and perhaps even make the reporters more cooperative during the interaction.

Speakers did a good job making these sorts of announcements about other information opportunities. At the end of Speaker 200BAG's statement, she said, ". . . I appreciate your patience. I will be back in an hour." Speaker 240BAF combined announcing future opportunities with his current limitation on questions: "I have time for just a few questions before I need to get back to collect the latest developments so that I can provide those to you."

This strategy alone, however, does not appear to have been enough to generate appraisals of forthcomingness. Perhaps as part of these announcements, speakers could again make it explicit that answering questions is important and that getting complete information to reporters is important. In future training, the trainer will coach speakers to say specifically something like, "Your questions are important, and I want to answer every one of them. We will only have a little time right now, so I want to make sure that everyone knows be reassemble here in two hours. At that time, I will take your questions so that you can have all of the information your readers need. . . ."

One of the most important lessons of this study is understanding that answering questions well is not identical to being open. The training intervention provided in this study armed participants well to navigate questions and to answer them intelligently. Yet the raters seemed to want something else as well. It appears that crisis speakers must pledge complete forthcomingness if they are to generate higher marks on this measure. Future training must directly tell participants to, at every opportunity, assert both the importance of the public's questions as well as the spokesperson's commitment to answering each and every one of them.

Conclusion of Investigation Two: What this tells us about crisis communication

This chapter reviewed Investigation Two as part of a larger project seeking to determine how instruction can affect lawyers when speaking to the public about crisis events. This part of the project evaluated how a discrete training intervention affected the communication skills of attorney-spokespeople. As with Investigation One, this study employed university speech communication teachers to evaluate speakers giving crisis statements both before and after training. The teachers noted change, both qualitatively and quantitatively, in all areas. In particular, the ratings reflected improvement in ORGANIZATION, KNOWLEDGE and COMPASSION; but regression in CANDOR. The trainer also reviewed participants' taped segments to discern the specific strategies that garnered the changed ratings.

The findings of this study were far-reaching, but this chapter focused on several specific points. First, findings indicate that discrete instruction can measurably improve the public's appraisals of a spokesperson's knowledge and organization as well as compassion. Moreover, this study identifies a short list of six speech strategies that appear to trigger these evaluations: controlling the speech format, making the fact-basis

explicit, emphasizing first-hand experience, making injuries a top priority, discouraging speculation, and offering a secular prayer. So, for the crisis spokesperson, this study provides insight into what garners points with crisis publics and also shows that these skills are both easy and quick to master.

Second, this study indicates that crisis communication training as commonly conducted actually compromises spokespersons' evaluations of forthcomingness. While techniques to help participants manage questions do improve a speaker's evaluation as being "knowledgeable," answering questions well is not the same thing as openness. This study establishes groundwork from which the trainer can make reasonable recommendations about how training can be modified to also foster appraisals of forthcomingness. For the communication training community, then, this study suggests a specific modification in common practices.

Third and perhaps most important, this study represents an effort to measure the impact of communication training in specific and grounded terms. To date, studies of instructional effectiveness in communication – and crisis communication, especially -- are few and far between. This study suggests not only that training does improve communication but that it does so in very specific ways and for specific ends. To any who would ask, "Does communication training work?," this study answers affirmatively albeit with some nuance.

CHAPTER SIX:

INVESTIGATION THREE – IMPACT OF TRAINING ON MEDIA COVERAGE

I. Introduction

Investigation One suggested that lawyers approach crisis communications differently from professional communicators. Without instruction, lawyers employed seven isolated speech strategies that are each relatively unique to their profession and generally useful for crisis communication. While Investigation One examined speakers before they were trained, Investigation Two evaluated the effects of training. More specifically, Investigation Two compared how independent raters evaluated lawyer-spokespeople following a discrete training intervention to how they performed before. Comparing the pre-and post- ratings showed that training produced change: significant improvement on both several specific criteria as well as improvement overall. This is explained, at least in part, because spokespeople adopted six additional speech strategies that improved their scores with raters.

While the previous two studies seem to suggest that attorneys bring good raw materials to crisis communications and that training improves upon them, there is more to know. This third investigation proposed to measure instructional effect not solely according to speech teachers' evaluations, but also in its real-world consequence. After all, a crisis spokesperson's words are almost always mediated by television, radio, press, internet; it is quite rare that the public is part of the immediate audience. Thus, a more complete picture of communication training effectiveness would have to assess its impact

on media result: Does news coverage look different when a reporter listened to a spokesperson who has been professionally trained? Investigation Three, the subject of this chapter, begins that inquiry by asking:

Investigation Three - R3. Does a spokesperson who has completed crisis communication training affect the newspaper coverage of the crisis event?

II. Method

A. Process

Generally, Investigation Three consisted of comparing news stories based on the statements of trained speakers to stories based on the statements by untrained speakers. It was designed differently from the first two studies. From the 78 video segments evaluated in the earlier two studies, the researcher chose only six that would be evaluated in this study: three videos of untrained speakers and three videos of trained speakers. The six videos actually represented three pairs of tapes: In two of the pairs, the videos were the work of different speakers. In one of these pairs, both speakers were Caucasian males in their thirties; the other pair consisted of Caucasian females in their thirties. In the final pair, both tapes were presented by the same speaker, a Caucasian male in his forties. In all the segments selected, the speakers were attorneys.

The researcher selected six segments for Investigation Three that she believed were representative of the untrained and trained population, respectively, from Investigations One and Two. To make the selection, she reviewed raters' evaluations as well as watched tapes herself to make sure that the selected speakers reflected the skills discussed in the previous chapters. The pairing of speakers by ethnicity and gender was an attempt to control for characteristics that might affect the findings.

Student journalists were recruited to write the stories needed for Investigation Three. All students were advanced journalism students at either Southern Methodist University (Dallas) or The University of Texas at Austin. Journalists received credit for a course in which they were currently enrolled by participating in the study. Altogether, 43 student journalists participated in Investigation Three. Because of practical difficulties such as sound and video errors as well as students who failed to submit final stories, etc., the researcher ended up with a usable population of 37 journalists/stories. The breakdown of the population for Investigation Three is represented in Table 6.1 below:

Table 6.1

Student journalists participating in Investigation Three

	Female pair:		Male pair:		Same Speaker:	
Speaker Code	242AAF (before training)	240BAF (after training)	182AAP (before training)	244BAF (after training)	120AAW (before training)	120BAW (after training)
Usable stories collected	4	5	8	8	6	6

The journalists' sessions were conducted in group settings in computer labs on both campuses. Journalists were told that they had been assigned to cover the Jackson fire for a city paper in Colorado. They were told to write no less than 300 words, and that their reports were due in 90 minutes. They received some written background information about the Jackson fire (appended) and then watched one of the spokesperson

video segments. Some journalists watched untrained speakers and some watched trained speakers. Journalists were not instructed as to which tape they were watching nor about the larger purpose of the study.

When journalists completed their stories, they submitted both written and electronic copies to the researcher. At that point they also completed the same evaluation instrument that was used by the third-party raters.

B. Evaluation

The researcher coded the news stories on the four criteria: (1) *Positive statements about Jackson Energy*: All positive statements about the company, including direct quotes and paraphrases were included. (2) *Negative statements about Jackson Energy:* All negative statements about the company, including direct quotes and paraphrases were included. (3) *Word count:* Using the word count tool available in Microsoft Word, the researcher measured the length of each story.

In addition, each journalist also completed the rating instrument on the speaker he or she watched. The researcher compared journalists' evaluations of speakers before training and after training as an additional measure of training impact. The researcher also compared the journalists' evaluations to those completed by the speech teachers to benchmark how journalists saw spokespeople differently. The results of all of these evaluations are also reported and discussed in this chapter.

III. Results

Articles based on the statements of trained spokespeople were more positive about Jackson Energy.

The researcher coded each story for positive statements. Each fact or idea was coded separately. Generally, journalists' positive statements about Jackson fell into one of seven categories: (1) Jackson's emphasis on safety, including pre-existing safety practices as well as heightened precautions at their other facilities following the fire in Durango.; (2) that Jackson's customers will continue to receive service without interruption from the fire; (3) Jackson's concern for the injured or their loved ones; (4) that Jackson's negotiation with the local union was going well – a side issue that several journalists choose to include in their stories; (5) that Jackson had no previous relationship or experience with the ERF of other extremist groups; (6) Jackson's positive environmental record; and (7) Jackson's good relationship with the local community.

Last, (8) the researcher also coded as positive for Jackson instances when the writer characterized the ERF in extreme terms such as "violent" or "extremist" or "terrorist." The researcher was surprised that the journalists varied greatly as to how they characterized the group. Many writers characterized it in neutral terms such as "an environmental activist group that has been linked with violence in the past." Indeed, some journalists wrote of the ERF quite positively, referring to them, for example, as "an environmental organization concerned with preserving Native American lands."

Positive statements were coded and counted, and the researcher generated a mean "positive statement" score for each speaker. In each pair, the mean positive statement score increased, as detailed in Table 6.2 below. Taken together, mean positive statements doubled after training (T1: 2.07; T2: 4.56).

Table 6.2

Statements coded positive to Jackson Energy

	Female pair:		Male pair:		Same Speaker:	
Speaker Code	242AAF (before training)	240BAF (after training)	182AAP (before training)	244BAF (after training)	120AAW (before training)	120BAW (after training)
Mean positive facts	1.5	6.8	2.9	4.5	1.8	2.4

Articles based on the statements of trained spokespeople were less negative about Jackson Energy.

The researcher coded each story for negative statements. Each fact or idea was coded separately. In all stories, negative statements fell into one of the following categories: (1) Criticism of Jackson's environmental record, including past fines by the EPA; (2) Decline in Jackson's stock price as a result of the fire; (3) Suggestions that the fire was caused more directly by Jackson, either by act or omission; (4) Negative "procedural comments" that reflected poorly on Jackson such instances in which the spokesperson sounded evasive. "[The spokesperson] refused to describe the added security precautions." (Ramdass/244BAF) or "An issue not being addressed by Jackson themselves is the cause [of the fire]." (Hanlon/244BAF). Also, corresponding to the manner in which positive statements were coded, the researcher coded as negative statements times in which the journalist characterized the ERF is positive terms, such as "The ERF is an advocate of the preservation of Native American land" (Johnson/244BAF).

Negative statements were coded and counted, and the researcher generated a mean "negative statement" score for each speaker. In each pair, the mean negative statement score decreased after training, as detailed in Table 6.3 below. Taken together, mean negative statements declined dramatically after training (T1: 5.43; T2: 1.63).

Table 6.3

Statements coded negative to Jackson Energy

	Female pair:		Male pair:		Same Speaker:	
Speaker Code	242AAF	240BAF	182AAP	244BAF	120AAW	120BAW
Mean negative facts	6	3.2	4.1	1.9	6.2	.8

Articles based on training spokespeople were longer, except when negative disclosures by an untrained speaker added length to the story.

Using the word count tool available in Microsoft Word, the researcher simply determined the length of each story and, as described in Table 6.4 below, generated mean lengths for each speaker. In both the male and female speaker pair, the stories were significantly longer following training. Notably, journalists wrote shorter stories based on the post-training statement of the same-speaker pair. This speaker's pre-training statement, however, was itself unusually lengthy and contained relatively more negative statements about Jackson. The journalists who wrote from his pre-training statement included more of these negative facts in their initial stories, and this added length. This point is covered more fully in the discussion at the end of this chapter.

Table 6.4

Average word count for news stories

	Female pair:		*Male pair:*		*Same Speaker:*	
Speaker Code	*242AAF*	*240BAF*	*182AAP*	*244BAF*	*120AAW*	*120BAW*
Word count	*204*	*265*	*239*	*340.5*	*270*	*224*

Journalists generally evaluated trained speakers more highly after training

When journalists completed their news stories, they also completed the same rating instrument completed by speech teachers in Investigation One and Two. From their assessments, the researcher calculated mean scores on each of the 20 individual items and the overall item for each of the speakers. The speaker pairs were then compared to indicate that journalists, like speech teachers, generally evaluated all three speakers with training higher than those without training. When a mean was calculated for all speakers before training and compared to all speakers after training, evaluators rated speakers improved on 16 of 20 individual criteria; speakers were rated more highly with a measure of statistical significance on 7 of these criteria. Speakers were also rated better with a measure of statistical significance overall. These data are reported on Table 6.5 below.

Not unlike the ratings by speech teachers, journalists evaluated trained speakers less well on three criteria related to "openness" or "disclosure": TELLING ALL THAT THE SPEAKER KNOWS (mean T1: 2.0000; mean T2: 1.6842); TRYING TO WORK WITH THE MEDIA (mean T1: 2.5455; mean T2: 2.5263); HIDING SOMETHING (mean T1: 2.5000;

mean T2: 2.1053). Journalists also rated trained speakers lower on BEING SMART (mean T1: 2.9545; mean T2: 2.7895), however evaluated trained speaker higher on other similar criteria such as CREDIBILITY and INTELLIGENCE.

Table 6.5

Journalists' evaluations of all speakers:

T1 (before training) vs. T2 (after training)

Highlighting indicates statistically significant differences, p <.05

Descriptive Statistics

	Time	N	Mean	Std. Deviation	Std. Error Mean
Credible	1.00	22	3.0909	.8679	.1850
	2.00	19	3.6842	.8201	.1881
Control	1.00	22	2.6818	.8387	.1788
	2.00	19	3.1053	.8753	.2008
Truthful	1.00	22	3.0455	.8985	.1916
	2.00	19	3.4737	.7723	.1772
Nervous	1.00	22	2.0000	1.1547	.2462

	Time	N	Mean	Std. Deviation	Std. Error Mean
	2.00	19	2.2105	.6306	.1447
Telling	1.00	22	2.0000	1.1547	.2462
	2.00	19	1.6842	.7493	.1719
Smart	1.00	22	2.9545	.7854	.1675
	2.00	19	2.7895	.6306	.1447
Commun	1.00	22	2.2273	.9223	.1966
	2.00	19	2.6316	.5973	.1370
Response	1.00	22	2.2727	.8827	.1882
	2.00	19	2.6316	.6840	.1569
Care	1.00	22	2.9545	.9989	.2130
	2.00	19	3.4737	.9048	.2076
Organize	1.00	22	2.3636	.9535	.2033
	2.00	19	3.1053	.7375	.1692
Knowldg	1.00	22	2.6364	.9535	.2033
	2.00	19	3.3158	.9459	.2170

	Time	N	Mean	Std. Deviation	Std. Error Mean
Intell	1.00	22	2.7727	.8691	.1853
	2.00	19	2.9474	.6213	.1425
Trying	1.00	22	2.5455	.9625	.2052
	2.00	19	2.5263	1.1239	.2578
Fluster	1.00	22	2.6818	1.0414	.2220
	2.00	19	3.3158	.8852	.2031
Compass	1.00	21	2.1905	.9284	.2026
	2.00	19	2.8947	1.1496	.2637
Honest	1.00	22	2.5455	.9117	.1944
	2.00	19	2.9474	.7799	.1789
GdSpoke	1.00	22	2.2273	.7516	.1602
	2.00	19	2.5789	.9016	.2068
Hiding	1.00	22	2.5000	1.2630	.2693
	2.00	19	2.1053	1.0485	.2405
LostCtrl	1.00	22	3.0909	1.1088	.2364
	2.00	19	3.8421	.8342	.1914

	Time	N	Mean	Std. Deviation	Std. Error Mean
Conf	1.00	22	2.3636	.8477	.1807
	2.00	19	3.0000	.9428	.2163
Overall	1.00	22	2.2727	.6311	.1345
	2.00	19	3.1053	.9366	.2149

Journalists evaluated spokespeople lower, both before training and after, than did speech teachers

The researcher also compared the journalists' quantitative appraisals on the instrument to the appraisals of the same speakers by speech teachers. Generally, the journalists evaluated both trained and untrained speakers less well than the speech teachers. Table 6.6 condensed the evaluations of all speakers by all journalists and compares these to the condensed evaluations by speech teachers. Here journalists scored speakers lower than speech teachers on 19 of 20 individual items as well as overall, finding speakers only marginally more CARING than did speech teachers (Speech teachers: 3.1667; Journalists: 3.1951). Notably, journalists evaluated speakers lower than speech teachers with a measure of significance on 11 of 20 individual items.

Table 6.6

Journalists' evaluations of all speakers compared to speech teacher evaluations

S (speech teacher) vs. J (journalist)

Yellow highlighting indicates statistically significant differences, p <.05

Descriptive Statistics

	TITLE	N	Mean	Std. Deviation	Std. Error Mean
CREDIBLE	S-Teacher	18	3.7222	1.0741	.2532
	J-Student	41	3.3659	.8876	.1386
CONTROL	S-Teacher	18	3.3889	1.1448	.2698
	J-Student	41	2.8780	.8716	.1361
TRUTHFUL	S-Teacher	18	3.6667	.7670	.1808
	J-Student	41	3.2439	.8597	.1343
NERVOUS	S-Teacher	18	3.0556	1.1100	.2616
	J-Student	41	2.0976	.9435	.1474
TELLING	S-Teacher	18	2.9444	1.1100	.2616
	J-Student	41	1.8537	.9890	.1545

	TITLE	N	Mean	Std. Deviation	Std. Error Mean
SMART	S-Teacher	18	3.5556	1.2472	.2940
	J-Student	41	2.8780	.7140	.1115
COMMUN	S-Teacher	18	3.2778	1.0741	.2532
	J-Student	41	2.4146	.8055	.1258
RESPONSE	S-Teacher	18	3.7778	1.0033	.2365
	J-Student	41	2.4390	.8077	.1261
CARE	S-Teacher	18	3.1667	1.2005	.2830
	J-Student	41	3.1951	.9803	.1531
ORGANIZE	S-Teacher	18	3.2778	1.3636	.3214
	J-Student	41	2.7073	.9285	.1450
KNOWLDG	S-Teacher	18	3.6667	1.1376	.2681
	J-Student	41	2.9512	.9988	.1560
INTELL	S-Teacher	18	3.7778	1.2154	.2865
	J-Student	41	2.8537	.7603	.1187
TRYING	S-Teacher	18	3.7222	.9583	.2259

	TITLE	N	Mean	Std. Deviation	Std. Error Mean
	J-Student	41	2.5366	1.0271	.1604
FLUSTER	S-Teacher	18	3.5556	1.2472	.2940
	J-Student	41	2.9756	1.0121	.1581
COMPASS	S-Teacher	18	2.9444	1.1618	.2738
	J-Student	40	2.5250	1.0857	.1717
HONEST	S-Teacher	18	3.6111	.9164	.2160
	J-Student	41	2.7317	.8667	.1354
GDSPOKE	S-Teacher	18	3.2222	1.4371	.3387
	J-Student	41	2.3902	.8330	.1301
HIDING	S-Teacher	18	3.2222	.9428	.2222
	J-Student	41	2.3171	1.1713	.1829
LOSTCTRL	S-Teacher	18	3.9444	1.1618	.2738
	J-Student	41	3.4390	1.0500	.1640
CONF	S-Teacher	18	2.8889	1.3672	.3223
	J-Student	41	2.6585	.9383	.1465

	TITLE	N	Mean	Std. Deviation	Std. Error Mean
OVERALL	S-Teacher	18	3.1667	1.2948	.3052
	J-Student	41	2.6585	.8835	.1380

IV. Discussion

Investigation Three found that journalists evaluated speakers more highly after training than before. Moreover, the stories that the journalists prepared were more favorable when written in response to a trained speaker as measured by positive references, negative references, and story length. Thus, Investigation Three seems to suggest that training garners not only critical acclaim but practical effect, too.

The previous chapter reviewed the ways in which spokespersons handled crisis statements differently after training. This chapter evaluates how the ultimate media coverage – in this case, newspaper news features – changed when the spokesperson had been trained. As the researcher reviewed the coding results for positive statement, negative statement, and length -- as well as studied the stories directly -- it became clear the training impacted news coverage in four distinct and important ways.

1. "Staying on message" works

During training, participants were asked to identify the most important "key messages" that they hoped would be reported in resulting coverage. These key messages reflected the information the spokesperson believed that Jackson wanted reported, regardless of the journalist's agenda. Professional communicators sometimes refer to this as "messaging" or "staying on message."

In training, participants also tried to anticipate what openings they would be given to articulate their messages and contemplated what "bridges" would be necessary, if any, to link these messages to other information arising in the interviews. Participants were instructed to articulate their message both in their statements and, when appropriate, in response to questions, too. This ability to get from the reporter's agenda to the spokesperson's agenda is sometimes referred to by communication professionals as "bridging."

In this manner, the three trained speakers selected for Investigation Three had identified key messages and supporting bridges that they hoped the journalists would cover, and these messages are identified in table 6.7 below. Speaker 240BAF identified three messages: Concern for injured employees, continued service to customers, and justice/preventing future harms. Speaker 244BAF identified two messages: Concern for injured employees and continued service to customers. Speaker 120BAW identified two messages, as well: concern for injured employees and existing excellent safety practices.

Table 6.7

Messages identified by trained speakers

Speaker	**Message**	**Total number of stories written**	**Number of times "message" cited in story**
240BAF	Concern for injured employees	5	8
240BAF	Continued service to customers	5	4
240BAF	Justice/preventing	5	14

	future harms		
244BAF	Concern for injured employees	8	14
244BAF	Continued service to customers	8	7
120BAW	Concern for injured employees	6	4
120BAW	Existing safety practices	6	4

Overwhelmingly, journalists did as the trained spokespersons hoped they would and included the identified messages in their stories, as is also noted in table 6.7 above. For example, the five stories written based on the interview with Speaker 240BAF included eight references to Jackson's concern for the injured employees, citing both direct statements of compassion ("We are here for our employees . . .") as well as the steps Jackson was taking to assist ("a hotline is available with counselors for employees and their families"). These stories included four references to Speaker 240BAF's second message, continued service to customers, by directly quoting the speaker in such instances as "We have to work to address the needs of all our constituents. Our employees need to get back to work; our customers need energy."

Last, these stories included a whopping 14 references to Speaker 240BAF's third message -- justice and preventing future harms. The stories both spoke to Jackson's investigation of the current fire ("We will get to the bottom of this"; "the company has the mechanism to find out what exactly went wrong") as well as the company's efforts to

prevent other problems ("We are fully committed to assuring that this type of situation does not occur again"). The success of this speaker in getting this message reported is striking because these themes do not appear in a single story written in reference to other speakers. Thus, one can hypothesize that the reporters' focus on investigations or justice was explained almost entirely by the efforts of Speaker 240BAF to steer the reporters in that direction.

Similarly, the eight stories based on the interview with Speaker 244BAF were filled with references to the speaker's identified messages. They included 14 references to Jackson's concern for injured employees ("Our thoughts and prayers go out to all those in the fire"; "[the speaker] expressed deep concern for Jackson's employees and their families") and seven references to Jackson's efforts to maintain service to customers ("[Jackson] assures its customers that they will still receive service"; "Although this plant will not be running, the services that the energy company provides will not change . . . ").

Last, four of the six stories based on the interview with Speaker 120BAW included both of his key messages: concern for the injured employees ([Jackson is] focusing on the injured employees") and current effective safety practices ("We have a strong policy of safety. We try to ensure the safety of our employees.") Notably, the six stories written based on this speaker's untrained remarks (120AAW) included no reference to either of these items.

All of this seems to support a simple but important point: messaging works. Investigation Three speakers successfully steered journalists to themes and topics that were favorable to Jackson, and it was the training intervention that appeared to prompt the spokespersons to do that. Perhaps more important, Investigation Three offers some evidence that spokespersons can steer journalists to themes that the journalists would not otherwise have addressed in their stories. So getting positive facts and themes into the

stories was certainly attainable, and it happened effectively with the specific, targeted instruction during training.

2. Rightly or wrongly, ignorance is newsworthy

In training, participants learned that as a crisis responder, their own knowledge is certainly limited. Thus making a statement -- rather than simply taking questions – allows the speaker to control what information he or she has to address and significantly avoid discussing information they do not possess. Moreover, participants learned several techniques to respond to difficult questions to which they would otherwise have to concede "I don't know." Participants were taught to recommend who might have the answer to a difficult answer ("That would be a good question for the police sergeant who will be speaking to you next . . . "); participants were taught to convey that they were investigating the cause of the fire rather than saying they simply "didn't know" the cause.

The trainer made these suggestions because she believed that reporters – and the public, too – would respond negatively if the spokesperson said that he or she was uninformed about something important. Drawing generally from the work of Cialdini (1993) and Langer (1989) which suggests that people use catch-phrases to shape broader judgments, the trainer believed that if the speaker articulated "I don't know," it would reflect on him or her negatively. The trainer believed that this would be the case regardless of the weight or relevance of the information requested or the legitimate good reasons that the speaker for not knowing the information requested.

Investigation Three seems to confirm that supposition. Before training, all three speakers responded, respectively, to several interview questions by saying "I don't know," and these statements were included in the journalists' stories with some frequency. Sometimes the spokesperson was quoted directly: "I don't have knowledge of

our past relations with the ERF" (120AAW) or "I'm not sure how they gained access" (242AAF) or the speaker was paraphrased: "It is unclear how the ERF gained access to the Jackson plant, said 242AAF." In some cases, what the speaker didn't know was cast as a universal unknown. For example, writing about an interview with Speaker 182AAF, one journalist reported: "It is not known whether or not the fire was an attack on Jackson's environmental practices or an attack on their business dealings concerning Native Americans . . ."

In particular, 244AAF responded "I don't know" to two of the reporters' questions about whether Jackson had any previous relationship with the ERF as well as why the ERF had targeted Jackson. The resulting stories based on her statement included eight references that the spokesperson appeared uninformed about the matter. This is striking when compared to the stories based on the trained speakers. Not a single story based on a trained speaker mentioned whether or not Jackson had a previous relationship with the ERF. This suggests, perhaps, that it was, at least in part, that the speaker didn't know the answer that made that fact newsworthy. Said differently and more generally, Investigation Three seems to suggest that when speakers concede that they do not know something important, their ignorance creates a certain newsworthiness about their own ignorance.

Of course, if the speaker chooses to avoid saying "I don't know" by limiting his or her remarks to what the speaker does know, there will simply be topics that the speaker does not address. The researcher wondered if the resulting coverage would call attention to what the speakers failed to address. Interestingly, however, of the 19 stories based on the statements of trained speakers, there was only one story in which the journalist referenced items that the speaker would not or could not answer: "An issue not

being addressed by Jackson is the cause/The ERF did not specify what set them off and with unanswered questions on Jackson's part, there may be sides of the story untold."

As discussed in Chapter Five, after training, third-party raters evaluated speakers as being less forthcoming. Similarly, journalists evaluated trained speakers less well on three criteria related to "openness" or "disclosure": TELLING ALL THAT THE SPEAKER KNOWS (mean T1: 2.0000; mean T2: 1.6842); TRYING TO WORK WITH THE MEDIA (mean T1: 2.5455; mean T2: 2.5263); HIDING SOMETHING (mean T1: 2.5000; mean T2: 2.1053). Yet this appraisal seems to have affected the stories in only a modest way. Perhaps, in some fashion, this finding reflects the ego of the reporter. That is, for the journalist to report that the spokesperson would not talk about a certain issue is, at least at some level, to admit investigative defeat. In any event, it seems clear that, controlling the interview (versus saying "I don't know") generated less negative coverage.

3. Reporters are, in a way, out to get you

In training, participants were instructed to control the speech format so that reporters' questions were limited, or delayed, until the speaker had reviewed the facts in a comprehensive opening statement. Indeed, some speakers chose to defer questions all together to a subsequent meeting time. The preceding few pages of this chapter discuss how this strategy allowed speakers to avoid having to admit something they did not know. Moreover, this control strategy often prevented the introduction of negative information altogether.

After all, when reporters were allowed to ask largely unfettered questions by untrained speakers, their questions were almost exclusively negative. Of course, Jackson could not expect to avoid all negative discussion of the fire. But reporters asked the untrained speakers many questions that never came up in the discussions with trained

speakers -- for example, a possible employee walk-out or strike, continuing community health risks because of chemicals released in the explosion, and the pervasive dangers of the energy business. At bottom, the majority of the reporters' questions to untrained speakers were negative, and these negative facts found their way into the resulting stories. Trained speakers limited and controlled questions and, thus, eliminated much negative discussion.

While this phenomenon is probably intuitively obvious, its magnitude is striking. One of the most dramatic findings of Investigation Three was how rarely negative facts were included in the stories based on trained statements. To review, Table 6.3 is repeated below. Taken together, mean negative statements declined dramatically after training (T1: 5.43; T2: 1.63).

Table 6.3 (repeated)

Statements coded negative to Jackson Energy

	Female pair:		Male pair:		Same Speaker:	
Speaker Code	*242AAF (before training)*	*240BAF (after training)*	*182AAP (before training)*	*244BAF (after training)*	*120AAW (before training)*	*120BAW (after training)*
Mean negative facts	*6*	*3.2*	*4.1*	*1.9*	*6.2*	*.8*

These data seem to underline the point raised in the previous discussion section: while the control exerted by trained speakers may have lowered evaluations of

"openness," that strategy did improve the news-coverage for Jackson, in this case diminishing the amount of negative news coverage.

4. Training spokespeople serves the organization and the public too

In training, participants were instructed ahead of time to identify their publics (employees, customers, investors, regulators, local community, etc.) as well as the issues about the fire that these publics would find relevant. Participants were advised to address as many of the relevant issues as they could explain, and factually support, in their statement to reporters. In their subsequent trained statements, participants addressed many important topics that untrained speakers simply overlooked: the current state of the fire and facility, on-going risks to the community, status of the injured employees, alleged responsibility by the ERF, contingency plans to continue to supply fuel, stock price, etc.

Interestingly, these more thorough statements were much shorter than the untrained statements. Without training, the speakers almost unanimously chose to simply take any and all questions asked by reporters. The reporters' litany of questions tended to be long without being comprehensive. Untrained speakers typically stumbled through interviews three times as long as those with training without covering some of the most relevant issues. Why? In a crisis event like the Jackson fire, it is likely that the reporters have had even less time to prepare than do the spokespeople.

The newspaper coverage, however, tended to be longer. As discussed above, stories based on two of the three pairs of speakers were significantly longer: the female pair's coverage increased by almost a third; the male pair's coverage was over 40% longer, as detailed in the repeat of Table 6.4 below. This is explained by the amount of relevant information the speakers provided in their statements after training. Especially

when compared to the much longer statements of untrained speakers, this finding suggests that training generated not only more favorable stories but also more efficient interviews. The resulting coverage therefore better served its ultimate audiences.

Table 6.4

Average word count for news stories

	Female pair:		*Male pair:*		*Same Speaker:*	
Speaker Code	*242AAF (Before training)*	*240BAF (after training)*	*182AAP (before training)*	*244BAF (after training)*	*120AAW (before training)*	*120BAW (after training)*
Word count	*204*	*265*	*239*	*340.5*	*270*	*224*

The same speaker pair did not increase story length after training. This seems to be explained by the extraordinary length of Speaker 120AAW's initial untrained statement. This untrained speaker simply took all questions asked of him and, as a result, spoke for more than five minutes about many topics both largely irrelevant to the public and negative to Jackson. Thus, it is not surprising that he had the highest number of mean negative facts before training (T1 = 6.2) as well as the lowest mean number of negative facts after training (T2 = .8) and the most significant drop from T1 to T2. While a larger participant pool and further study could better explain this speaker's results, it seems likely that particularly unskilled speakers may generate especially long coverage because of the amount of negative, irrelevant information they provide in their untrained statements.

Conclusion of Investigation Three: What this tells us about crisis communication

This chapter reviewed Investigation Three as part of a larger project seeking to determine how instruction can affect lawyers when speaking to the public about crisis events. This part of the project evaluated how a discrete training intervention affected newscoverage based on speakers' statements. This study employed advanced journalism students at two universities to draft stories based on the crisis statements given by attorneys either before or after training. In addition, the journalists also evaluated the speakers with the same instrument used by the third-party raters in Studies One and Two.

The researcher coded the stories and found that stories based on trained speakers were more positive, less negative and generally longer than stories based on untrained speakers. Using the instrument evaluations, the researcher found that, like speech teachers, journalists generally believed that speakers did a better job after training. Journalists, however, evaluated all speakers, both trained and untrained, less well than the speech teachers in Studies One and Two.

While interpretations of these data might be far-reaching, a couple of points seem clear. First, for those making decisions about whether to train spokespeople (i.e. those who must justify the costs and time of training, etc.), Investigation Three provides convincing evidence about its value. Moreover, Investigation Three demonstrates, at least tentatively, that training has a *practical* effect. Even though most crisis statements will be mediated before they reach their ultimate audiences, this study suggests that the power of training transcends the media's ability to change the ultimate message the audience receives. Training doesn't just change statements; it changes the coverage of those statements as well.

Second, for those who study communication and instructional effectiveness, this study provides some insight into how we might better evaluate what we are teaching.

Investigation Three demonstrates that some of the most important insights about whether communication instruction is effective are not what experts tell us changes after training. Rather, researchers must also investigate how those who really have to use the communication at issue – in this case, the journalists -- work with it differently or better. After all, what value would it be for the speech teachers to say that a speaker was "a better communicator" after training if the resulting news coverage did not change as well? Moreover, this study provided at least some data to suggest that what a reporter thinks of a speaker, and what he or she writes about them, may look quite different from one another.

Thus, Investigation Three might be a call for more *instrumental evaluation* of what we teach: rather than evaluating whether a persuasive speech contains Monroe's motivated sequence, for example, perhaps we should poll students to detrmine how many minds were changed. Rather than assessing an informative speaker about her choice of a narrative structure, perhaps we need to quiz her listeners on the subject she was teaching. At bottom, communication scholarship serves not just the communicators we seek to improve but also the community of listeners that must make sense of them.

The third implication of this study is squarely about that listening community. No doubt, the results of all three studies in this project are probably most interesting to those seeking to better their own communications in emergency circumstances: Can the real Jacksons of the nation make better statements and, thus, get more favorable coverage if they train their spokespeople? Hopefully, this project has provided some of an answer to that question.

However, the public should be interested in this project, too. At the very least, Investigation Three begins to ask if more positive coverage might not also coincide with coverage that better serves the community. While we tend to assume that it is the media

that represents the public, Investigation Three suggests that by training spokespeople we shift some responsibility to the communicators – and their corporate overseers -- to interest and inform the listening community. The importance of this sort of unexpected public stewardship is explored more fully in the conclusion.

CHAPTER SEVEN:

CONCLUSION – IMPLICATIONS FOR THE PUBLIC

There are shared experiences, like elections, or emergencies of the order of the Persian Gulf Crisis; there are profoundly devastating national tragedies like the assassination of John F. Kennedy, Robert Kennedy and Martin Luther King, Jr. Like contemporary neighborhoods, we may be most passionately linked to one another by dramatic crises, which by their very nature are unpredictable, thus especially frightening. Indeed, it may well be that crisis, with its myriad faces and names, will become our communal rallying-point of the 1990s. The rituals attending them will be media-generated, media-ordained. Tocqueville's insight of the mid-1800s – that the media make associations – is true now in a way he could have never anticipated.

Joyce Carol Oates (1991)

Managing communications during a crisis is vital to organizations. Moreover, at this moment in history, the stakes become far higher when the crisis involves legal issues. In the wake of devastating scandals at Enron, WorldCom and other companies, the public has become far more demanding about how large organizations provide information.

Over the past several years, watershed legislative efforts have formalized this demand: in 2000, the SEC adopted Regulation FD which requires that companies now make available to the public information they once provided only to select investors and

analysts. Two years later, in 2002, the federal legislature passed the Sarbanes-Oxley Act, regulating not only certain internal accounting and ethical practices but also how such information is communicated to the public. Sarbanes-Oxley also criminalized the destruction of information relevant to certain public interests. In 2004, the SEC began to require that large companies report publicly how executives are being paid, and the regulations detailing this requirement were just finalized at the start of 2006. Taken together, this legislation heralds an era of *legal transparency* in which organizations are tasked to communicate openly and accurately about events with legal implications.

The consequences to not complying can be devastating – and they are escalating. The number of class-action lawsuits filed in federal courts alone has skyrocketed 80 percent over the past several years, from 1,475 in 1997 to 2,693 in 2004. In 2005, corporations paid a record $9.6 billion to shareholders to settle securities class-action cases alone – up from $2.9 billion in 2004. (Davies, 2006, p. C3). This figure is all the more striking because it does not include the agreed-to, but not yet finalized, settlement of Enron claims for $7.1 billion. (Davies, 2006, p. C3).

Against this backdrop of increasing litigation, mismanaging information has had especially draconian penalties. A complex labyrinth of federal and local rules dictate how organizations keep track of and dispense information, and these rules both simultaneously reward disclosure and damn those who withhold information. The Federal Sentencing Guidelines, for example, which set the frameworks under which defendants are penalized in federal courts, suggests lower penalties for organizations willing to open all records to investigators. The policy statements issued by the Department of Justice as to when prosecutors should charge organizations echo this same sort of "credit" for openness.

Simultaneously, in the past several years, organizations have suffered significant ramifications when they failed to communicate what was requested or expected. In June 2005, Morgan Stanley was ordered to pay a record $1.58 billion when they mangled a judge's request to produce certain email and other records as part of a lawsuit. (Craig, 2005, p. A1). This verdict followed other high-dollar awards for similar "failures to communicate." For example, in 2004, a court fined Philip Morris $250,000 for each of eleven key employees whose e-mail was relevant to a lawsuit but that had been inadvertently destroyed. *United States v. Philip Morris USA Inc.*, Civ. No. 99-2496 (D.D.C., July 21, 2004). In April 2005, a jury awarded over $29 million, including $20 million in punitive damages, for discovery abuse in an employment case. *Zubulake v. UBS Warburg, 2005 U.S. Dist. LEXIS 4085 (SDNY March 16, 2005).* Extensive problems with e-mail and document preservation and production led the SEC to impose a $10 million penalty on Banc of America Securities LLC ("BOA"). *Matter of Banc of America Securities LLC, SEC Rel. No. 49386 (March 10, 2004)*

It is not surprising, then, that these new requirements have taken center-stage with corporate leaders. Organizations now have reason to manage carefully what they are saying and in many ways they are doing just that. Nation-wide, corporations are implementing "legal compliance" programs to educate non-lawyer professionals about the risks of legal emergencies, how to respond to them, talk about them, etc. Increasingly, these compliance efforts are managed at the Board of Directors level. (Lublin, 2006, A1). Moreover, records management initiatives at large organizations signal recognition that communicators have to be able to get their hands on information quickly when a legal emergency breaks. These efforts, however, tend to focus on, and in some cases focus exclusively on communications within the legal system.

True legal transparency, however, requires that organizations effectively communicate about legal emergencies not just within the legal arena, but to a broader set of constituencies. After all, as Haltom & McCann (2004) explore at length, the public receives far more information about a legal emergency than any actual coverage of a trial. While the compliance practices mentioned above help manage communications during investigation or in litigation, far fewer organizations are preparing for the more public communication of the same things. For example, more than a third of American companies do not have an up-to-date crisis plan, and crisis plans are even more scarce for overseas operations. (Barton, 2001, p. 19) Moreover, lawyers continue to play a quite limited role in external crisis communications, typically performing as only the editors of press releases and statements, screening for admissions or other incriminating material.

Right now, the public demands of corporations a legal transparency that makes them communicate more clearly about legal crises and that also requires lawyers to play an expanded role in such crisis communications. But if the legal community were more strategically engaged in crisis communications, would they be any good at it? Moreover, if they did, would there be any good *in* it?

This chapter reviews the comprehensive work of this study to suggest answers to both of these inquiries. It reviews the questions this study sought to answer, the path it followed through three related investigations, and the subtle and compelling results each investigation produced. Moreover, this final chapter suggests that engaging attorneys as crisis communicators can do more than simply improve the reputation of the organizations about which they speak. This researcher tentatively suggests that employing attorney-spokespeople in legal emergencies may actually serve the public good.

Investigation questions

What if lawyers became instrumental in the crisis management process? Could attorneys be effective as spokespeople? To know that, the researcher had to answer some basic questions. First, I had to know *if the innate media skills of attorneys differed from the skills of non-lawyer public relation professionals.* This was a preliminary question. The researcher found much existing work on the differences between lawyers and non-lawyers in the courtroom, and this work suggested that lawyers communicated relatively poorly. Yet, as explained in chapter two, to-date there was no research that specifically detailed how a lawyer's oral statement in a more public setting like a press conference might differ from that of a non-lawyer.

The researcher had to know if, second, *training could meaningfully change the way attorneys talk.* Even if lawyers' communication styles could be parsed and labeled, could they be changed? Is there any pedagogical intervention that would arm attorneys with improved skills when addressing the public? Again, as detailed in chapter two, there has been surprisingly little research about the impact of communication training under any circumstance.

Third, *do more thoughtful media statements translate into different news coverage? Better news coverage?* The public statements that most people receive about the law are mediated by the press of some sort: radio, TV, newspaper, internet. Again as reviewed in chapter three, newspaper coverage of the law is particularly influential with the public. But how sensitive are these media to thoughtful statements? Even if lawyers did change their ways, did it affect the news coverage they generated?

Method

Answering these questions required a rather complicated field study involving three separate investigations. The researcher was lucky enough to enlist support from two Fortune 100 energy companies, an agency of the federal government and a nationally-respected law firm. Each organization supplied lawyers from their legal departments and communication professionals from their public relations departments.

The researcher, also serving as trainer, conducted 23 separate training programs at these four organizations, teaching potential spokespeople how to address the media. The researcher/trainer taught participants skills to meet the goals consistently addressed in the trade literature on crisis communications: control the interview, stay on message, etc. All participants practiced these skills on a set of hypothetical facts about an explosion at an energy facility, a case developed especially for the study. There were three or four participants in each session, and, after accounting for practical difficulties, the study ultimately enrolled 39 lawyers and communication professionals as participants.

These participants were video-taped both at the start of the session, before learning any skills, and after they had received training. The resulting 78 tapes were edited and turned over to an able team of 19 university communication instructors serving as raters to achieve more independent evaluation. These raters used an instrument expressly created for the study that collected both quantitative and qualitative data. Each speaker was evaluated by three instructors both before and after training, and was also evaluated by the researcher in an attempt to determine how lawyers differed from communication professionals and how training changed the performances of all speakers.

Last, six segments were selected for additional study: three videos of speakers before training, three videos of speakers after training. The researcher enlisted 43 student

journalists to prepare hypothetical newspaper stories based on the videotaped statements**.** These stories were then coded in several ways to evaluate how newspaper coverage changed as a result of training.

Results

This study was divided into three separate investigations, each of which resulted in distinct, useful findings. These results are reported and discussed in detail in Chapters 4, 5, and 6, respectively, as well as reviewed below.

Investigation One

Investigation One revealed that, even before training, lawyer-spokespeople spoke differently than communication specialists. It appears that the lawyers' training and experience prompted them to employ seven distinct skills that accrued to their advantage. First, compared to the communication specialists, *the attorneys were appraised as smarter, more intelligent, more knowledgeable, and better informed*. This seems to be explained by two different things: the lawyers did an excellent job of articulating in their statements every one of the limited facts they were given about the case. Recalling the work of Cialdini (1993) and Langer (1989), it appears that "informed-ness" and "intelligence" turns on the *existence* of facts in a statement rather than on the *quality* of the facts themselves. To the raters, this citation of facts, no matter how small, won the speaker points.

Moreover, the attorneys were relatively better at controlling the speech situation by offering a prepared statement rather than taking questions. This practical kind of control appears to have seamlessly translated into "intelligence" to the raters. Perhaps this control/intelligence convergence suggests that, as in other social situations, the raters

over-emphasized the dispositional factors of the speaker and under-emphasized the situational factors of the interview – what psychologists call the *fundamental attribution error*. (Jones and Harris, 1967) Future research might pursue other strategic uses of the fundamental attribution error in public communications along the lines of Kaplan & Sharp (1974).

Surprisingly, it was also true that, second, *attorneys distinguished themselves as especially credible, truthful and honest.* *R*eviewing the video segments, attornies consistently exercised two strategies that warranted this appraisal of honesty. First, in the press briefings, both attorneys and communication specialists were forced to admit that they did not know the answers to some questions. The attorneys, however, did a relatively better job of explaining why they didn't know these things. Thus, the attorneys exhibited a form of honesty one might refer to as "candor:" more than admitting what one does not know, candor is a "reasoned lack of understanding." This researcher would like to explore further the relationship between reason-giving and honesty, perhaps expanding the work of Cialdini (1993) and Langer (1989).

Attorneys also garnered points for the items related to honesty by discerning the facts about the case consistently. Too often in real crisis settings, speakers provide factual explanations only gradually, as he or she becomes more comfortable during the interview. While this is usually explained by the speaker's own nervousness, it often has the appearance of dishonesty, as famously demonstrated by Lawrence Rawls in his interviews about the 1987 Exxon disaster. The attorneys in this study, however, generally avoided this problem, providing information consistently throughout their interview.

Third, *attorneys used several speech strategies that generated appraisals of relatively more preparation and organization.* Attorneys were much better at creating a

comprehensive or over-arching organizational form for their briefings through statements, wrap closes, mirrored construction, etc. It was difficult to give their briefings such a skeleton because the reporters constantly interrupted the speakers with questions of their own. In addition, the attorney-speakers reminded reporters to check information available elsewhere – other speakers, the company's website, written statements, etc. – to supplement what they were saying. In this way, the attorney-speakers were organized and prepared, not just with what they knew themselves, but by knowing what the other sources were. It would be useful to investigate how much of this sort of information-brokering a speaker could employ and still maintain high appraisals of preparation.

It is worth noting that, to the raters, "preparation" was entirely a matter of substance rather than delivery. The raters were much more likely to comment on the delivery of the communication specialists and, when they commented, it was generally negative. On the other hand, raters rarely commented on the delivery of the attorneys. That does not mean that the attorneys weren't working at their delivery, but that they better mastered a style that did not call attention to itself. Said differently, the way attorneys prepared their delivery did not show, while the way they prepared their substance did.

The results of the first investigation suggest that, when delivery appears rehearsed, it is not received well – it judged as "slick" or "canned." That is, the raters and public expect delivery to be elegant, but not obtrusive. Indeed, when delivery seems natural, it appears to garner the speaker additional points in the substantive categories. This is the notion of "fundamental speech skills" – skills that are useful not because the audience looks for or even notices them, but because these skills prompt other important appraisals. The researcher is particularly excited about the possibility for more research on this theoretical possibility.

Investigation Two

Investigation One identified seven strategies attorney-speakers employed that distinguished them even before any training occurred. But how did the training session change things? As detailed in Chapter Five, the second investigation showed that training had a distinct impact on potential spokespeople, improving their evaluations in several specific ways and actually undermining their performance in another way. All together, after training, attorneys emerged as at least as competent as -- and arguably superior to – the communication professionals as crisis spokespeople. The most dramatic improvement and final performance was demonstrated by the law firm attorneys. Though both communications professionals and attorneys improved after training, this investigation reported on how training specifically changed the performances of the attorney spokespeople.

First, *training makes attorney-spokespeople appear significantly more organized, knowledgeable and in control* by empowering them with several specific strategies. As a preliminary matter, it was useful to find that, in general, the participants in the sessions easily adopted the lessons taught, supporting the general principle that speech skills can be learned. For example, after training, speakers wrested control of the speech situation from the reporters by narrating what the format would be and, generally, focusing it on statements rather than on questions and answers. Also, after training, speakers emphasized the factual nature of the information they were providing, using phrases such as "I will tell you all the facts that we know at this time." Also after training, speakers did a better job of explaining their personal role in crisis management which, despite the magnitude of the role, garnered points from the raters. These three strategies go a long

was to explain attorney-spokespersons' higher marks on organization, knowledge and control after training.

Second, *after training, raters evaluated attorney-spokespersons as more caring and compassionate.* This is an important finding since a significant literature argues that compassion is the most important element for a speaker to embody during a crisis (Coombs,1999; Coombs & Holladay, 1996; Marcus & Goodman, 1991; Siomkos & Shrivastava, 1993). No study to-date, however, had attempted to measure whether compassion could be increased by training and, if so, how it could be done.

Investigation Two suggested that compassion can, in fact, be taught. After training, speakers performed several speech strategies that seem to explain their higher scores here. First, as instructed, speakers made sure to say that caring for the employees injured or affected by the fire was the top priority of the company. This was strategic for many reasons: At the least, amongst a complicated set of facts, human injury was easy for the raters to understand and, thus, to use when evaluating the company. Second, speakers consistently offered a secular prayer for all the people involved in the explosion: "Our thoughts and prayers go out to the injured employees and their families." This secular prayer seemed so important to raters, in fact, that in future training this researcher will encourage speakers to feature this device in specific ways. Third, the researcher was surprised that the speakers' admonition to the reporters not to speculate increased scores for compassion as well. At a conceptual level, these results seem to underline the extent to which we demand the spokesperson to humanly embody and communicate about the crisis events.

Third and last, Investigation Two revealed that, *after training, lawyer-spokespersons appeared less forthcoming.* While after training, attorney-speakers were rated higher on almost all criteria as well as overall, the intervention was not a wholesale

improvement. In both the qualitative and quantitative data, training appears to have made participants less forthcoming, perhaps even calculatedly taciturn. In an unexpected way, this finding is one of the most useful of the investigation.

That the trained speakers were deemed less forthcoming was almost entirely explained by how they handled questions as parts of their statements. It is not that they bungled their answers. Indeed, participants executed quite well the several specific question-taking strategies taught in the training: initial control, limiting questions and announcing future question opportunities. In hindsight, however, one of the most important lessons of this study is that answering questions well is not the same as being open.

The training intervention provided in this study armed participants well to answer questions intelligently. Yet the raters seemed to demand that, in addition, crisis speakers make an explicit promise to be forthcoming. In future sessions, this researcher will instruct participants to take every opportunity to assert both the importance of the public's questions as well as the spokesperson's commitment to answering each and every one of them. All that said, some of the results of Investigation Three suggest that, while raters may "sense" a lack of openness when watching a statement, it disappears in the media coverage. This point is detailed next.

Investigation Three

Investigations One and Two explored spokespersons' statements directly: how lawyers were different from communications professionals and how training changed spokesperson's technique. Investigation Three, however, revealed that training not only changed the spokespeople themselves but also changed the resulting news coverage. The researcher is perhaps most proud of this investigation's findings that trained speakers

garnered newspaper coverage that was more positive, less negative and (based on simple coding and word count) just plain longer.

These findings revealed four conclusions about crisis training that can only be assessed by looking at the resulting media-coverage. First, *staying on message works*. During training, the speakers identified key statements they hoped to feature in their statements. Not only did the trained speakers do an excellent job of articulating these messages but the reporters actually – almost dutifully -- included them in their stories.

Second, Investigation Three revealed that, for better or for worse, *ignorance is newsworthy*. Before training, speakers were quick to tell reporters that they did not have a certain fact in their command, and the reporters usually included this admission in their newsstories. In training, however, speakers learned several techniques to divert attention from what they didn't know. Notably, when a speaker employed a diversion strategy, the reporter rarely followed-up. This not only suggests that such strategies are effective but that perhaps, at least in some cases, topics become newsworthy by the very fact that the spokesperson can not address them.

Moreover, even when a trained speaker invoked strategies to avoid saying "I don't know," reporters rarely reported that the spokesperson was evasive or not forthcoming. This suggests that an approach which allows the speaker to avoid having to admit what he or she doesn't know can be executed without the obvious downside. Just as important, this result colors the findings from Investigation Two that the raters found trained speakers to be relatively taciturn. Reporters evaluated trained speakers the same way that the raters did: after training speakers were less forthcoming, evasive, etc. Yet this appraisal is not apparent in their stories. In an unexpected way, then, speakers were "helped" by being mediated, as the newspaper articles filtered out this negative appraisal.

Third, *reporters are, in a way, out to get spokespeople.* Untrained speakers allowed press briefings to operate almost entirely as question-and-answer sessions. In this setting, the majority of the questions the reporters asked did not put the company in a good light. Of course, the company couldn't avoid all negative information given the explosion at their facility. But reporters asked the untrained speakers many questions that never came up in the discussions with trained speakers: for example, a possible employee walk-out or strike, continuing community health risks because of chemicals released in the explosion, and the pervasive dangers of the energy business.

At bottom, when the spokesperson was untrained, reporters controlled the speech setting with their questions, most of which elicited unfavorable information, and this unfavorable information found its way into the resulting stories. Trained speakers, however, limited questions and thus eliminated almost two-thirds of the unfavorable coverage.

Fourth and last, *trained speakers serve not only the organization they represent but serve the public, too.* While the briefings given by trained speakers were far shorter than those given by rambling, untrained speakers, the resulting news-coverage was typically much longer. Trained speakers did a much better job of identifying ahead of time all the parties interested in the events, and providing each of these constituencies all the available facts. The resulting longer coverage was not just both more favorable and simultaneously less unfavorable to the company, but also better served the public interest, too, because it included this information. That these trained speakers did a better job by including important public facts that untrained speakers simply overlooked -- the current state of the fire and facility, on-going risks to the community, contingency plans to continue to supply fuel, etc. – made them better servants of the public.

Indeed, future research should explore further how crisis communications in legal emergencies might serve as a tool, albeit a discrete one, to foster better public understanding of the law. A full treatment of these public possibilities is the subject for another paper, another day. The case for such continued research, however, is made as the final portion of this study.

Implications for the public

I began this dissertation with both commercial and civic concerns. I was confident in the ability of crisis speakers and simultaneously concerned about public life. I was sure I could demonstrate that communication training works, and that just a little bit of it could produce superior organizational spokespeople as both measured in and of themselves as well as by the media they generated. Moreover, I believed that lawyers could perform crisis communications especially well. Indeed, the results of Investigations One through Three bear out these hunches.

But what about my civic concerns? Reading dramatic accounts of how Americans are withdrawing from public life, understanding public institutions less and less well (see, e.g. Lasch, 1995; Purdy, 1999; Putnam, 2000), I wondered if my admittedly commercial findings might have anything to offer the public. I submit that this project also serves as a discrete test-case for a much larger and vitally important question: Can improving the communication skills of political and community speakers affect what citizens think of public life?

The hypothesis seems plausible. As Putnam (2000) points out, citizens who read or watch the news are more civically engaged than those who do not. It seems, then, that improving upon the talent of the newsmakers might have fairly direct repercussions. If so, then lawyers-cum-spokespeople have an obvious role. As the American Bar

Association itself has wondered aloud: ". . . [an attorney's skill with the media] fufills a certain civic and public educational goal by helping to inform a society that is sadly lacking in an understanding of the judiciary." (Rothman, 2000, 6).

After all, as with the other arenas of public life, Americans are not interested in and do not understand the law. Their misconceptions have significant repercussions too: Most citizens do not take advantage of the legal system and, when they do, they perform poorly relative to those with specialized legal knowledge. Defendants, for example, are sometimes falsely accused by misinformed juries. Indeed, others have argued that when citizens misunderstand the law, the entire political process risks falling apart.

To-date, the causes of the crisis have seemed recalcitrant: fundamental traits of the American media establishment and of the American legal system, combined with the crisis conditions under which the media typically reports on the law, all foster a seemingly unchangeable situation. Indeed, many previous approaches to creating a legally-informed citizenry have failed. What follows is both a review of the public dilemma as well where this study fits in.

Americans have significant misconceptions about the law.

Study after study have concluded that American citizens have a woefully weak understanding of the courts, the legal system and the judicial branch and a general lack of confidence in them, as well. (see, among others, Haltom & McCann, 2004; Fox & Van Sickle, 2001; Slotnick & Segal, 1998; Delli, Carpini & Keeter, 1996; Caldeira, 1986; 1991) In a nationwide poll, for example, 59% of Americans could name the three stooges, while only 17% could name any three members of the Supreme Court (Morin, 1995). One pollster reported that, in 1994, 53% of Americans polled had a generally negative view of the U.S. courts; in 1993, only 15% of Americans expressed confidence

in the court system, a figure lower than that for any other public institution. (Fox & Van Sickle, 2001). More recently, the Harris poll reports American confidence in the courts and judicial system at only a little over 20% (Harris, 2006). While such studies illuminate the problem in light, breezy terms, there are serious repercussions to citizens' ignorance of the law. These problems include the following:

Misinformed citizens do not take full advantage of the legal system.

If you do not know where the courthouse is, it is difficult to file a claim. Research has suggested that in more subtle and complicated ways, the manner in which people think about the law affects whether they choose to invoke its services. In 1998, for example, Ewick and Sibley answered a call by the New Jersey Supreme Court to explain why minority citizens were less likely than whites to use the state court system to resolve disputes (Ewick & Sibley, 1998). In their seven-year study they interviewed hundreds of New Jersey citizens and found that most people – minority and non-minority alike – maintain well-developed lay philosophies about the law.

Ewick and Sibley (1998) generally found three "lay philosophies" and they found that one's choice of philosophies dictated how a person interacted with the legal system. Ewick and Sibley (1998) argue at great length that all three narratives of legal consciousness serve valuable purposes in society. "Before the law" encourages respect, for example, while "against the law" encourages resistance. Yet only the third framework arms its holder with the tools for using the legal system as it was designed to operate. At bottom, Ewick and Sibley (1998) demonstrate that one's lay philosophy of the law dictates how one will choose – indeed, *if* one will choose – to participate in the system.

Misinformed citizens do not fare well in the legal system, even when they do participate.

Over the past twenty years, John Conley and William O-Barr have watched how litigants in small claims court present their claims (Conley & O'Barr 1978; 1988; 1990; see also Yngvesson, 1993). The authors found that litigants have two major and contrasting ways of describing their problems. "Rule-oriented litigants" describe their problems in terms of specific rule violations and seek concrete remedies. By contrast, "relational litigants" describe their problems in broad social terms and seek remedies that would mend soured relationships and respond to their personal and social needs. Not surprisingly, the law favors rule-oriented claims.

These presentational styles reflect two very different ways of thinking about the law. Litigants with a rule-oriented perspective understand the law's limited remedial purpose; this presentational style assumes that there is much unhappiness and wrong-doing about which the law is silent. The law, for example, usually requires that a party present something beyond the complaint of "she wasn't nice to me." Relational litigants do not understand the limited function of the courts and, thus, seek redress for issues beyond its scope and seek it in ways that the court is not equipped to process. At bottom, Conley and O'Barr's work reveals that when citizens misunderstand the law, they suffer at its hands.

Misinformed citizens make bad jurors.

Not only do citizens' misconceptions of the law hinder their own access and success within the system, but these misconceptions have the capacity to affect all others who participate in the legal process. Scholars have documented the effect that jurors' lay legal philosophies – called in the literature "jurors' commonsense justice" or CSJ – have

on their decision-making. (see, e.g., Finkel, 1995) A veritable library of research concurs that juror decision-making is, on the whole, exceptionally bad. (For a review, see Studebaker & Penrod, 1997; Abbott, et al., 1993).

Perhaps most interesting, the research also suggests that, in general, the more legal information jurors get from the media – both about the law generally as well as about the specific case at bar – the worse their decision-making will be. (See, among others, Dexter, 1992; Moran & Cutler, 1991) So, for example, jurors who learn about the law through the media are biased against criminal defendants. (Moran & Cutler, 1991; Dexter, 1992) This bias is consistent even though jurors explicitly deny such propensities (Moran & Cutler, 1991) and even deny having learned anything about the law through the media (Moran & Cutler, 1991). All of this is made more disturbing by the fact that the typical courtroom remedies for such problems – voir dire, instructions to disregard, continuances, etc. – appear to have no practical effect. (Dexter, 1992; Kramer, Kerr & Carroll, 1990)

Misinformed citizens make bad political participants.

Bill Clinton remained in office only after surviving a proceeding that scrutinized, among other things, his definition of terms under the law. The election of our current president was decided by an even more technical, procedural question of election law. Clearly, if citizens misunderstand the law, they risk not only undermining the legal system but misunderstanding key moments of the larger political process, as well.

In American democracy, law and politics have always been inextricably linked in a least two ways. First, the law comprises quite literally a full third of the American political system. Slotnick and Segal (1998) argue at length that, by failing to understand the Supreme Court, citizens radically misunderstand politics; when they misunderstand

politics, they cannot fully participate. As a noted New York *Times* Supreme Court reporter reflected in the *Yale Law Journal*:

Given such widespread ignorance [about the Supreme Court], and in light of the Court's role as an important participant in the ongoing dialogue among American citizens and the various branches and levels of government, journalistic issues about what the Court is saying and where it is going can have a distorting effect on the entire enterprise. (Greenhouse, 1996, p. 1539).

By not understanding the federal court system, then, citizens cannot fully appreciate how some of the most important political questions are resolved.

Yet the law is not simply a branch of the political process. Rather, it also provides metaphors and templates for the entire democratic system. De Tocqueville commented that

There is hardly a political question in the United States which does not sooner or later turn into a judicial one. Consequently the language of everyday party-political controversy has to be borrowed from legal phraseology and conceptions. As most public men are or have been lawyers, they apply their legal habits and turn of mind to the conduct of affairs. . . . (cited in Lawrence, 1969, p. 270)

When citizens mischaracterize the law, then, they do more harm than simply misunderstanding a vital branch of politics. To misunderstand the law is to misunderstand important frameworks endemic to the political system itself.

In specific ways, too, legal misconceptions can cripple political action – or at least send it galloping in a different direction. Haltom and McCann (2004) have levied an extended argument that misconceptions about the law have inhibited thoughtful debate about corporate power. The authors write specifically about the impact of sensationalizing coverage of tort litigation:

> [P]ublic discourse and public opinion are diverted by default concerns about proliferating legalism from attention to actual changes in legal practice, important public problems and plausible policy responses to such problems. . . . Second, we suggest that the prevailing legal lore nurtures pervasive cultural pressures that encourage various types of legal action and, especially, inaction – by lawyers, judges, jurors, administrators, injured citizens, risk calculating customers, and the like – in response to everyday harms.

(Haltom & McCann, 2004, p. 9). Regardless of how the reader appraises tort litigation and reform, their point is a solid one: how citizens expect the law to operate will impact the nation's politics.

In review, American citizens' misconceptions of the law have significant repercussions. Citizens do not take advantage of the legal system and, when they do, they perform poorly in it. For example, defendants are poorly considered by weak juries. Indeed, the entire political process risks falling apart. But why does the problem exist in the first place? Why is there so much misunderstanding? That question is addressed next.

WHY CITIZENS MISUNDERSTAND THE LAW

Media establishment

Most Americans receive their political information from the mass media. More than a hundred million Americans watch TV news everyday, for example, and millions more gain their information by interacting with those who watched the news first-hand (Iyengar & Kinder, 1987, p. 112). As a noted scholar of mass media and politics has commented: "For the vast majority of Americans . . . use of the mass media, coupled with brief visits to the voting booth on election day, represents their total participation in politics" (McCombs, 1994, p.1).

The unique character of legal institutions makes them particularly reliant on the mass media to disseminate information to the public. In general terms, the legal system has no immediate public constituency: very few legal actors are elected, at the national level at least, and particular legal controversies are decided by a discrete panel of jurors rather than a broader public. Traditionally the court system has been removed from the glare of publicity.

As a result, the public learns almost all of what it knows about the law from the media. Writes Denniston (1980), "The average citizen reads no court opinions, watches few court proceedings in court, studies no law review articles, has no regular contact with judges or attorneys, and handles no legal problems himself. The press is his law reporter." (p. 87) Others agree: A major study of how the public understands the law concluded that "the media is a much more important source of information about the courts than are lawyers, the public's own personal experience, schools or libraries." (Bennack, 1983, p. 3)

Those who spend their time thinking about the role of the media in the law recognize the danger of the law being isolated from public view. Alan Dershowitz, perhaps the most vocal public legal personality in our times, explains, "When I started in this profession, lawyers were like some secular priesthood. I want to combat that. Rights don't work if people don't understand them" (Cox, 1993, p. 78). Or in the words of prominent jurist Irving Kaufman:

The force of judicial decisions . . .depends on the fragile constitutional chemistry, and it flows from popular knowledge and acceptance of those decisions. Courts cannot publicize; they cannot broadcast. They must set forth their reasoning in accessible language and logic and then look for the press to spread the word. (Cited in Katsh, 1983, p. 8).

A similar sentiment is echoed by a media practitioner:

Political candidates who believe that their messages are not being conveyed accurately by the press have a range of options for disseminating those messages. They can buy more advertising, speak directly to the public from a talk-show studio or a press-conference podium or line up endorsements from credible public figures. But judges, for the most part, speak only through their opinions, which are difficult for the ordinary citizen to obtain or understand. Especially in an era when the political system has ceded to the courts many of society's most difficult questions, it is sobering to acknowledge the extent to which the courts and the country depend on the press for public understanding that is necessary for the health and, ultimately, the legitimacy of any institution in a democratic society. (Greenhouse, 1996, p. 195).

The media are vital to all political institutions, but perhaps especially to the law. But what sort of media coverage does the law receive? Overwhelmingly, scholars agree that media coverage of the legal system is unsatisfactory. For some time, critics have cited the same set of problems: (a) the media misunderstand the law; (b) the media sensationalize the law; (c) media coverage of the law is fundamentally inadequate.

First, many contend that the media simply get the law wrong. Slotnick and Segal (1998) found that, for example, in 29 high-profile Supreme Court cases, the media inaccurately reported the decision 22 times (p. 198-199). It is likely that the media get the law wrong in part because the law is such a complicated and arcane subject matter. In addition, many point to an additional problem: legal beat reporters do not have the skills and training needed to report well on the law. Wrote journalist Max Friedman some years ago:

> It seems simply inconceivable . . . that the average American editor would ever dare to write on a debate in Congress or a decision by the President

> with the meager preparation which he often manifests in evaluating legal judgments of the Supreme Court . . . I must declare my conviction that the Supreme Court is the worst reported and worst judged institution in the American system of government. (Quoted in Grey, 1968, p. 5; cited by Slotnick & Segal, 1998, p. 10).

Second, critics complain that the media often focus on issues about a case that, in the minds of legal experts, are superfluous to the legal question at bar. As early as 1964 one scholar noted that newspaper coverage of the Supreme Court focused more on local and national reactions to decisions than on the decisions themselves (Newland, 1964; Grey, 1968). In particular, much research has focused on how a sensational mass media works out badly for criminal defendants. In 1995, the ABA identified six specific sorts of reporting that were problematic. Yet as late as 1995, one group of scholars found that more than a fourth of major daily newspaper articles on the law contain exactly the type of coverage specifically identified by the ABA as damaging (Imrich, Mullins, Linz, 1995).

Third, the media often do not cover the law. In 1977, David Ericson examined coverage of the Supreme Court contained in three major daily newspapers. He found it generally inadequate (Ericson, 1977). Television is no better. Between 1989 and 1995, for example, air time devoted to the Supreme Court's activities slipped from 26 minutes per month to just eight minutes per month (Slotnick & Segal, 1998, p. 165). At bottom, then, the public must understand the law through dwindling media coverage riddled with inaccuracies and sensationalized content. When prominent journalist Nina Totenberg, who, at the time, covered the U.S. Supreme Court for National Public Radio, was asked how the press might better represent the legal process, her evaluation of her own institution was damning: "We may be, in short, dreaming the impossible dream here. I'm

afraid in one respect or another, we have met the enemy, and it is us." (Gilbeaut, 1997, 97).

Legal establishment

Just as there are fundamental traits of the media establishment that make media coverage of the law difficult, so, too, does the legal establishment bring its own challenges to the process. At a philosophical level, the legal system is strategically designed to operate above the heads of the public; it is by design that the law has little to say to the public. When the law does comment, its language is usually difficult for lay listeners to understand. Difficult language is made more complicated when lawyer-spokespeople refuse to address the content of the legal issues at hand or provide information about the narrative surrounding the legal event.

First, the legal system is supposed to be above the public fray. For example, many judges are appointed – and many for life – to specifically exclude them from being accountable to the American people. Indeed, much of the public has come to value the law as removed from their lives and, as a result, entirely uninteresting to them. As Hamilton wrote in Federalist 78:

This independence of judges is equally requisite to guard the Constitution and the rights of individuals from effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves. . . . (Hamilton, Jay and Madison, 1787, p. 508).

Such an auspicious history has had practical import: Four of five attorneys polled by the American Bar Association said that they did not choose to even attempt to proactively communicate with the public. (Reidinger, 1987). And yet, CNN estimates that in about 85 percent of news-making cases, the press interviews not just the clients but the lawyer as well. (Cox, 1993).

Another one of the greatest challenges for the listening citizens is the very language of the law. "There is no doubt that legal language is decidedly peculiar and often hard to understand, especially from the perspective of the public" (Tiersma, 1999, p. 2). Indeed, several scholars have argued that legal parlance is so distinct that it rises, in fact, to being its own language. Proponents of "the plain language movement""-- legal academics who advocate the use of more accessible phrasings – have documented the tremendous costs, measured in time and dollars, when citizens do not understand the law (for a recent review, see Kimble, 1996). The peculiarities – indeed, difficulties – of legal language are explored in depth at the start of Chapter Four.

The language of the law, then, is yet another systematic barrier to effective public communication. Lawyers' inability to see outside of their narrow professional world creates problems as well. When a media crisis strikes a modern corporation, for example, there is almost always much more at stake than success in the courtroom: it is also vital to soothe customers, manage the effect on stock prices, etc. Yet the first instincts of the lawyers involved – particularly the litigators – is usually to treat the crisis as if only the legal processes mattered. Lawyers worry that anything a company spokesperson says or does will affect pending litigation and will "be used against them" in court. Moreover, attorney spokespeople restrict their own comments to the most narrow legal realm in which they feel comfortable. As more than one public relations practitioner has noted, it is a rare lawyer who can make an unequivocal statement.

This "litigators' syndrome" overlooks, of course, the crucial fact that any institution's very survival in the marketplace – never mind its credibility – may turn on the group's ability to make amends with the public. As difficult as it is for legal counsel to believe, many times such business considerations outweigh legal waivers. Research on product recalls is illustrative. Studies indicate that companies that reveal the worst

aspects of the recall first, rather than putting the happiest interpretation up front, score highest with the public (Warner, 1986). As one expert advised, "If you win public opinion, the company can move forward and get through the crisis. If you lose there, it won't make any difference what happens in the court of law." (Byrne, 1992, p. 33, quoted in Pitt and Groskaufmanis, 1994, p. 967).

3. The difficulty of the media and lawyers working together

Both the media and the legal establishment bring with them systemic traits that make public communications about the law difficult. The media have a hard time understanding, for example, the unique organizational structure of most private law firms; thus, they often place telephone calls to the wrong person. Attorneys have a hard time understanding a journalistic style that put conclusions in the first few lines and then explains them in the rest of the piece. Perhaps the biggest problem, however, is that these two very different institutions have to work together for a story to happen. Yet the two sides couldn't have more fundamentally different philosophies about how the exchange of information should transpire.

The biggest problem that lawyers have when they talk to the press is that they assume that there are rules that define the conversation (Rothman, 2000). It is not surprising that lawyers begin with this assumption; after all, they operate in a world where conversations are highly circumscribed by the Federal Rules of Evidence, the Federal Rules of Civil and Criminal Procedure, and other guidelines that define quite specifically what information may enter the legal process. Thus, lawyers expect their interviews with reporters to be guided by similar discipline, and they are undone when a media interview seems to have very different expectations. One legal reporter explains that an "off the record" comment reflects this dichotomy particularly well: "The rules

defining what is 'background' and what is 'on the record' are vague. Lawyers have an entire shelf on ethics in their libraries; journalists have nothing comparable. There are no rules, no regulatory decision defining 'background.'" (Rothman, 2000)[1]

4. Crisis conditions

These are long-standing tensions inherent in the relationship between the media and the legal community. To complicate the flow of information further, most mediated messages about the law are collected and assembled under crisis conditions. That is, a specific, negative exigence has prompted media coverage: a plane goes down, a factory explodes. There are unique aspects of crisis media coverage that present special problems to all those involved in informing the public about the law.

Crises happen quickly. Even when the crisis is the result of a long-moldering fire, the facts that launch the coverage usually happen over a very short time period. As a result, newsworthiness is usually tied to how quickly the reporter can produce his coverage. This immediacy is frustrating for lawyer-spokespeople who typically want to be certain about facts and explanations before they speak. In addition, lawyers often have important substantive tasks to perform when a crisis breaks and thus may have less time to devote to preparing their public remarks.

Crises are unusual. Crisis events are usually defined by being, among other things, an event distinct from the normal course of business. As a result, even the most seasoned spokesperson finds himself or herself discussing information about novel circumstances. Moreover, there exist many specific paradigms for successful crisis communication, and these differ considerably from those guiding other sorts of public

[1] The state and federal associations that license attorneys (the "Bar" associations) do in fact proffer basic stipulations about what an attorney can and cannot say about a case on which she is working. Yet these stipulations usually amount to no more than an admonishment not to unduly influence the proceeding.

discourse. Thus, even the lawyer well versed in more mundane press relations – and there are a few of these – may not have the particular skills necessary for a crisis briefing.

Crises attract newcomers. Crisis events draw many people into the public sphere other than the regular players. Why? First, crisis management may or may not be grounded in successful, on-going public relations initiatives. Even when it is, attorneys are often not the spokespeople chosen to announce new products to the daily press. Thus, the crisis event may constitute the lawyer-spokesperson's only contact with the press: "[Most] lawyers only rarely have occasion to deal with the media, [thus they] have much less understanding of how the media operates." (Rothman, 2000, p.xxiii). Last, in the scramble to make sure that someone is covering a breaking crisis, the media source often assigns the most readily available reporter. As a result, the crisis event may also be the reporter's only contact with the client, the industry, or the incipient legal controversy.

Crises are disturbing. It goes without saying that no one defines a crisis as a positive situation. As a result, lawyers become spokespeople when things are not going well. Frequently, they must speak on behalf of institutions that have behaved badly or to which devastating things have happened. Because the American people simply do not believe in accidents, lawyer-spokespeople are often the ones chosen to offer the expected, empirical explanations. As discussed above, even when the business considerations would suggest an apology as the best course of action, lawyers are loathe to say, "It is our fault and we are sorry." Yet from a long-term business point of view, that is often the very message that should be delivered.

In review, then, systemic attributes of both the media and the legal community come together to explain why the public is so ill-informed about the law, as does the fact that these two very different institutions have to work together to educate the public. On

top of all this, most mediated coverage about the law happens under crisis conditions, which brings further complexities to the table.

Other solutions have failed

Judged by the foregoing, it may seem impossible to create a citizenry better informed about the legal system. Indeed, significant past efforts to reform the public's understanding of the law have largely failed. Many such efforts have attempted to change the media establishment. For example, some critics have argued that to write accurately about legal issues, one must have a law degree. Justice Frankfurter famously chastised a *New York Times'* legal writer that the paper would never consider having a writer cover baseball who knew as little about the Yankees as Supreme Court reporters know about the law (Ericson, 1977, p. 604). As early as 1968, research on media coverage of the law concluded, "It is not a subjective judgment to conclude that many reporters appear at the Court without knowing very much about what is going on" (Grey, 1968, p. 75).

On the other hand, the media community has responded with the compelling argument that good legal reporting requires far more subtle and specific skills than simply getting a law degree. A prominent legal reporter for the *New York Times* prepared for her work by spending a year at Yale's Law School in a special program designed for journalists. She explained recently that

> When I got [to the *Times*], I found that there was an awful lot of on-the-job training . . . and the book learning from Yale didn't . . . necessarily translate into the daily coverage of the Court. . . . [W]hat really matters, or what really matters to editors, certainly, is the background in daily journalism and the nuts-and-bolts craft of turning out . . . stories against a daily deadline. (Slotnick, 1993, cited in Slotnick & Segal, 1998, p. 25).

Greenhouse's statement echoes those of many journalists who argue that, at bottom, the skills of being a good journalist are far more important than being a better legally-educated one. As another prominent legal journalist proclaimed, "I think all things being equal, a good journalist without a law degree is going to do a better job than a mediocre journalist with a law degree" (Davis, 1994, p. 67, quoted in Slotnick & Segal, 1998, p. 25).

Indeed, many established media members have argued that formal training in the law is actually a detriment to good reporting. Lyle Denniston suggested that "if a reporter hangs around judges and lawyers too long he begins to smell like them. A journalist has his own smell, and he should never trade that aroma for someone else's" (Davis, 1994, p. 68). A colleague elaborated:

> [T]o my mind the biggest problem we who cover the judiciary is . . . the final triumph of that notion that you ought to go to law school before you cover a courthouse for any medium of communication. That is pure . . . 105 percent bullshit. . . . You do not need to go to law school to cover a courthouse. The law teaches you respect for order, respect for tradition, it teaches you respect for hierarchy. And every one of these values is alien to the proper practice of journalism. (Hodson, 1996, quoted in Slotnick & Segal, 1998, p. 26).

To some persons, that is, more legal education would actually impair a reporter's professional abilities. Thus, the media's protectionist attitude helps explain why efforts to improve citizens' understanding of the law must focus elsewhere.

So, while the public has a poor understanding of the law, most efforts to improve the situation have tried to foist responsibility on the media: get a better education, be more attentive. And, frankly, it hasn't worked. Regardless, however, this researcher would suggest that the burden for civic education about the law is better borne – more appropriately, more effectively borne -- by the legal profession. Indeed, the President of

the American Bar Association went on record during a national speech with the following remarks: “Lawyers’ image is suffering because the public doesn’t understand what we do. [Improving the media] won’t change this. What we need to do is educate the public about the law and lawyer’s role in the system.” (New Jersey Law Review, 1999, p. 547)

Of course, this call to action could suggest improving high-school moot court programs, legal clinics for the poor, or free evening seminars about how small claims courts work. All these would be noble efforts. But what could individual lawyers do in the everyday work that would help the public have a better grasp of how the law works and its role in real life problems? What if better informing the public also served the lawyer’s professional ends of advocating his or her client, not just in court, but now in the media, as well?

This dissertation generated a great amount of valuable data that offers insights both commercial and also community-minded. First, this study was the first to benchmark attorney communications against those of non-lawyers in similar, but out-of-court, contexts. Second, this study was one of very few studies to demonstrate that a discrete training intervention actually improves communication skills. Third, this study is the only investigation to-date to determine just how vitally communication skills affect news-coverage. So, if the legal community were more strategically engaged in crisis communications, this study offers a lot of reason to believe that, with training, they would be darn good at it. Moreover, this optimistic researcher harbors hope that there would also be good *in* it.

Appendices

APPENDIX A:

SAMPLE TRAINING SESSION AGENDA (ASSUMING 8:30 – 12:30 CLASS WITH 3 PARTICIPANTS)

8:30 *Scheduled start time*

In my experience, participants show up 15 minutes late, so my schedule accommodates that.

8:45 *Introduction to the course:*

Client reasons for class: include Erika's academic project, thus hypothetical situation.

Crisis communication is unique -- not SME trade press stuff. In fact, public communication is easiest in this format.

What is a crisis? Why do we care? Participants' role in crisis media relations at their organization.

Procedural: Time; video-tape; some materials; very tight schedule.

9 *Participants receive stimulus and prepare statement:*

Leave the room to prepare.

May prepare notes or script.

9:10 *Participants deliver initial message:*

Participants enter one at a time.

Participants will not be coached as to how they deliver the statement – they may sit, stand, etc.

Trainers (and any other viewers) will question participants up to 10 minutes then cut off.

9:45 *Review common mistakes:*

Video: Lawrence Rawls (6:20)

Video: Olympic Pipeline (2:00)

Print: New York Times on MCIWorldCom's 1999 outage

10:30 *Break*

10:40 *Review of participants' initial tapes.*

11:30 *Review best practices framework:*

Video: Dan Nichols (10:00)

Optional video: Kansas City Fire (2:00)

11:50 *Participants receive worksheets for statements and questions.*

12 *Participants deliver revised statement.*

12:15 *Review revised statement.*

APPENDIX B: PRINTED COURSE MATERIALS

What follows are all of the printed materials I use in class. Note that I am providing you materials in unformatted text. For class, I use materials that have been formatted by a professional graphic designer. They are both more polished and reader-friendly.

1. Training goals
2. Crisis scenario
3. Crisis Do's and Don't's
4. Teaching points for videos (not distributed to participants)
5. New York Times article on MCIWorldCom
6. Briefing template

APPENDIX B.1:

COURSE MATERIALS - TRAINING GOALS

Thanks for attending today.

This training aims to provide a discrete skill-building experience for potential organizational spokespeople. The training will provide you the skills necessary to assume the role of spokesperson in the event of an organizational emergency. In particular, the training seeks to teach you the following:

1. Spokespeople should convey only and all facts available;
2. Spokespeople should show compassion for tragedy;
3. Spokespeople should communicate the organization's resolve to remedy the situation;
4. Spokespeople should communicate organization messages, if useful;
5. Spokespeople should speak in language that caters to mediated external communication.

? ***What would be a crisis for your organization?***

? ***Why does your organization care about media coverage during a crisis?***

APPENDIX B.2:

COURSE MATERIALS - CRISIS SCENARIO

You are an employee for Jackson Energy.

Yesterday, the company's natural gas processing plant near Durango, Colorado, in La Plata County was destroyed by fire. This facility purefies and treats natural gas that is gathered from several hundred wells in the San Juan drilling basin in SW Colorado and NW New Mexico. The resulting gas is delivered via pipeline to West Coast markets for use in home heating and to provide fuel for a couple of power plants in California.

Four of the 26 employees were seriously injured by burns. They were flown to a hospital in Denver, where they remain in critical condition. Other employees suffered injuries, as well, but were treated and released at a nearby hospital. One of your supervisors has told you that 2 of the seriously-injured workers will likely not survive.

The incident investigation takes an interesting turn when the Federal Bureau of Investigation (FBI) notifies your CEO that the ultra-radical Earth Rights Foundation (ERF) is claiming responsibility for arson. The ERF is known for using violence, protests and other hard-line tactics to gain notoriety. This fear is confirmed in an e-mail from the ERF sent to the New York Times, Washington Post and San Francisco Chronicle. Your CEO was copied on that e-mail.

In the e-mail, ERF cites the following reasons for their action:

1. The fact that Jackson Energy's CEO has close ties to the Bush administration, serving on an advisory panel for The Department of the Interior. President Bush's national energy policy has called for more pipelines, power plants and drilling in the U.S;
2. Jackson's environmental record. The plant near Durango had been fined by the Environmental Protection Agency (EPA) in 1987, 1991 and 1995 for air emissions. The fines tallied $1.1 million;

3. A $120 million expansion at the Durango plant in 1999 which has expanded drilling activity in Colorado;
4. Increased drilling on public land, including land that traditionally belonged to several native American tribes;
5. The possibility that the Durango plant could have supplied natural gas to fuel 3 new proposed power plants in Northern California.

This news comes as a shock to everyone in your company, considering that Jackson has spent $15 million in the past 3 years on new control equipment at the Durango plant to reduce emissions, has a new environmental, health and safety policy and has a friendly relationship with *The Nature Conservancy* through Jackson's significant financial support. In fact, Jackson was recently rated by the Colorado Council on Air Quality as one of the most-improved companies for environmental protection. Jackson also supports Durango's cultural arts.

Jackson Energy has five gas processing plants in the Rockies. The Durango plant was the largest (700 MMcf/d) and most profitable. It will take at least 12-18 months to rebuild the plant, at a cost of close to $350 million. The FBI has also requested that Jackson wait at least 1 year to help with the investigation before proceeding with a rebuild.

The loss of revenue will obviously impact Jackson's earnings for the foreseeable future. News about the plant fire yesterday alone decreased the company's stock price from $33 to $29. What's more, you have immediate concern for the safety of employees at Jackson's other four plants. Due to these safety concerns and all the bad publicity about the company, your HR people are worried that employee retention will become a problem.

On top of all this, the loss of the processing capacity will impact the marketplace, decreasing the available supply to California and leaving producers in the San Juan Basin with no other choice but to turn to your competitors for gathering, processing and treating services.

News about the ERF's action is already popping up all over CNN, Fox News and ABC. How will Jackson respond? What is the company's priority? How are you going to react to being a part of the national spotlight? Will you engage the environmentalists head-to-head? The ball is in your court.

Appendix B.3:

CRISIS DO'S AND DON'T'S CHART (FOR TAKING NOTES ON VIDEO CLIPS)

	CRISIS "DOs"	*CRISIS "DON'Ts"*
. . . from the Exxon spill		
. . . from Olympic Pipeline		
. . . from MCIWorldcom		
. . . from your tape		

. . . from the
Capital
shooting

APPENDIX B.4:

COURSE MATERIALS - TEACHING POINTS FOR CLIPS (NOT DISTRIBUTED)

(Optional tape) Bob Newhart – scripted talk show interview about "the state of psychology practice (4:45)

- Has no message.
- Has no knowledge of this reporter (her style, her topic, her take).
- Is bought off by her personal style.
- Plumber joke.
- Brings up a topic he doesn't want to discuss.
- Waters the weed.
- Off the record.

Lawrence Rawls – Chairman of the Board of Exxon, speaking about the Valdez accident (6:20)

- Is unwilling to discuss the plan:
- Really doesn't know anything about it? Or just underestimates the expertise required?
- Casts event as "accident."
- Does not show compassion: neither personal nor corporate.
- Passes the buck (distribute MCIWorldCom frame relay article).
- No message.
- Indignant about the coverage.

Olympic Pipeline (2:00)

- No compassion.
- Indignant about the coverage.

(Optional tape) Williams training tape (12:06)

- Tape provides own points.

Dan Nichols – Capital Hill shooting (10:00)

- Gives all reporters a chance to organize.
- Introduces himself, role, etc.
- Sticks to the facts – but don't overlook the spin he's giving!
- Explains the media process.
- Addresses media concerns explicitly.
- Manages questions.

Kansas City Fire (2:00)

- Interviews will be edited (many times transcribed, too – Bob Newhart)

APPENDIX B.5:

MCI POINTS FINGER AT LUCENT FOR RECENT NETWORK WOES (NEW YORK TIMES, 8/17/99)

1. After one of the AT&T Corporation's big data networks, based on equipment from Cisco Systems Inc., failed last year, AT&T fully restored the system in about 24 hours.

2. After a similar network run by MCI WorldCom Inc., based on equipment from Lucent Technologies, Inc., began having problems on Aug. 5, the system was not fully restored until Sunday, 10 days later.

3. In his first public comments on the breakdown, in a conference call yesterday, Bernard J. Ebbers, MCI WorldCom's chief executive, said that MCI WorldCom planned to offer each of the as many 3,000 customers who were affected by the problems up to 20 days of free service. He said it would cost his company only a "very, very slight downtick" in revenue.

4. But the fallout for MCI WorldCom, the nation's No. 2 in long-distance communications, may extend far beyond the next quarterly financial report.

5. Mr. Ebbers tried to shift ultimate responsibility for the problem to Lucent, and Lucent – which sells MCI WorldCom hundreds of millions of dollars worth of products every year – accepted it. Some of MCI WorldCom's own customers, however, have been scathing in their attacks on the company. And some analysts pointed out that the network debacle raised unflattering questions about MCI WorldCom's policies for handling such situations, especially in light of AT&T's speed in dealing with a similar problem last year. . . .

6. . . . Mr. Ebbers thanked the network experts from Lucent and its Bell Laboratories unit who worked on the problem, but later in the call he took a serious swipe at Lucent, wondering aloud whether the company even employed the right people.

7. "Part of the reason that there is some concern here is that there has been a lot of consolidation in our industry and this software was originally developed by Cascade Communications, who was then acquired by Lucent," he said. "And so one of the concerns obviously in this cycle of events is what happened to the people and the process that did the development and wrote the software. And was the capability to maintain this software retained through these transactions?"

8. That might sound somewhat obtuse, but for the telecom industry, those are very harsh words. Communications carriers generally refuse to discuss their vendors at all, yet Mr. Ebbers publicly questioned whether Lucent, which spent $20 billion of its stockholders' money to acquire Ascend earlier this year, managed that deal correctly. Lucent took the high road, accepting responsibility. . . .

APPENDIX B.6:

CRISIS BRIEFING TEMPLATE

INTRODUCE YOURSELF:

- Greeting.
- Name (and s-p-e-l-l-e-d).
- Title.
- Role in incident/facility (spokesperson?)
- When you arrived on site.
- Other spokesperson or official coming?

INTRODUCE THE BRIEFING:

- "I have gathered the following facts about the incident."
- "I will read a statement."
- "I will take no/limited questions."
- Written materials distributed afterwards.
- Announce next briefing.

STATEMENT OF EVENT:

- Provide chronological narrative (action/response).
- Make it skeletal (facts not speculation).
- Discuss continued investigation.
- Include messages, if possible.

STATEMENT OF CONCERN:

- Without caveat.
- Personal emphasis.

"That's all the facts we have at this time."

(OPTIONAL) TAKE LIMITED QUESTIONS:

- Step-down reason – reason to leave.

CONCLUDE:

- Suggest other external spokespeople.
- Announce written materials.
- Remind them of the next briefing.
- Thank reporters.

APPENDIX C:

CONSENT FORM: MEASURING THE IMPACT OF CRISIS COMMUNICATION TRAINING

You are invited to participate in a study of the impact of crisis communication training. My name is Erika Allen and I am a Ph.D. student at The University of Texas at Austin. This study is a dissertation research project. You are being asked to participate in the study because you have been identified by your company as a potential crisis spokesperson. If you participate, you will be one of approximately 45 people in the study.

If you decide to participate, I will lead you through a day-long training session. Parts of this class will be videotaped. Tapes will be coded so that no personally identifying information is visible on them, and they will be kept in a locked file cabinet in my office. The tapes will be viewed only for research purposes by me and, perhaps, the graduate students and other associates who will be working with me on this project. When the study is complete, I will destroy the tapes.

If you decide to participate, you may experience some anxiety prompted by the class activities. I do hope that the confidentiality of this study provides you some comfort. The primary advantages to participation are the skills and information provided by the training session.

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission. Your tapes will not be linked to your name or your company in any written or verbal report of this research project. Your decision to participate or to decide not to participate will not affect your present or future relationship with The University of Texas at Austin or your employer.

If you have any questions about the study, please ask me. If you have any questions later, you may call me at 918.748.8220 or e-mail at Erika@WordOfLaw.com (or you may call my supervisor, Professor Rod Hart at 512.471.1956). If you have any questions or concerns about your treatment as a research participant in this study, call Professor Clarke Burnham, Chair of the University of Texas at Austin Institutional Review Board for the Protection of Human Research Participants at 512.232.4383. You will be given a copy of this consent form for your records.

You are making a decision whether or not to participate. Your signature below indicates that you have read the information provided above and have decided to participate in the study. If you later decide that you do not want to participate in the study, simply tell me. You may discontinue your participation in this study at any time.

_____

Printed Name of Participant

_____ _____

Signature of Participant Date

_____ _____

Signature of Investigator Date

APPENDIX D:

EVALUATION

Tape Number _____
Segment number _____
Your name _____

I. On a scale from 1 – 5, with 5 being the most "true," please evaluate the following statements:

1.	This speaker is credible.	1 2 3 4 5
2.	This speaker is in control.	1 2 3 4 5
3.	This speaker is telling the truth.	1 2 3 4 5
4.	This speaker is nervous.	1 2 3 4 5
5.	This speaker is telling you everything he or she knows.	1 2 3 4 5
6.	This speaker is smart.	1 2 3 4 5
7.	This speaker knows how to communicate.	1 2 3 4 5
8.	This speaker is responsive.	1 2 3 4 5
9.	This speaker cares about the problem.	1 2 3 4 5
10.	This speaker is organized.	1 2 3 4 5
11.	This speaker knows what he or she is talking about.	1 2 3 4 5
12.	This speaker is intelligent.	1 2 3 4 5
13.	This speaker is trying to work with the media.	1 2 3 4 5
14.	This speaker is flustered or disorganized.	1 2 3 4 5
15.	This speaker is compassionate.	1 2 3 4 5
16.	This speaker is honest.	1 2 3 4 5
17.	This speaker is a good spokesman.	1 2 3 4 5
18.	This speaker is hiding something.	1 2 3 4 5
19.	This speaker has lost control.	1 2 3 4 5
20.	This speaker is confident.	1 2 3 4 5

II. On a scale from 1 – 5, with 5 being best, what is your overall evaluation of the speaker: 1 2 3 4 5

III. Three words to describe this speaker:

IV. If this speaker were a student in your public communication course, what advice would you give him or her?

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Vita

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This dissertation was typed by the author with formatting assistance from Angela Kelley and Jenn's Copy & Binding.