

## Corporate PR Viewpoint

# “No Comment” Versus Release Everything

By Jim McClure, CAPT USNR (Ret.)

My experience working with JAG lawyers was outside the Navy, during my corporate career as a public relations manager at Illinois Bell and Western Electric in the 1970s and 1980s. Over the years I developed a good relationship with a number of lawyers but had to pick a few fights in the process.

I had an advantage because AT&T and its subsidiaries had a corporate structure in which corporate communications enjoyed equal status with the legal department. This worked best when PR people and lawyers considered themselves as co-counselors to senior management. Friction between public relations people and lawyers is inherent because even though we seek the same result, we approach a problem from different directions. Their default position is “no comment” while ours is “release everything.”

I learned that lawyers need to defend the company in court and want as much flexibility as possible to do that. Everything I published or uttered to a reporter could turn up as evidence in court with the potential to jeopardize the company’s legal case. The lawyers, in turn, had to realize that I was defending the company in the court of public opinion, and that their airtight legal case would be useless if public opinion (and regulators and politicians) turned against the company.

So, my opening argument was: “If we refuse to comment about this, we’ll get a lot of inaccurate and negative reporting in the media. So, what can I release that will tell our side of the story without getting you in trouble in court?”

My colleagues and I had to school the lawyers in the importance of deadlines. When the legal department failed to respond to emails or phone calls, bursting into a meeting or blocking a lawyer’s way to the elevator to get a legal review of my copy helped convince these folks that deadlines were really, really important. Once we came to an understanding, I generally was able to walk my draft into the lawyer’s office — or phone him at home on a weekend — and get an instant review.

Most lawyers were pragmatic. One told me: “Yes, we may get sued if we publish this, but they’re already suing us so go ahead.”

I worked most closely with the lawyers during labor negotiations and strikes. Because management considered us co-equal counselors, we participated in the same meetings, were briefed on developments at the same time and often hammered out a response on the spot. This teamwork helped us counter union disinformation and media attacks during a fast-moving news cycle without missing a deadline.

I learned that communicators and lawyers can work effectively as teammates once they — and their commanders — understand how they both contribute to the organization’s success. Public affairs officers need to build mutual understanding and be prepared to push back when necessary.



*Jim McClure is an actively retired public relations consultant and freelance writer in Albuquerque, New Mexico, where he has a backyard with a view. He spent 22 years at Illinois Bell and Western Electric. In 1990, he opened his own consulting/writing practice in Chicago. After joining the Navy in 1964 and serving at a joint forces base in Albuquerque, on a minesweeper in Vietnam and as an admiral’s speechwriter at the Great Lakes naval base near Chicago, he stayed in the reserves as a public affairs officer, commanded two reserve units and retired as a captain.*