

PR and legal: adversaries or allies?

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The common stereotype of crisis management teams shows legal representatives and public relations (PR) personnel duking it out from opposite ends of the spectrum. The reality is that the most effective crisis management teams operate in synergy.



Source: © Edmond Dantès [pexels](#) Madelain Roscher, crisis communications expert and CEO of PR Worx says PR and legal need to work together in times of client crisis management

The reason for this misperception is that in the past some legal professionals have approached crisis management by advising clients to avoid any future litigation risks by remaining silent, mistakenly believing that if companies say nothing, no harm can be done.

By contrast, PR professionals have traditionally pushed for greater communication and transparency about the cause of the problem and what the company is doing to remedy the situation to restore trust.

However, successfully navigating today's environment demands greater collaboration between the two to prevent clients from being tried and found guilty in the court of public opinion.

Brands cannot play ostrich

Professional legal and PR teams need to work in tandem to protect clients' reputations while remaining cognisant of litigation concerns or risk winning the legal battle at the expense of losing the reputational war.

This is especially key given the ubiquity of sensationalist journalism and social media, which have exponentially accelerated the reputational fall-out and financial damage of crises.

As KPMG's August 2022 CEO Outlook report reveals, global CEOs now cite reputational risk among the top five risks to their organisational growth over the next three years.

In this environment, brands cannot afford to play ostrich while others seize the opportunity to spread damaging conjecture and misinformation unchallenged.

After all, "no comment" can be just as damaging as a comment, giving the appearance of a cover-up, a lack of compassion or tacit admission of guilt.



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Spar ongoing crisis

Consider the example of the ongoing crisis at Spar. As background on the matter, the group had enlisted the services of law firm Harris Nupen Molebatsi to investigate complaints of racial discrimination and unfair treatment by retailers.

The HNM report was finalised in July 2021, which cleared the company of discrimination, but also contained serious allegations regarding fictitious loans and loss-making stores being sold to franchisees at inflated prices – a report that was subsequently leaked to media last year.

Unfortunately, Spar initially declined to comment on the report, giving the impression of stonewalling and further fuelling public concern and media speculation.

Since then, the organisation has refuted several of the findings and noted that it will be seeking a legal opinion – but again, this appears as too little too late to minimise damage to its corporate image.

CEO Brett Botten and chair Graham O'Connor – himself appointed in a breach of the King Codes of Good Practice for corporate governance – have both resigned in the wake of the scandal.

But the company's legal and PR team have a long road to walk together in restoring its public image, which will necessitate vastly improved communications.

Develop a proactive crisis management plan

Ultimately, through understanding each other's concerns, legal and PR can find a happy middle ground and develop an appropriate response that minimises any legal risk, while ensuring that clients are represented fairly in the public space.

By combining legal professionals' understanding of the complexities of the law with PR professionals' understanding of media and experience in communicating with various stakeholders, both can be significantly more effective in managing crises.

This said, it can be easier to achieve synergy by building a relationship and working together with an experienced PR

company to develop a proactive crisis management plan before the unexpected happens.

This means that when a crisis hits, brands will already be prepared with pre-approved processes and holding statements, enabling them to react more urgently.

In this way, both legal and PR can achieve their penultimate goal – to ensure the ongoing well-being of their clients and the longevity of their brands.

ABOUT MADELAIN ROSCHER

Described as a Public Relations (PR) guru by her peers, Madelain Roscher is the CEO of PR Worx, a full-service marketing-communications agency, which she established in 2001. With 22 years' in-depth industry experience based on an impressive consulting and corporate career, the firm has achieved remarkable successes under her leadership.

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