

The Business Question
Nobody Wants to Ask

Are We Prepared?



Story by Deborah Petticord
Photography courtesy of Miller & Martin

When a manufacturing company has a crisis where does it find solutions? How do city, county or state government agencies preempt potentially ruinous situations?

When the first hijacked plane crashed into the North Tower of the World Trade Center at 8:46 a.m. on September 11, 2001, Morgan Stanley-Dean Witter CEO Robert Scott was at 3 World Trade Center addressing 400 members of the National Association of Business Economists. Scott evacuated the building and watched as a second aircraft slammed into the South Tower housing his company offices and several thousand employees. By 9:30 he and his senior executives had convened at a backup site that became their command center. The decisions made by Scott and his team that day would make Morgan Stanley a case study in successful crisis management and would enhance Scott's reputation as a superior leader.

Good leadership may be as basic as having a plan and boldly implementing it in times of trouble, say members of the new Miller & Martin Crisis Management Practice Group, initiated in October.

"You *can* be better prepared if you have a plan in place," says attorney and practice group leader, Zac Greene. He specializes in business litigation and white-collar criminal defense. "These plans are customized by need, based on the client's risk assessment."

While the practice group may be new, the Miller & Martin law firm, 150 years old in 2017, has a deep reserve of expertise to draw from according to Chairman Jim Haley.

"Our new Crisis Management Practice Group leverages the firm's deep experience in business operations, government enforcement, dispute resolution and litigation to offer our clients a multi-disciplinary approach to avoiding, managing, and recovering from unexpected business interruptions," says Haley.

The formation of the group includes the services of Atlanta based marketing communications firm Jackson Spalding as part of the crisis management team. The agency will provide media relations and public relations assistance.

"A big part of managing a crisis when it occurs is maintaining strong communications with a business' varied audiences to ensure accurate information is shared in a timely manner," Haley says. Haley's recent conversation with U.S. District Judge Sandy Mattice

inspired him to take action on behalf of clients. Judge Mattice teaches Legal Crisis Communication at the University of Tennessee and he cited a growing need for the specialty.

"We wanted to use our broad experience in areas like product recall, insurance claims, workplace safety and environmental compliance on both the corporate and litigation sides," says Greene of Miller & Martin's basis for the practice group. The firm works with clients to assess the risk—then provide education and information about how to address the risk factors—before problems arise.

Greene believes the biggest change crisis management has endured is the rise of social media as a communication that spreads like wildfire. "If you are not there to put out truthful statements, social media will be the driver," he says. "And, if a company has a crisis that goes into litigation, the social media community can quickly become the jury." Having a plan that engages it effectively, he believes, will save money in the long run.



Miller & Martin's Zac Greene

Photo Stephen Alvarez

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—ZAC GREENE

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How the NFL Fumbled and the NBA Scored

Greene uses the example of the National Football League's (NFL) procrastination in dealing with the problem of the Ray Rice domestic violence case, as what not to do. After weeks of hoping the issue would go away, the organization finally had to comment, but by that time, it's image was intractably damaged. A September 19, 2014 *USA Today* headline read "NFL Sends Mixed Messages on Domestic Violence."

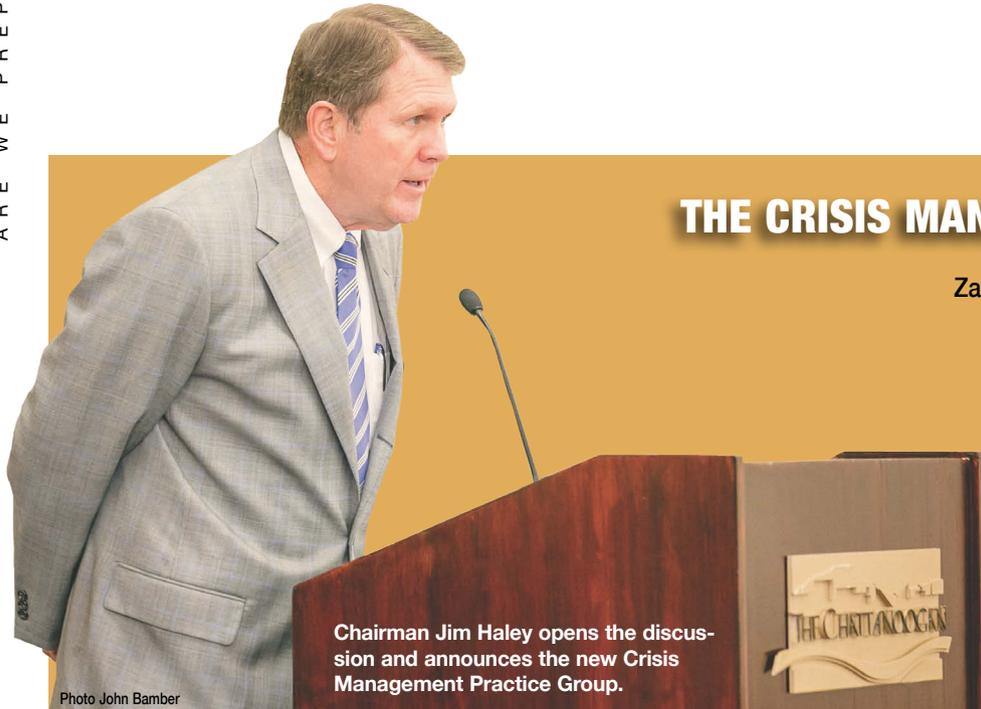
"On the other hand, the National Basketball Association (NBA) commissioner responded quickly when the Los Angeles Clippers' owner, Donald Sterling, made racial remarks," he says. Within three days the NBA had launched a league investigation, quickly imposing a \$2.5 million fine on Sterling and issuing a lifetime ban, barring him

from the game. However, even after the quick response, the team lost significant sponsors.

In a recent *Wall Street Journal* article the NBA's Chief Marketing Officer, Pam El, weighed in on preserving a corporate brand. "If something happens that goes directly against your company's values, then the brand is going to be affected," she says. "What really affects your brand is how quickly you gather the facts and how you make decisions to move forward. In the NBA's case, the response was appropriate and swift."

The first step for companies, say members of the practice group, is to ask, "What are our most likely risks?" When the risk assessment is complete, a strategy can be devised and company management may begin building a team that has full corporate buy-in and is ready to go should a crisis emerge.

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Chairman Jim Haley opens the discussion and announces the new Crisis Management Practice Group.

Photo John Bamber

THE CRISIS MANAGEMENT PRACTICE GROUP

- Zachary H. Greene, Member - Practice Group Leader
- Roger W. Dickson, Member
- Kyle W. Eiselstein, Member
- Leah M. Gerbitz, Member
- Daniel P. Griffith, Member
- James M. Haley IV, Member, Firm Chairman
- Michael C. Mallen, Of Counsel
- Richard C. Rose, Member
- Eilenne H. Rumpfelt, Member
- Mark W. Smith, Member
- Crews C. Townsend, Member
- James T. Williams, Member
- Allexander F. Clamon, Associate

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The whole process may take weeks or months to implement, especially if multiple locations need to be analyzed. Miller & Martin attorneys say it's worth the time and effort. The firm has represented beverage companies seeking recovery of multi-million dollar losses, assisted in investigations of data breach issues and conducted national litigation on behalf of a consumer healthcare products company among many other legal actions.

The 14-member practice group is flexible, can work in teams of 2-4 attorneys and takes advantage of the expertise of its branches in other cities as well as its communications specialist partners. The practice includes Don Aho, Roger Dickson, Crews Townsend and Haley in Chattanooga, as well as Danny Griffith in Atlanta. They will

focus on crisis management from preventative planning to management of an actual crisis event.

"In combining our communication expertise with Miller & Martin's legal acumen, [we are] ultimately helping companies navigate situational and reputational challenges. It's with the utmost respect and honor that we join Miller & Martin in this new endeavor," says Jackson-Spaulding co-founder Glen Jackson.

Miller & Martin law firm celebrates its 150th anniversary in 2017 with 130 attorneys throughout the firm's offices in Nashville, Chattanooga and Atlanta. 

Visit millermartin.com and jacksonspaulding.com for more information.



Left to right, Attorney Michael Mallen and Practice Group Lead Attorney Zac Greene chat with a panel discussion participant.

Photo John Bamber