



SUTHERLAND

Social Media Crisis Roles of PR & Legal

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Mission of Pro Bono Partnership of Atlanta:

To maximize the impact of pro bono engagement by connecting a network of attorneys with nonprofits in need of free business legal services.

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- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
 - ✓ Be a 501(c)(3) nonprofit.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.
- *Visit us on the web at www.pbpatl.org*
- We host free monthly webinars on legal topics for nonprofits
 - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website
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The Social Media Landscape



The Social Media Landscape

Social media
is here to
stay.

Platforms will
emerge and
shift as
technology
advances.

User adoption will
drive what goes
and what stays.

Ease of accessing
the connections
and information
desired with real-
time engagement
will determine
user preference.

Before Social Crisis

- Rules of Engagement
- 3 R' s of Engagement
- Response Flow
- Escalation Strategy



Rules of Engagement

- Commenting Guidelines
 - ✓ Taboo Topics
 - ✓ Bullying and Personal Attacks
 - ✓ Profanity, Vulgarity & Threatening Language
- Advertising, Solicitation or Spam
- Intellectual Property
- Removing Posts



3 R's of Engagement

- Responsive – Always respond to those who engage with you – and do it as quickly as possible. People want – and expect – to be acknowledged.
- Respectful – Negative comments can make you defensive, but remember to respect what the customer expresses.
- Resolution – Make sure to close the loop once an issue is resolved to confirm that a customer's need has been satisfactorily addressed.

Response Flow

IS THE COMMENT NEUTRAL?

Leave it alone or engage the person. If it makes sense, respond with a question asking their thoughts on what they posted. This can move a relationship from passive to positive.

IS THE COMMENT POSITIVE?

Acknowledge your fan. Say thank you, retweet, or reaffirm the comment by referencing the relevant company values or mission reflected in their comment. Keep track of this person as a fan.

IS THE COMMENT NEGATIVE?

Assess the merits of the post.



IS IT A LEGITIMATE COMPLAINT?

Acknowledge the situation. Apologize if necessary. Explain position or reason if possible. **Rectify if you can.**

IS IT SUBSTANTIVE CRITICISM?

Acknowledge the situation. Apologize if necessary. Explain position or reason if possible.

IS IT BASED ON ERRONEOUS FACTS?

Correct the facts with cited sources. Be positive rather than defensive with a "hope this information helps" kind of closing.

IS IT A BASELESS RANT OR SOLELY DEDICATED TO BASHING PEOPLE AND SERVICES?

Monitor closely to see if community responds. If it grows into something legitimate or specific in the comments, consult your agency for a response strategy.

Escalation Strategy





During Social Crisis

- Stay in the conversation.
- Be seen as responsive and thoughtful, but firm on the facts.
- Prioritize answering questions posed to you and proactively correcting misinformation over general messaging responses.
- Be the information source.
- Keep business-as-usual in proactive content, and have discussions in comments.
- At the same time, decide what the triggers are for stopping proactive content.

Social Media – The Double-Edged Sword

- While social media provides direct access to your supporters, it also can act as a free soapbox for your most vocal critics.
- Social media can also be a source of liability for the non-profit without strong usage guidelines for staff.

Libel

- A libel is a false and malicious defamation of another, expressed in print, writing, pictures, or signs, tending to injure the reputation of the person and exposing him to public hatred, contempt, or ridicule.

Defamation

- Georgia is one of a small number of states that has a statutory, rather than common law definition for Libel. OC-GA 51-5-1. Defamation is not in the GA Statutes, but may be available for actions in other states.

Slander

- Slander is only for oral forms of communication in Georgia. OC-GA 51-5-4

Defenses to Libel, Slander, and Defamation

Truth, or ambiguity of assertion(s).

Matter of Public Interest or Public Figure

Lack of Malice and/or Retraction

Special exceptions – Animal Cruelty, Video or broadcast commentary, and parody.

Timeframe

- A request for retraction can take several weeks
- Disputing through litigation usually takes six months or more
- An injunction or other equitable relief, which is hard to prove, can take weeks and be disputed for months

Costs

- Pursuing litigation or seeking an injunction to completion will likely cost between \$10,000 to \$100,000 or more. If a third party provider (Facebook, Yelp, etc..) is involved they can greatly outspend you or cause delays

Resolution

- Proving actual damages is difficult
- Special damages and costs are not reliably granted or available.

Case Study: Animal Rescue Org.

A local animal rescue group is the subject of coordinated criticisms on Facebook centering around allegations that the rescue group has stolen some owner's pets.

Case Study: Education Reform Non-Profit

Blog postings and wikipedia edits by a professor accuse education reform nonprofit of extortion and fraudulently claiming nonprofit status as a means of undermining group's credibility.

\$6.1 Million Damage Awarded In Defamation Case

A Texas District Court judge ruled that a former intern defamed a bat sanctuary nonprofit and its president, and awarded the organization \$6.1 million in damages.

After a four-day trial, Judge William Brigham found that Mary Cummins had committed defamation against Bat World Sanctuary president Amanda Lollar and breached her internship contract with the organization. She was ordered to pay \$3.0 million in punitive damages, \$10,000 for her breach of contract, and \$176,000 in attorney's fees.

Cummins was accepted for an internship at the Mineral Wells, Texas, organization in 2010, but left early after becoming dissatisfied with the program. Lollar and her attorneys then claim she went back to her home in California posted allegations of animal cruelty against her and the organization on the Internet.



For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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