

MASSACHUSETTS Lawyers Weekly

Part of the  BRIDGETOWER MEDIA network

MARCH 2, 2024

Why your clients need crisis managers

By Janey Bishoff

Lawyers, of course, have a professional and ethical responsibility to properly prepare their clients for all types of legal matters and advise them on a wide range of sensitive business, leadership and personal issues.

But the responses of the three university presidents who appeared before a congressional committee late last year are a prime example of how lawyers failed their clients by preparing them for the wrong venue, the wrong audience, and with the wrong messaging.

Focusing on clients' legal issues or threats is often not sufficient preparation for leaders of organizations facing a crisis – especially in this politically divisive TikTok world.

Professionals who are experts in crisis management and crisis preparation have specific skills and a focus both distinct from and complementary to an attorney's skills and focus.

In other words, an effective crisis manager owns an entirely different set of worries, often in addition to the attorney's. Experienced crisis managers collaborate well with attorneys and understand that language in crisis response can raise legal problems, such as assuming legal liability. A crisis manager is focused on immediate, clear communications to



Harvard President Claudine Gay (left) speaks as University of Pennsylvania President Liz Magill listens, during a Dec. 5 hearing of the House Committee on Education. (AP PHOTO/MARK SCHIEFELBEIN)

acknowledge and address the situation and ensure that the initial crisis response considers and addresses all stakeholders.

Research has demonstrated that a majority of crises erupt from internal issues that were previously “simmering below the surface” and not properly addressed.

The crisis at Harvard and on other college campuses last fall was brewing well before the Oct. 7 Hamas attack in Israel and not only required skilled leadership, but effective crisis preparation and management.

Harvard University students had encountered and complained about antisemitism on campus well before the attack, yet the administration did not issue a statement to the university's communi-

ty until Monday, Oct. 9. Timeliness, down to hours and minutes, is critical when a crisis erupts.

The university's statement did not directly condemn the Oct. 7 attack as terrorism, nor did it address the antisemitism and Islamophobia that were the subject of previous student complaints.

The administration's statement also did not address a statement made a day earlier, on Oct. 8, by 30 Harvard student groups calling themselves the "Harvard Palestine Solidarity Group," which blamed Israel for the attacks.

Thus, Harvard President Claudine Gay had to backtrack and issue two follow-up statements to clarify the administration's position one day after the initial statement, and again three days later. By then, it appeared that the president and administration were out of touch with many Harvard students and did not know how to lead. This prompted a crisis of confidence, not only among students, but among members of the Harvard Corporation, Board of Overseers, alumni, donors, faculty and staff.

By the time that President Gay and the other university presidents walked into Congress, it was clear that the situation on the college campuses was not under control, or even close to it, and that congressional leaders were out for bear.

President Gay was prepared on the legal issues but appeared unable to acknowledge how students were being personally impacted by the attack and did not appear at all empathetic — disastrous for a leader.

Even after an initial crisis response, it is vital for both the legal team and the crisis manager to

ensure that they have all the facts. Communicating even a small amount of inaccurate information to key audiences, especially the media, only makes a negative situation worse.

This is especially important if there are injuries, fatalities or damage, as such situations are often chaotic and key facts may be missing. As the facts become clear, the crisis manager leads on creating a road map of next steps to lower the temperature and anticipate a wide range of "what if" scenarios.

Having an external crisis manager on the team to, ideally, help assess the client's risks ahead of time, especially with today's political, generational and cultural sensitivities, could have helped at Harvard — and can prevent costly crises and better prepare clients and their attorneys for future crisis situations.

Our environment creates potentially explosive situations for all types of leaders. The stakes are high not only for universities but other nonprofit organizations, publicly traded companies, and privately held companies.

Ensuring that your clients have the full complement of expert professionals who can help prepare them to mitigate such risks and act swiftly and knowledgeably in a crisis is now more critical than ever.

Janey Bishoff is a crisis manager who has handled dozens of wide-ranging situations threatening company reputation ranging from sexual harassment and sexual abuse to food safety and accidents or crimes involving fatalities. She helps organizations develop crisis plans to ensure that they have comprehensive risk management programs in place.