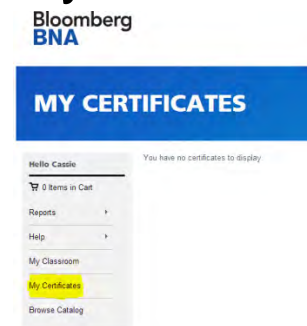


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- If you would also like to receive CLE credit for attending today's presentation, you will need to answer the polling question at the end of the presentation with your email address, state(s), and bar number(s).
- For any additional questions, please email accreditations@bna.com

Manatt, Phelps & Phillips: Advertising, Marketing and Media Practice

1

At a Glance

400

Attorneys & Professionals
Firmwide

8

Offices
Nationwide



The firm's industry-leading advertising, marketing and media practice is forged from a group of highly experienced New York-based advertising lawyers, a comprehensive West Coast entertainment and media presence, and an advertising litigation and regulatory base in Washington, D.C.

Distinguished by its deep bench, the division has its primary focus on the representation of brands and marcom companies in their advertising efforts across media platforms. Areas of focus include:

User-generated content

Mobile marketing

Photo sharing

Brand ambassadors

Social media revenue models

Subscription services

Data collection

Product reviews

At a Glance

400

Attorneys & Professionals
Firmwide

80

Attorneys & Professionals
in Healthcare



Manatt, one of the nation's preeminent law and consulting firms, built the first fully-integrated, multidisciplinary legal, regulatory, advocacy and business advisory healthcare practice. Areas of focus include:

Payment and Delivery System Transformation

Medicaid Policy, Redesign and Innovation

Corporate Governance and Restructuring

Regulatory Compliance

**Pharmaceutical Market Access, Coverage
and Reimbursement Strategies**

Strategic Planning Services

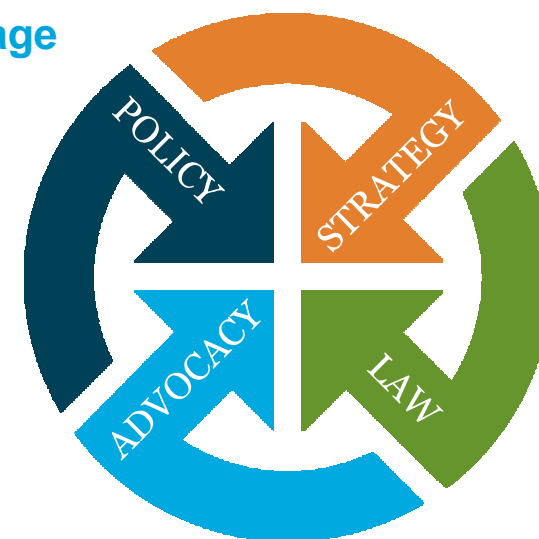
Mergers and Acquisitions

Health Reform Implementation

Health IT Strategy

Healthcare Litigation

Privacy and Security



Best Practices for Using Social Media in Healthcare: Maximizing Impact, Mitigating Risk

Jon Glaudemans, Managing Director

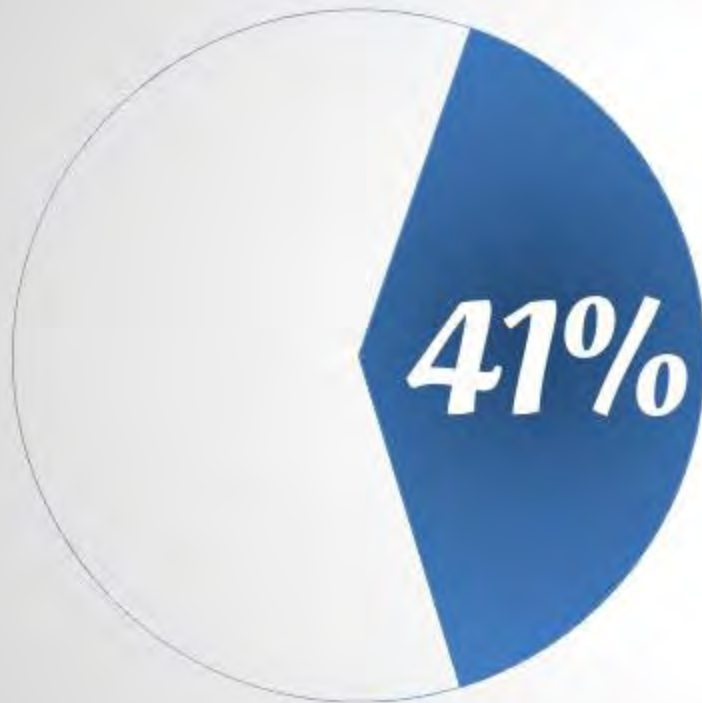
Linda Goldstein, Partner

A Complimentary Webinar by Manatt, Phelps & Phillips, LLP
April 29, 2015



How many people are here from:

- 1 *Marketing*
- 2 *Legal*
- 3 *Communications*
- 4 *Other*



**said social media would
affect their choice of a
doctor or hospital**

Pew



9 in 10

people aged 18-24 said they would trust medical information shared by others on Social Media

The Social Media wave is coming...are you prepared?



To succeed:

- 1** **Connect The Dots**
- 2** **Have a Plan**
- 3** **Tell a Story**
- 4** **Answer the Question**
- 5** **Get in Shape**
- 6** **Take a Risk**
- 7** **Trust Your Team**
- 8** **Listen and Learn**
- 9** **Seize the Day**
- 10** **Guard Your Flank**
- 11** **Revise, Revise, Revise**

1

To succeed:

Connect The Dots



www.connectthedots101.com



By connecting to
mission critical
communities



Not Audiences

Each community member is unique





Page resource

...and each community overlaps.

2

To succeed:

Have a Plan



**KEEP
CALM
AND
MAKE A
PLAN**

Create your message platform:







...and form multi-stakeholder governance.





Do you have a social media strategy?

1 *Yes*

2 *No*

3 *We're Working On It*

3

To succeed:

Tell a Story

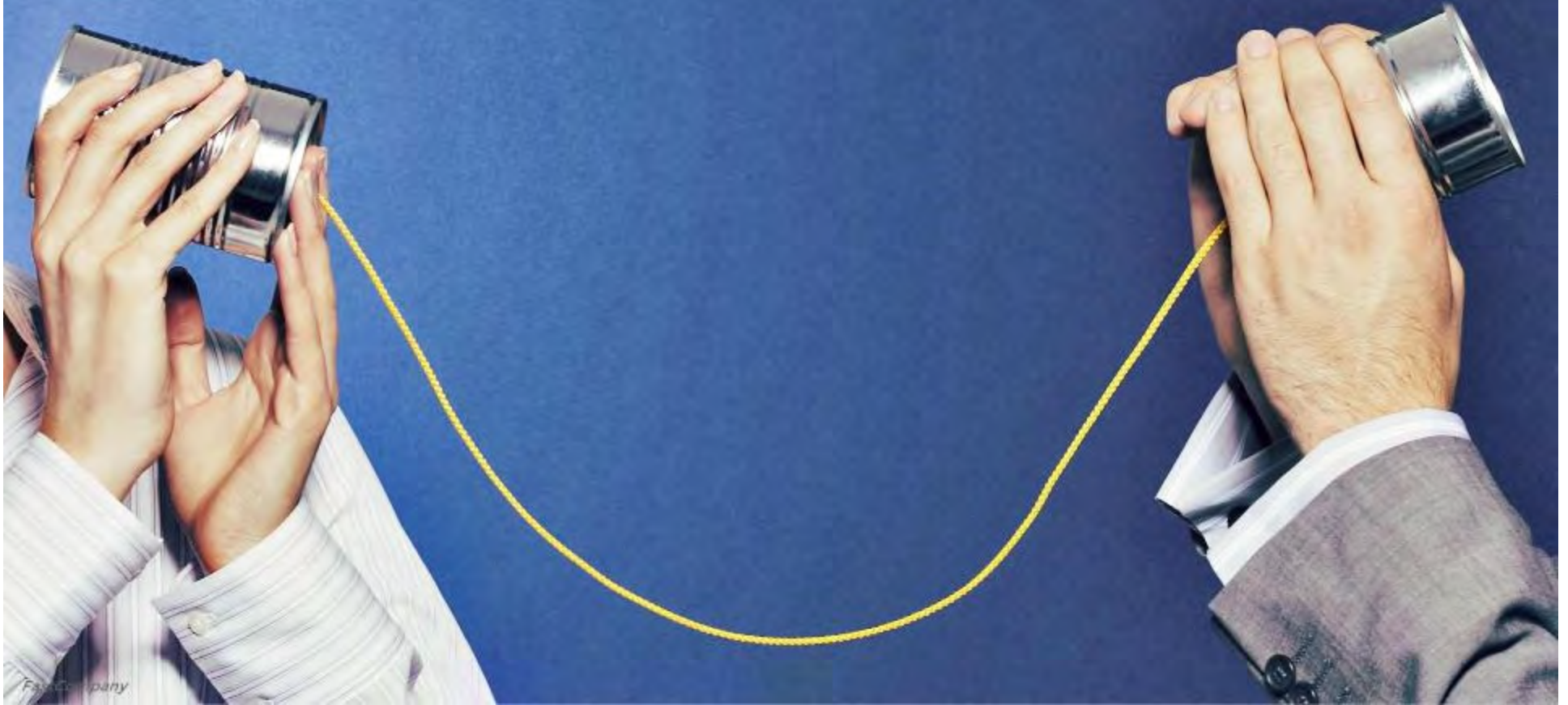
DevianArt.net

It's a conversation...



impossibleMonsters.com

...not a message



and make it

REAL

4

To succeed:

Answer the
Question

DeviantArt.net

Find a doctor

Find a doctor

Make an
appointment

Find a doctor

Make an
appointment

Learn about a
treatment

Find a doctor

Make an
appointment

Learn about a
treatment

Get covered



oscarhealth Follow
15 months ago
Instagrammers need healthcare too. This is Kevin Lu (@sweatengine), as photographed by Kat Irin (@kat_in_nyc). Kevin, 32, has been uninsured since June, when he quit his job as an engineer to freelance as a photographer. He tried signing up with healthcare.gov, but couldn't get the site to work. "I can't even get a routine check-up," he said. #GetCovered #HiOscar

oscarhealth, andreac392, smandresm and 80 others like this.

sweatengine
Did I do that?

kat_in_nyc
@sweatengine sure did! 😂

jacobsantiago
@sweatengine got ups

wanderlustories
@sweatengine don't hurt yourself!

_tamarapeterson
Wowzers @sweatengine @kat_in_nyc !!

matt_treiber
Hope you didn't hurt yourself on the way down Kevin!

Leave a comment...



Connecting real New Yorkers without insurance with those who enrolled in Oscar plans

5

To succeed:

**Get in
Shape**



C-suite
sponsorship
demands active
engagement
and awareness
of tools.



*Only 30% of
Fortune 500
CEOs are on
Social Media*

The chart consists of two dark teal vertical bars on a light gray background. The first bar is shorter and is positioned to the left of the second, taller bar. Text is placed to the left of the first bar and to the right of the second bar.

Metric	Percentage
Fortune 500 CEOs on Social Media	30%
Consumers more likely to trust a company whose CEO can engage on Social Media	82%

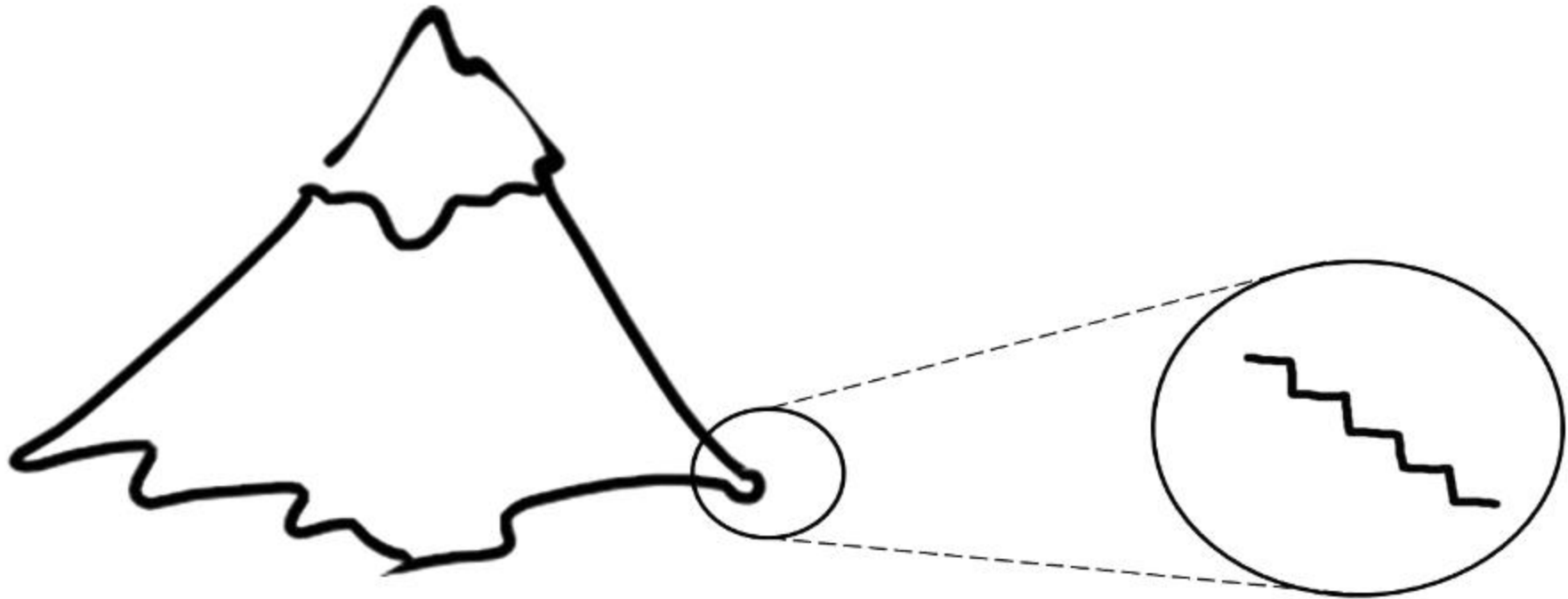
*But 82% of
consumers are
more likely to
trust a company
whose CEO can
engage on Social
Media*



This will feel
overwhelming!



So start small...but start.



scary stuff :(



definitely do-able!

The Work Experiment 2011



The biggest risk
is not engaging.

7

To succeed:

Trust Your Team



Listen to your
digital natives





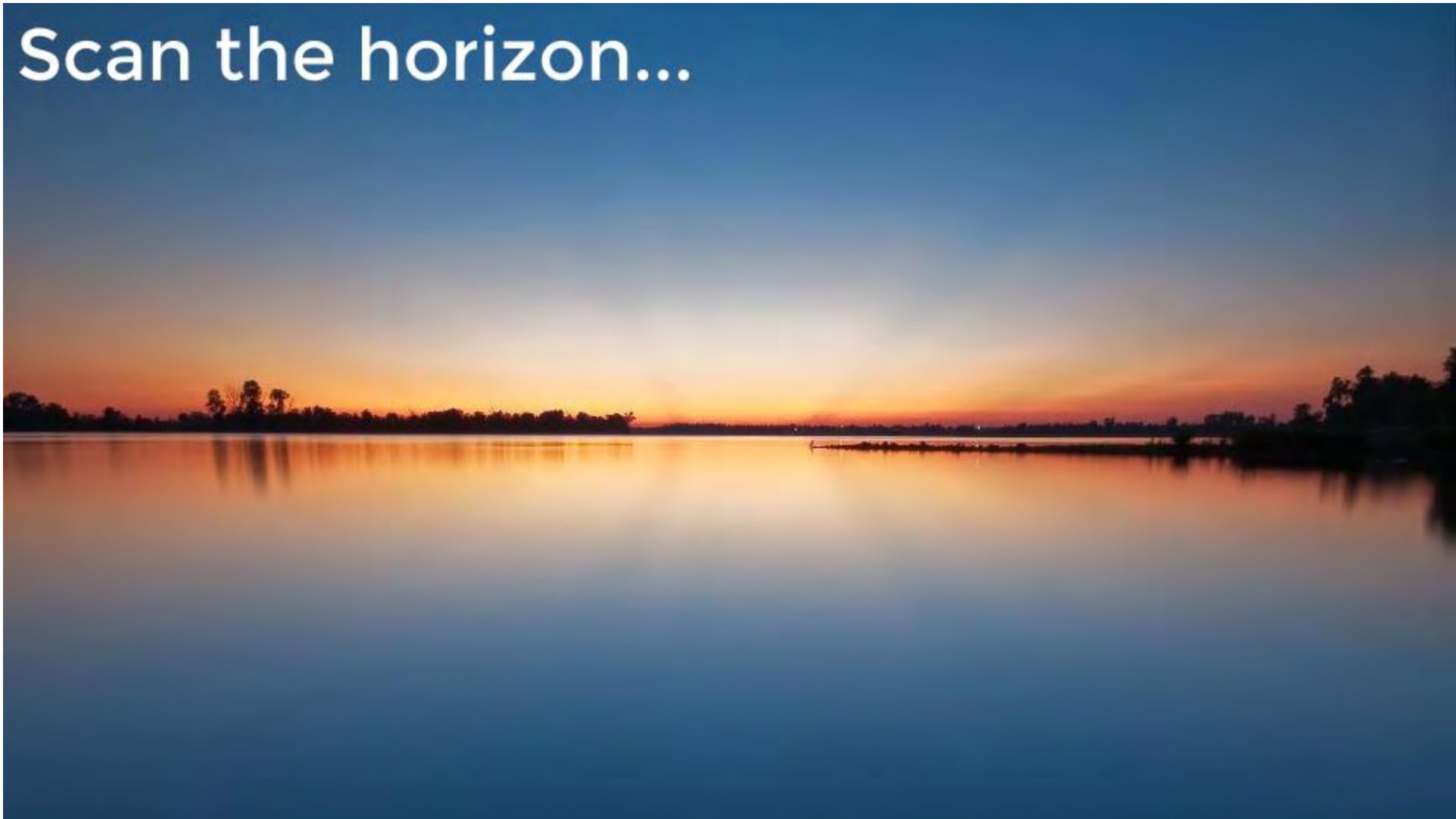
8

To succeed:



Listen and Learn

Scan the horizon...



Scan the horizon...

**Marketing
Intel**

Scan the horizon...

Listening
Posts



Marketing
Intel

Scan the horizon...

Listening
Posts



Marketing
Intel

Terms and
Trends

Scan the horizon...

Listening
Posts



Marketing
Intel

Terms and
Trends

...and map to message platform.



MAYO CLINIC

Center for Social Media

“Will and Charlie Mayo had this tradition where one would stay home and one would travel around to teach and learn. They'd bring back best practices and they would take what they were learning to others, so this really isn't all that different. Instead of traveling by plane and by ship, we travel through cyberspace.”

- *Lee Aese, Director of Mayo's Center for Social Media*



MAYO CLINIC

Center for Social Media

Mayo's average podcast listeners jumped by **76,000**
in a single month after the Clinic started using Social Media



1,400,000
Followers

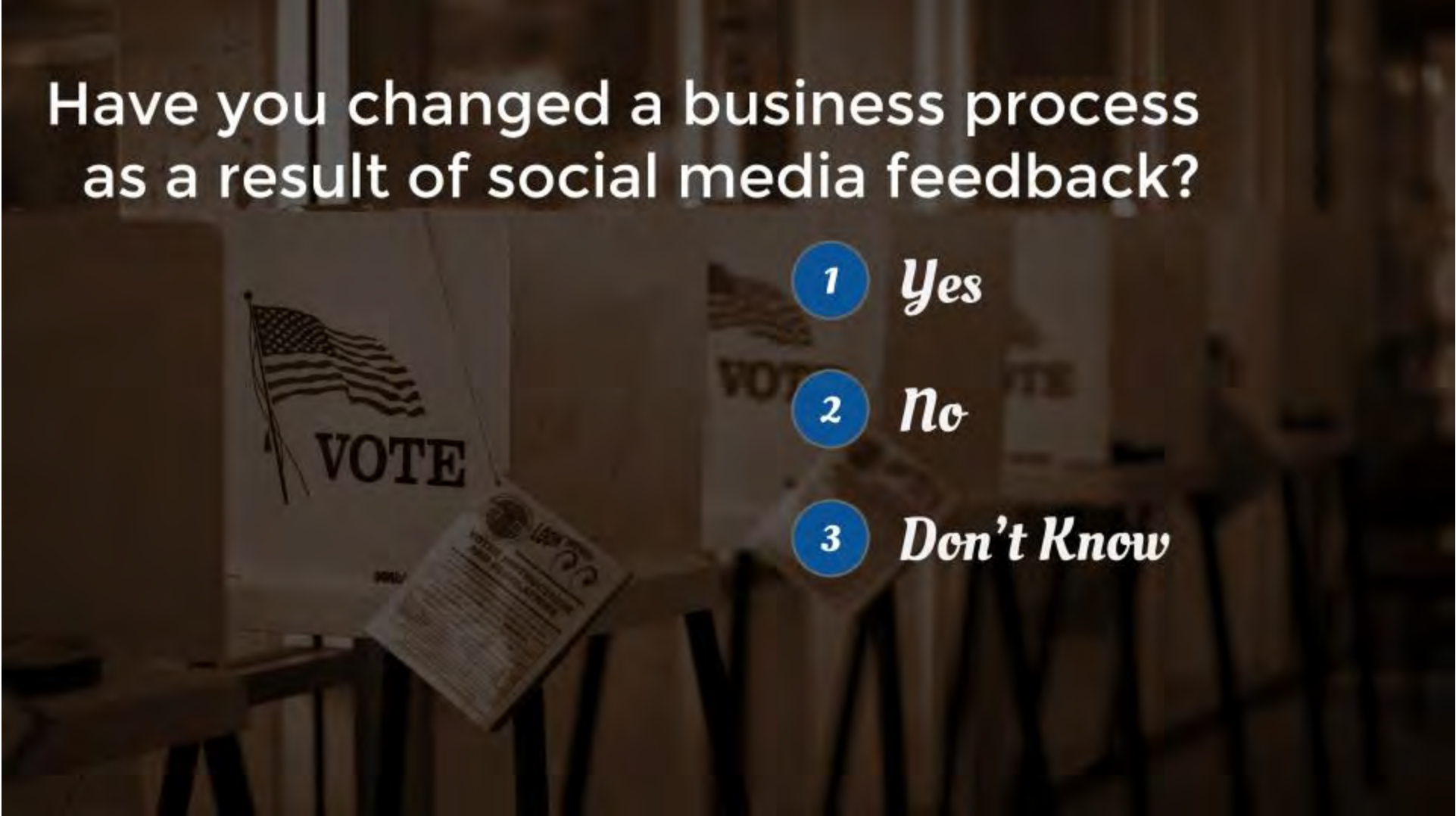


600,000
Likes



28,000
Subscribers





Have you changed a business process
as a result of social media feedback?

1 *Yes*

2 *No*

3 *Don't Know*

9

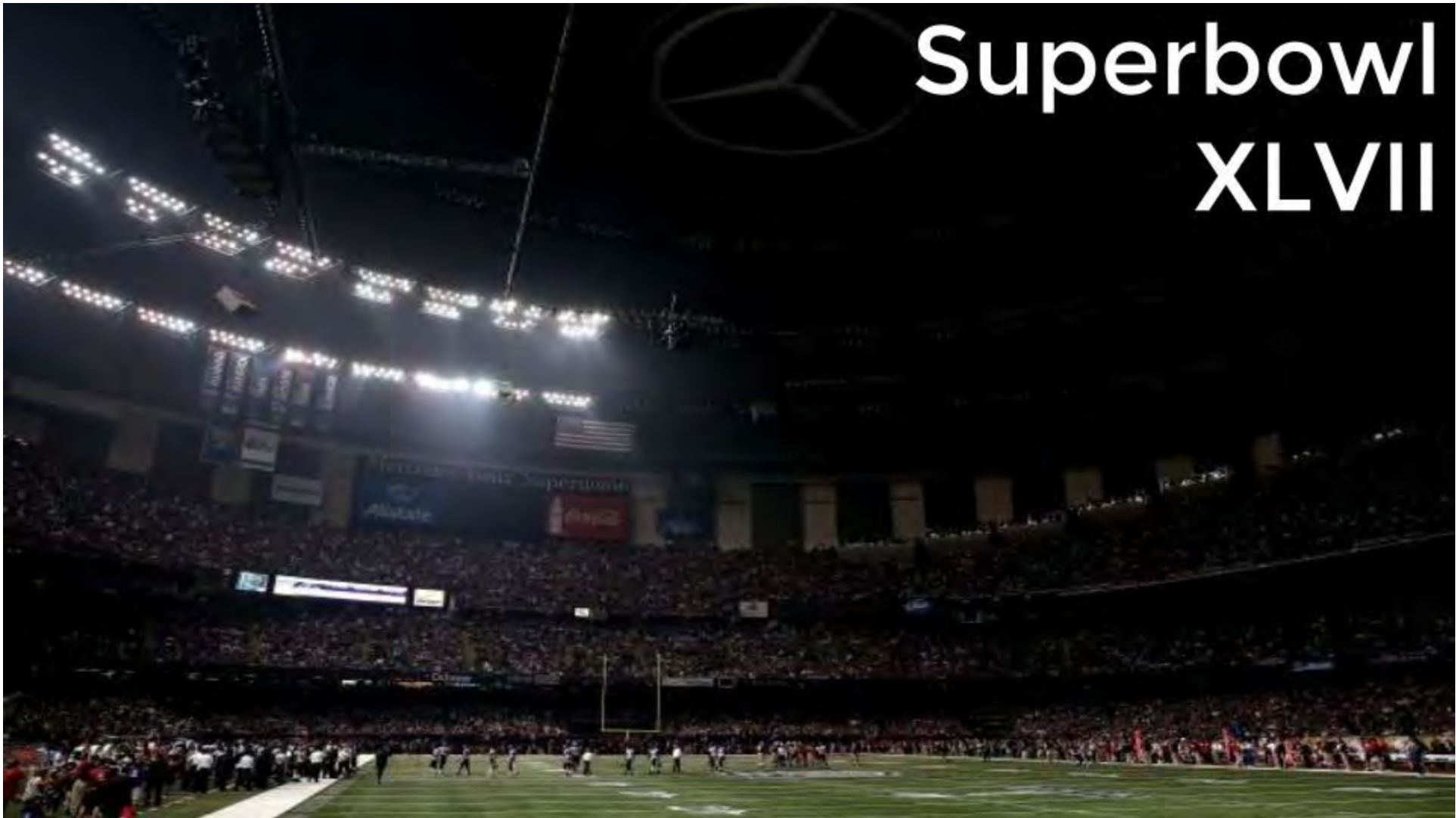
To succeed:

Seize the Day

A photograph of a beach at sunset. The sand is dark and the water is shimmering with golden light. The Latin phrase "Carpe Diem" is written in the sand in a cursive, hand-drawn style. The word "Carpe" is on the top line and "Diem" is on the bottom line. The background shows the ocean waves washing onto the shore under a bright, low sun.

Carpe Diem

PhotoBucket



Superbowl XLVII



YOU CAN STILL DUNK IN THE DARK



Oreo

Be present at the *Zero Moment of Truth*



Google - Zero Moment of Truth

UCLA

Health

UCLA Health live-
Tweeted and Vined
an entire brain
surgery...as the
patient played
guitar.



U UCLA Health
@UCLAHealth

Follow

Rockin out! #UCLAORLive #GuitarintheOR #dbs

3:02 PM - 23 May 2013

48 23



TIME
is your enemy

PixShark.com

Half-Life of Social Media Posts



18 minutes / half of retweets



30 minutes / half of reach



2.23 hours / half of comments (SMALL SAMPLE V A STATIGRAM)



7.4 hours / half of views

thames2thayer.com

10



To succeed:

Guard Your Flank

What about

HIPAA ?



The “Coffee Shop Test”

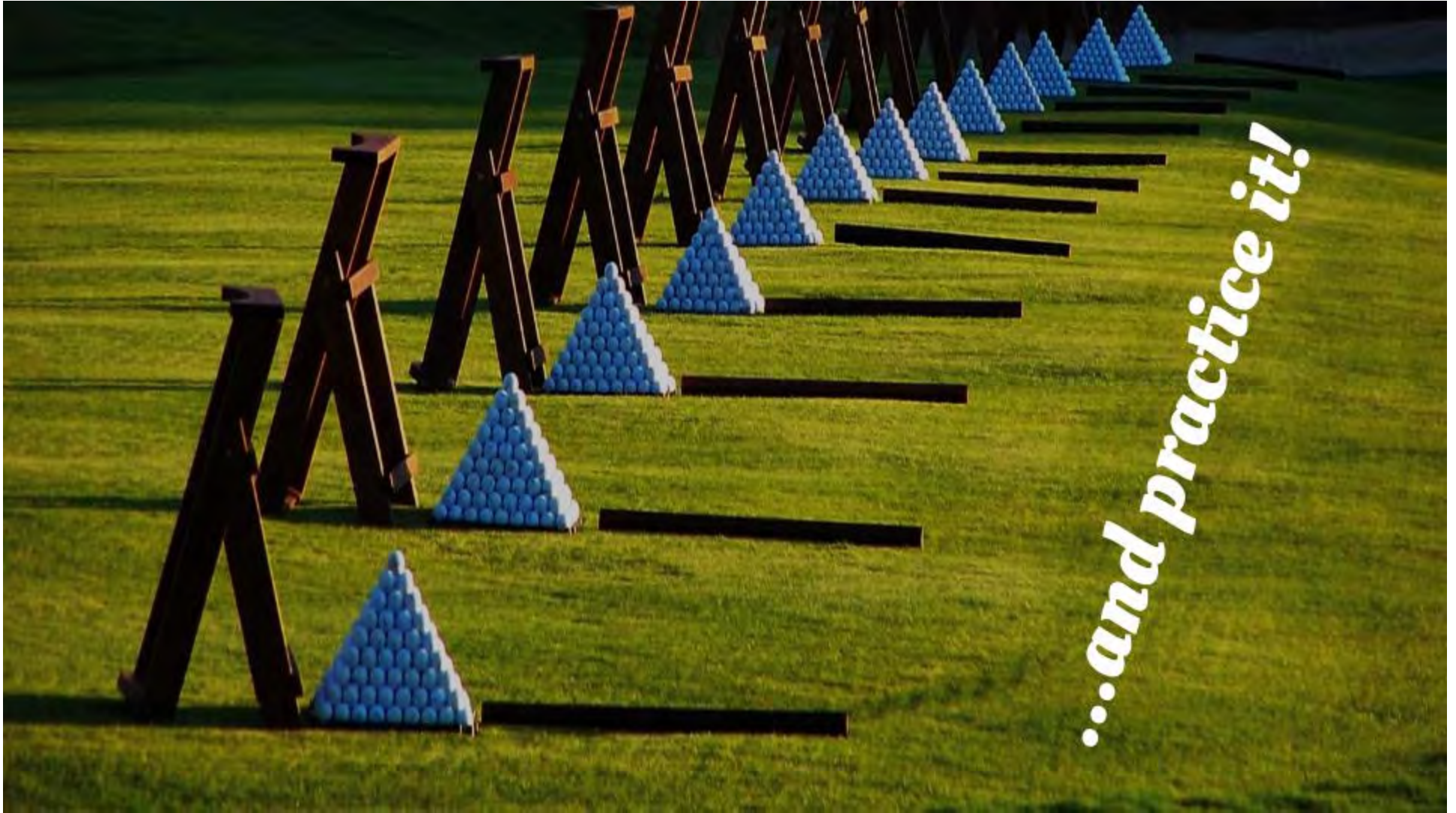


FCPAmericas



Have
a
crisis
management
plan...

ohmygodfacts.com



...and practice it!



American Red Cross
@RedCross



Ryan found two more 4 bottle
packs of Dogfish Head's Midas
Touch beer.... when we drink we
do it right **#gettngslizzerd**

HootSuite • 2/15/11 11:24 PM

COURTESY: RED CROSS

We've deleted the rogue tweet but rest assured the Red Cross is sober and we've confiscated the keys.

about 11 hours ago via ÜberTwitter

Retweeted by 86 people



RedCross
American Red Cross



Dogfish Head Brewery @dogfishbeer · 16 Feb 2011

RT @Michael_Hayek: #craftbeer @dogfishbeer fans, donate 2 @redcross 2day.
Tweet with #gettnngslizzerd. Donate here <http://tinyurl.com/5s72obb>

6:19 AM - 16 Feb 2011 · Details

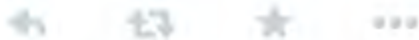




Flying Saucer Austin
@FlyingSaucerAus

 Follow

Offer is still on the table! RT Show us you donated a pint @redcross today & we'll buy you a pint of @dogfishbeer #gettnngslizzerd



RETWEETS
2

FAVORITES
2



9:42 AM - 17 Feb 2011

11

To succeed:

***Revise,
Revise,
Revise***

drbob



***Revisit Your
Strategy Every 2-3
Months***



Social Media and the Healthcare Industry

- Ways in Which the Healthcare Industry is Using Social Media:
 - Marketing and branding
 - Communicating with patients
 - Social networking forums
 - Sharing information

- Focus: Use of Social Media for Marketing Purposes
- Heightened Risks for the Healthcare Industry:
 - Privacy: Potential violations of HIPAA and state privacy laws
 - Professional liability
 - Medical malpractice/ethical issues
- General Risks
 - FTC/FDA compliance
 - IP infringement
 - Reputational damage

**RISK MITIGATION:
Social Media Policies
Training/Monitoring**

- The Legal Risks: Violation of HIPAA and Other Privacy Laws

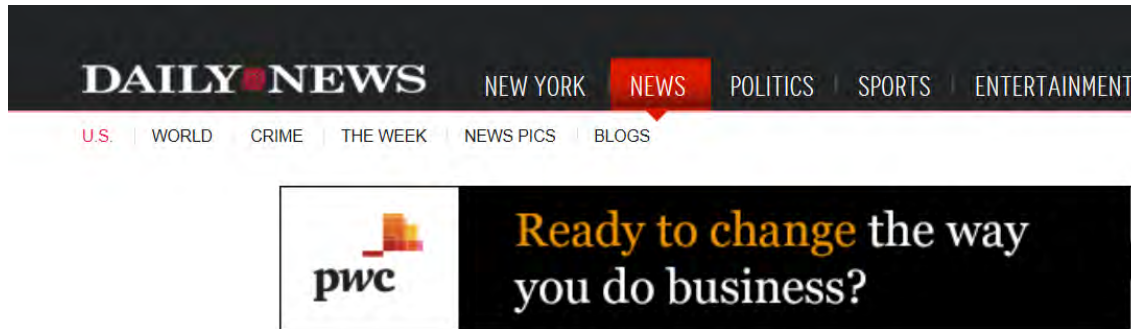
- Nature of social media may create significant risk of violations of HIPAA and state privacy
 - HIPAA prohibits a disclosure of any individually identifiable health information transmitted or maintained in any form or medium
 - Includes information transmitted through social media platforms
 - Individually identifiable health information is broadly defined
 - Includes any information that could be used to potentially identify a patient and that relates to the physical or mental health or condition of an individual or the provision of healthcare to an individual
 - Organizations are responsible for disclosure of such information by their employees
 - Informality and fast paced nature of social networking sites creates potential for inadvertent mistakes that would not occur with “paper” records
 - Lack of understanding of how certain platforms work may result in inadvertent disclosure

- Rhode Island Hospital
 - Emergency room doctor posted information about a trauma patient on Facebook
 - Name of patient was not included but doctor included enough information that patient was easily identifiable by the community
 - Hospital did not have a social media policy in place
- St. Mary Medical Center
 - Emergency room staff took photos of a patient with severe stab wounds and posted them on their personal Facebook pages



- *Jane Doe v. Simon P. Green et al.*
 - Paramedic posted details about a rape victim on his MySpace page. Although he did not mention the patient by name, he described the victim and detailed the victim's statements about the perpetrator sufficient to allow identification by the community. His employer, emergency response provider AMR, was fined.
- Numerous physicians have been fined for posting information about medical procedures without disclosing the patient





Portland nursing assistant sent to jail after posting dying patient's buttocks on Facebook

Nai Mai Chao banned from using social media sites as part of punishment





■ Social Media “Common” Mistakes

- Mistaken belief that the communication is private and accessible only to the intended recipient
- Mistaken belief that the contents of posts have been deleted and are no longer accessible; remember everything is permanent
- Mistaken belief that if the site is “private” (i.e., limited to select recipients) that disclosure of patient information is harmless
- Mistaken belief that there is no breach if name is not disclosed
- Mistaken belief by employees that disclosure on their own personal social media networks is not covered/actionable

- Nature of social media (personal interaction, dialogue, etc.) creates increased risk of inadvertently providing medical advice to patients or prospective patients
- Creates risk of claims for malpractice/operating without a license if patients are located in another state
- Character limitations on platforms like Twitter make it difficult to make the necessary disclosures
- “Friending” patients or prospective patients creates ethical issues
- “Googling” patients may breach confidentiality/violate privacy laws



- Be cognizant of standards of patient privacy and confidentiality and do not post sensitive patient information online or transmit it without appropriate protection.
- Use privacy settings to safeguard personal information and content to the extent possible, but realize that privacy settings are not absolute and that once on the Internet, content is likely there permanently.
- Maintain appropriate boundaries of the patient-physician relationship in accordance with professional ethical guidelines just as you would in any other context.
- Report unprofessional postings to appropriate authorities.
- Do not post any identifying information about your clients, patients, and affiliate care providers.
- Avoid searches on individuals that you relate with professionally; “Googling” can lead to a violation of privacy.
- Create a separate professional/business page in social media. Keep your personal page profile content, friends and responses separate.



- Compliance with FTC's Testimonial and Endorsement Guides
- Disclosure Challenges in Social Media
- IP Infringement Risks





- The Guides that Changed the Social Media World:

- Key Relevant Provisions:

- Any material connection between an endorser and an advertiser must be disclosed
 - The advertiser is responsible for ensuring that the disclosures are made
 - The advertiser is responsible for any product claims made by an endorser
 - The advertiser must be able to independently substantiate claims made through testimonials

- FTC's Views Have Become Increasingly Restrictive:
 - What is an endorsement
 - What is a material connection
 - What is adequate disclosure



From Ann Taylor to Cole Haan and beyond...



Ann Taylor LOFT

Come take a sneak peak at Loft's summer 2010 collection before anyone else! Bloggers who attend will receive a special gift and those who post coverage from the event will be entered in a mystery gift card drawing where you can win up to \$500 at Loft!!!



■ Hyundai

- Hyundai’s media agency offered gift cards to bloggers as incentives to link to Super Bowl videos and comment on them
- Most – but not all bloggers failed to disclose receipt of gift card
- FTC closed investigation against Hyundai with “closing letter”
- Basis for “no action”
 - Promotion was conducted by an “individual” at the media agency – not by a Hyundai employee
 - Promotion violated both Hyundai and media agency social media policies
 - Media agency took corrective action immediately

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ADWEEK



Getting Real About Sex

YouTube star partners with Durex for a fun and quirky Q&A



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FTC Busts ADT for Failing to Disclose Paid Endorsers

Spokepeople posed as independent experts

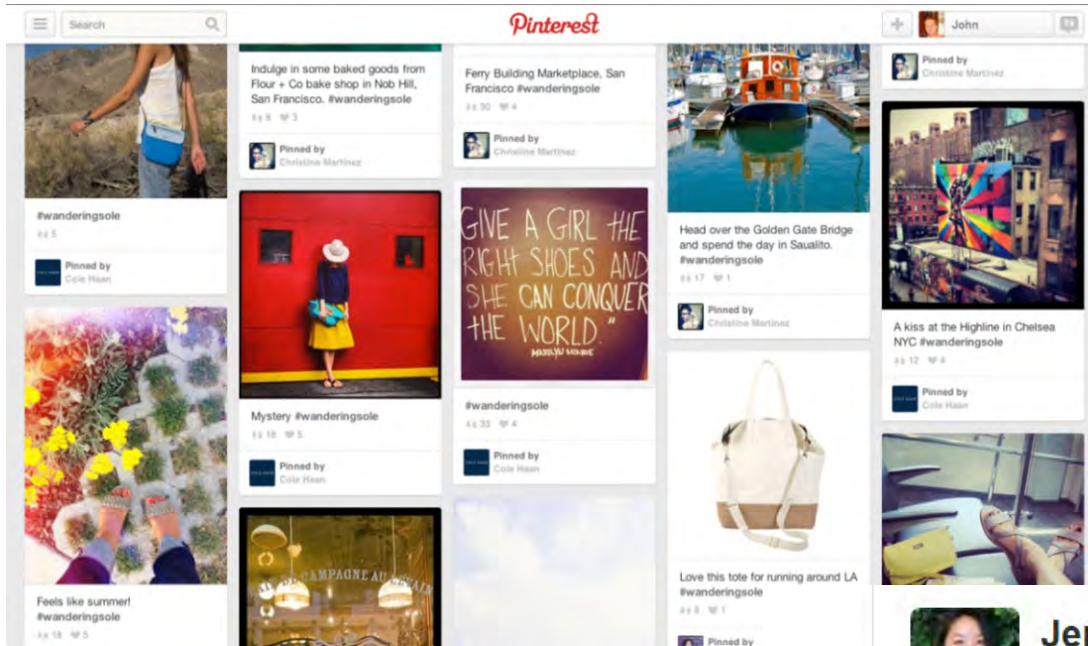
By Katy Bachman

March 6, 2014, 6:21 PM EST

Advertising & Branding



Pins as Endorsements – Cole Haan



Jennifer Chong
@jchongstudio



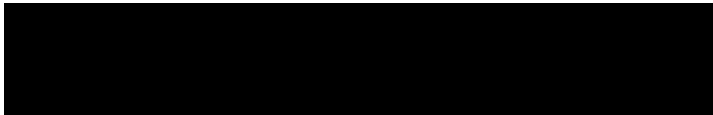
win a \$1,000 shopping spree from @colehaan ! share where your sole's are going to wander – [pinterest.com/ColeHaan/wanderingsole](https://www.pinterest.com/ColeHaan/wanderingsole)

11:47 AM - 26 May 2013

Wandering Sole

Beautiful cities, hidden gems, must-see spots.

 Pinterest @Pinterest



- Common social media tasks may constitute an endorsement
 - No statement of opinion/belief required
- Any material connection between an advertiser and endorser must be disclosed
 - Any incentive no matter how nominal can be considered material
 - Employer/employee relationship is a material connection
- Advertisers can be held liable for claims made by endorsers
- Advertisers can be held liable for failure of endorsers to disclose material connections
- Advertisers must have a social media policy in place – IT'S NO LONGER OPTIONAL – for employees and advocates
- Make sure your PR agencies know the rules; most FTC cases resulted from PR agency activity

- The Days of Closing Letters May Be Over

- FTC v. Sony/Deutsch

- Blogger/social media campaign designed to promote launch of Sony's new handheld console game
- Ad agency provided gifts to bloggers to blog about the video games
- Bloggers failed to disclose "material connections"
- Consent Order issued



FTC FOCUS TODAY: MONITORING PROCEDURES

**FAILURE TO MONITOR CAN BE A VIOLATION
EVEN IF SOCIAL MEDIA AGENT/INFLUENCERS
ARE INSTRUCTED TO DISCLOSE CONNECTIONS**

- Are your employees aware of the FTC’s Guides and obligations to disclose?
- Do your agreements with bloggers/social influencers prominently advise of obligations to disclose “material connections”?
- Do you have signed acknowledgments of the obligation from your social media agencies?
- Do your PR agencies have a social media policy in place?
- Are you monitoring the comments/posts of your bloggers/social media agents?
- Have you educated your bloggers/social media agents as to what they can and cannot say?
- Are you vetting all claims made in consumer testimonials and endorsements?
 - Are they accurate/valid?
 - Are they typical/representative?
 - Can you independently substantiate them?





- Greater emphasis on proximity of the disclosures
 - As close as possible to the triggering claim
- More restrictive view of hyperlinks
 - When hyperlinks can be used
 - How they should be labeled
 - Obligation to monitor hyperlinks
- Lack of tolerance for space constrained ads
- Obligation to optimize Web pages for mobile viewing

- Prior guidance:
 - “Near, and when possible, on the same screen.”
- Now:
 - “As close as possible”
- FTC: “The closer the disclosure is to the claim to which it relates, the better.

- The FTC does not like disclosures that require scrolling to access
 - Presumption will be against you
- Use text or visual cues to encourage consumers to read the disclosure
- Scroll bars are “not a sufficiently effective visual cue”
- The design of the page should “encourage” not “discourage” scrolling

- Avoid Use of Hyperlinks:
 - For any health or safety information
 - When information is integral to the claim
 - Evaluate whether claim can stand on its own
 - Avoid generic labels
 - Details
 - The fine print
 - Terms and conditions



- Beware of using short form/abbreviated disclosures – the FTC does not like them

“SPON”



“FS”



“AD”



“SPONSORED”



- Potential Liability for UGC Content

- Copyright

- Content contains materials that violate third party copyrights (background music, pictures/videos)
 - Risk of vicarious or contributory liability

- Trademark/False Association

- Content contains third party marks
- Third party products/third party logos

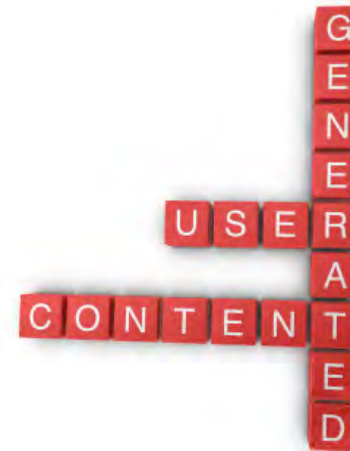
- Libel/Defamation

- Privacy/Publicity

- Content contains names/images/likenesses of celebrities or any other person
 - Posting Instagram photos

- False Product Claims

- Content makes false claims



- Try to Take Advantage of Available Safe Harbors
 - Digital Millennium Copyright Act (DMCA)
 - Provides immunity for copyright infringement provided safe harbor requirements are met
 - Communications Decency Act (CDA)
 - Provides immunity for defamation, torts, Lanham Act, privacy, publicity (courts split) provided you are not a “content provider”



- No actual knowledge that material is infringing
- Infringement is not readily apparent; the red face test
- Material is immediately removed upon notice
- No financial benefit from infringing activity
- Take down procedures



- Communications Decency Act 230 – Provides safe harbor to users or providers of an interactive computer service against claims for:
 - Defamation
 - Privacy
 - Lanham Act (false advertising claims)
 - Publicity
- CAN LOSE IMMUNITY if you are responsible, in whole or in part, for creating or developing content.
 - Key: YOU CANNOT BE DEEMED TO BE A CONTENT PROVIDER
 - Cannot participate in the creation or development of the content
 - Minor editing is OK, but anything more might negate immunity
 - Do not provide samples or templates for content, especially those that “induce” infringement





- Avoid concepts that induce the infringement
- Always include strong content submission guidelines
 - Prohibit use of third party infringing works; be specific – no third party materials vs. no infringing content
 - Prohibit use of third party marks; entirely or allow incidental
 - Prohibit photos/likenesses of anyone other than entrant OR require releases
 - Must be prepared to police
 - Prohibit offensive/defamatory works

- No clear legal guidance
- Depends on risk tolerance level – all uses carry some risk
- Some general principles:
 - The rules of engagement are different
 - Use of content by advertisers is NOT the same as use by individuals; same rules do not apply
 - Use of content by brands will likely be deemed commercial speech
 - Terms of use do not override legal protections against unauthorized use for commercial purposes
 - Privacy/publicity laws in some states require written consent
 - If you retweet or repost, you may be responsible for what it says

REMEMBER: TERMS OF SERVICE VARY BY PLATFORM

Who steals my purse steals my trash... But he that filches from me my good name, robs me of that which not enriches him, and makes me poor indeed

William Shakespeare

- Unauthorized/improper employee conduct
- Negative conversations that consumers initiate
- Conversations that you initiate but cannot control



The screenshot shows the YouTube interface for a video titled "Disgusting Dominos People". The video player shows a man in a blue and red polo shirt and a blue baseball cap eating a slice of pizza. A red overlay at the bottom of the video frame reads "They have been fired". The video player controls show a progress bar at 0:44 / 2:26, a volume icon, and a "HQ" quality setting. Below the video player, the video has 7,053 ratings (indicated by five stars) and 930,390 views. The interface includes navigation tabs for "Home", "Videos", "Channels", and "Community", and a search bar. Below the video player, there are options to "Favorite", "Share", "Playlists", and "Flag". At the bottom, there are social media sharing options for "MySpace", "Facebook", and "Twitter", along with a link for "(more share options)".



■ The Campaign:

- McDonald's launched their campaign with the comically vague #McDStories. They intended to receive stories of people's favorite foods or how much their children love Happy Meals. What they got was, in fact, the opposite. People hijacked the hashtag and applied it to McDonald's horror stories.
- McDonald's pulled the campaign within two hours of launching it. They did not respond negatively to the Twitter trolls.
- That didn't stop the people from continuing to post with the branded hashtag.

■ What the Pundits Say:

- McDonald's lesson on vague hashtag campaigns can be considered a cautionary tale for us all. Be sure to really think a hashtag through before launching it. If considering a branded campaign, realize the potential it has to go viral and what that can and will do for your company, both good and bad: and accept that once you launch the campaign, the audience controls it – not your brand.







Ben Howe
@BenHowe

The new @Starbucks experience.

9:15 AM - 17 Mar 2015




54 RETWEETS 36 FAVORITES

REACTIONS ON TWITTER



James Parkley · @jnarls

Starbucks: Nothing Says #RaceTogether Like Only Hiring 3 People of Color Out of 19 Executives. <http://t.co/7m1zl4ghQo>

a few seconds ago ·   



Rachael Daum

@Oopsadaisical

 Follow


I have a cream #NewStarbucksDrinks

8:31 PM - 17 Mar 2015



juoffer

@juoffer

 Follow

Malcolm Xpresso #NewStarbucksDrinks

12:47 AM - 17 Mar 2015

100 RETWEETS 87 FAVORITES



- Heightened risk of reputational damage in the healthcare industry
- Ability to publicly defend may be constrained
 - Privacy considerations
 - Confidentiality obligations

- Social Media Policy
- Training
- Moderating/Monitoring
- Have a Risk Management Team in Place



- Should Be Directed to Social Influencers and Employees
- Keep It Simple; Clear Understandable Language
- Key Elements:
 - Who can access social media from an organization’s network
 - Instructions on proper activation of network settings
 - Inappropriate use of social media on organization’s network and personal social media sites
 - Provide examples of inappropriate conduct; examples of PHI that may not be obvious
 - Prohibit disclosure of confidential information



- Key Elements (cont'd.):

- Advise of risks of copyright/trademark and other IP violations
- Prohibit defamatory/harassing conduct
- Remind employees of obligation to disclose employee relationship if endorsing the organization or its services
- Incorporate all other policies
- Consequences of inappropriate use
- Responsibility of employees on their personal social media sites
- Notification that employees are at personal risk for civil liability



- Restrictions on employees' social media activities must be balanced against NLRB considerations
- NLRB rules prohibit restricting employees ability to engage in “concerted activity”
 - Broadly defined by NLRB – cannot prohibit employees from discussing wages, working conditions



- Implement a comprehensive employee training program
- Consider a “certification” program for those specifically authorized to engage in social media activities on behalf of the organization
- Monitor the conversations
- Engage moderators to review content prior to posting

1. Credibility/Honesty/Transparency

- The tale of how you handle a crisis – and how fairly you are treated during one – is often told long beforehand
- Build up credibility and honesty by returning telephone calls, providing only accurate information and insisting on the free flow of information so that you can draw on this credibility when you need it most

2. Do No Harm

- Given the involvement of legal matters, you need to be exceedingly careful about undertaking any action that creates exposure
- Think through the long-term consequences of any action
- When you find yourself at the bottom of a hole, stop digging
- Admit your mistakes quickly
- Don't draw lines in the sand – figure out what the bottom line is and stick to it. Pivot out of the hole by going on offense – no bunker mentality

3. **Disclose, Disclose, Disclose, and Always Get – and Stay – Ahead**

- Everything can and will come out
- “It’s not the crime, it’s the cover up”
- Always put the bad stuff out yourselves: on your timing, your context and to your reporters

4. **Head Held High**

- Don’t be so embarrassed over a negative detail that you make a bad situation worse
- Hold your head high, state the facts, let people write what they are going to write and move on
- The original actions are most often insignificant when compared with the mistakes made later when you are trying to explain those actions

- **Respect the media (traditional and new) – they have tremendous power over public opinion**
 - Return calls promptly
 - Take questions seriously
 - Deal with the facts – the days of spinning are over
 - Maintain a healthy skepticism – know who you are working with – who’s likely to be fair, not fair
 - Don’t play favorites
- **Credibility will be the coin of the realm**
 - If people trust you over the long haul, you will survive
 - Sometimes need to take short-term hit for long-term benefit
 - Don’t allow pressure to force you to lose your credibility

■ Before the Crisis

– Be Prepared:

- Understand the social media space
 - Who are your promoters? Who are your detractors?
 - What social media outlets do they use?
 - Identify key individuals and build strong relationships in good times
- Ensure that you have the appropriate social media channels in place
 - Build your social media efforts BEFORE the crisis hits
 - Twitter
 - Facebook
 - Blogs

■ Before the Crisis

– Be Prepared

- Have tools in place to continuously monitor the social media space
 - Early detection system for social media generated crises
- Build the social media team now – close collaboration between marcom and legal
- Make sure the social media team is properly trained
- Consider buying up search terms in advance that could be useful during a crisis
- Ensure that you have a social media policy in place

■ During the Crisis

- Expand monitoring efforts
- Select key social media outlets as “go to” places for information, i.e., a “response page.” Listen to what is being said – don’t just react or respond. Listen to and engage in the conversation.
- Utilize search engine optimization techniques to ensure that consumers are getting to your information sources
- Act quickly – balance against need for truthful and accurate information
- Get it right the first time; you can’t take it back