

## How to Make Friends with Reporters and Influence the Press

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There are some recurring questions that arise when lawyers deal with newspaper reporters and magazine writers:

- Why is it that one lawyer from a competing firm is always quoted in the news? You wonder who appointed that guy an expert anyway, and why do the papers call him?
- Why doesn't the press ever call you? You handle lots of interesting cases but people never read about that in the paper.
- What do you say to a reporter when he or she calls? How do you know you can trust him? What if he doesn't get the facts right?

Let me offer some answers to these questions. I spent more than 15 years early in my career working as a newspaperman and editor, reporting and editing the news about the law. Dealing successfully with the press is a pretty straightforward matter, so long as you understand how the news business works.

These days it's not enough to be an excellent lawyer who does top quality work. Prospective clients have to know about you to find you. The media can get your message out more widely than you can as an individual --and do so in the credibility of a news story. The key to success with the press is to become a source to a reporter. There are lawyers everywhere who have mastered this simple trick. I'll describe how they do it.

### The Benefits of Being a Source

There are numerous benefits to being a source. First, your name will be exposed frequently to potential clients. Second, if there is some bad news the newspaper has to write about you, the reporter may give you a break. After all, he has to protect his valued source, and will try to go easy on someone who has helped him in the past.

This all fits into an informal system of rewards and punishments. Lawyers who are sources are quoted often and protected in bad times. Unresponsive lawyers are ignored, until there is trouble at their firm, which is then reported with gusto.

Let me sketch out what it is like to be a reporter. Most reporters are people in their 20s and 30s. They're bright, inquisitive people; they have college degrees and some have law and graduate degrees. They were attracted to the job by the glamour surrounding journalism, the excitement of being the first to know the news before everyone else, and the variety of the work. They are trained on the job to learn fast, because they are

constantly thrown into unfamiliar situations that they have to figure out and write about later.

Many reporters view their work as a public service; their motivating drive is to smoke out hidden corruption or to expose wrongdoing. Reporters pride themselves on being tough enough to get to the truth of a matter. They don't ever want to appear to be weak or to be somebody's patsy. They are very competitive with each other and take great satisfaction in being the first to break a story. They all know about Woodward and Bernstein, and they secretly dream about winning a major journalism prize. But meanwhile they write bread and butter stories and feature articles, and cover regular beats, and this is where you can come in.

The currency of the news business is a good story. The newspaper is principally composed of advertisements. These go into the paper first. The void that must be filled every day is referred to as the "news hole." Editors are always hounding reporters to fill the news hole. Reporters are always looking for something new, something that's taking place right now. They have no secretaries, they answer their own phones, and do their own typing. They have little privacy, and sit at desks in big open rooms or in cubicles. Newsrooms are busy, noisy and boisterous. They work against deadlines, and the deadlines are immutable. Once the deadline hits, the day is over -- there is no extension. The one place of comfort a reporter can find in all this pressure is his sources.

- A source is someone who calls the reporter back within the hour.
- A source is someone who always has a quick and catchy quote he can use.
- A source is someone who, if he doesn't have the answer, will do some checking and at least get back to the reporter with something.
- A source is someone who calls from time to time with little tips and an occasional story idea.

Becoming a source usually starts with a phone call. There are ways to attract a call from the reporter.

- Get active on a bar association committee and get listed in their directory as a member. These are the references that reporters use to find an expert in a subject area.
- Speak at educational programs and seminars, and make sure the reporters you want to reach are invited. Be sure to send them a copy of your text, with a friendly note inviting them to call if they have any questions.
- Get active in civic affairs and business events that you read about in the paper. Reporters often cover these events and it's easy to walk up to a reporter after the event and introduce yourself.

There is nothing wrong with calling up a reporter yourself. But first get a sense for what the reporter writes about. Follow his byline and read his stories. Figure out how your practice fits in to what he writes about. Then call up with a friendly suggestion for a story

idea. Do not call up and say something to the effect that you are in practice and are available for a profile. This will get you nowhere. Instead, call with information about an activity you are working on right now. This can be an action that you have filed, the successful conclusion of a matter, or something that's going on in the public domain.

It is important that your story idea have what is called in the news business a "time peg." A news story has to be pegged to an event on a specific date. It is ideal to call the day before something happens, or the actual day of a verdict or filing. This timeliness gives your story tremendous urgency. On the other hand, if you call up about something that happened last week, there is no time peg. This makes the story very uninteresting.

### When a reporter calls

Suppose you come to your office and discover a message from a reporter, asking you to call back. There are three important rules of dealing with the press successfully that every lawyer should know.

**Rule One:** always return reporters' calls. The reporter will do the story anyway: a good one where you could have been quoted as an "expert"; a neutral one, where you could have earned "points" with the reporter for future consideration; or a negative one, where you could have gotten your side in.

**Rule Two:** call back within the hour if possible, and within the same day in any event. Reporters are always working against a deadline, usually expiring the same day they are calling. If you call back too late, you'll miss your chance to shape the story and promote your firm. Worse, you'll convince the reporter you are unresponsive and he won't call you again. Opportunities for good publicity are short-lived.

**Rule Three:** give the reporter something he can use. If you leave them with nothing, they have no reason to ever call you again. Suppose a reporter calls you and he's working on a story, and you don't have the answer to his questions. Rather than say "I don't know, I can't help you," tell him you'll do some checking and call him right back. In the interim, gather your thoughts. Set your agenda: decide what you want to accomplish, the points you want to make in the interview, how you'll fit in mentions of the firm in the conversation. Call back with a statistic, a quote or another person to call. Just be sure to give the reporter something he can use.

Once you've made a good contact with a reporter, follow up and offer to meet him for lunch or breakfast. The idea is to build an acquaintanceship. Remember to bring at least one story idea to the meeting. Reporters like to be treated like regular people. Don't regard them as underpaid scribes in an unlicensed profession, or on the other hand, as dangerous prima donnas who wield immense power. Reporters like to be taken into another's confidence and to find out what's really happening behind the scenes. It's easy to talk to a reporter, because they are innate gossips. They love to talk about people, sports and politics. They also love it when you talk about a story they've written recently.

## Alienating a reporter

There are several sure-fire ways to alienate a reporter. If you do this, they may get even with you by slanting a story against you. Or even worse, they may give you journalistic capital punishment, which is "media death," and you will never, ever appear in the publication again. For example:

- Don't ask to review a story before it appears in print, or to have your quotes read back to you. The questions come off as an effort to control the reporter and you'll sound insulting. Instead, offer to be available if the reporter has further questions or wants to check details for accuracy.
- Don't hang up, and later call back after a conversation is over, and ask to have your comments struck or changed. This undoes the work the reporter has finished, and undermines your own credibility. If you compose your thoughts in advance and clarify when you are off the record, you won't run into this problem.
- Don't make the reporter miss a deadline. Call back within the hour if you can. They live and die by deadlines. If you promise information by a certain time, make sure it arrives on time.
- Don't get belligerent, argue or "fence" with the reporter. Remember, the reporter or editor has the final "cut," and through placement and context-setting can make you look foolish. Furthermore, if you say angry or argumentative things, it will reflect badly on you in print.
- Finally, if you have to say "no comment," at least offer a reason such as client confidentiality, explaining why you can't respond. Newspaper readers take "no comment" as an admission of guilt, and it sounds evasive and uncooperative.

Let me say a little about "on the record" and "off the record." If you want to go off the record, say so in advance before you say anything else. It's no good to make a statement and then add, "oh by the way, that's off the record." The reporter will feel no obligation to honor an after-the-fact request. Generally, off the record means that the information you give will not be used in print. "Not for attribution" means the reporter can use the information, but cannot attribute it to you. Every reporter has his own definition of off the record. If you think there is a question about it, state what you mean by "off the record." For example, say "let's go off the record. Don't publish what I'm about to say or attribute the information to me."

## The story is printed

And then comes the moment when the story appears in the paper. Chances are very good it will not be exactly the way you would have written it. Remember that reporting is not a trial transcript. If the story is even close to what you presented, be satisfied. If the firm name was mentioned in any kind of positive context, you should be ecstatic.

But sometimes the result may not be so good. If so, be very cautious about complaining. If the reporter forgot to mention you, don't worry about it. As a source, you'll have another chance later. If the story got some of the facts wrong, that's life in

the big city. The danger in calling up the reporter to complain, is he probably won't bother with you again. If you go over the reporter's head and complain to the editor, it's likely the paper will never call anyone in your firm again. Now, I'm not talking about a clear cut case of defamatory falsehoods, I'm talking about garbling some of the facts. You have to adopt the attitude that close enough is good enough. Reporters write 200 to 500 stories a year, and they are very touchy about criticism.

So, to sum up, your best approach is to become a friendly source:

- Get active to attract a call from a reporter.
- Pick up the phone and call a reporter with a story idea.
- Call back quickly if you find a phone message from a reporter.
- Always leave the reporter with something he can use.
- Don't alienate the reporter.

Being a source will buy you protection from cheap shots, and mild treatment when there is bad news to cover. But the real benefit comes in finding your name quoted on the business pages, and read by the executives in companies that have legal work for your law firm.