Practice Pointers: Helping Governmental Entities Weather Any Storm

Be prepared for an event that disrupts your agency such as a major lawsuit, accident or natural disaster. Create a gameplan using these tips.

Before a crisis strikes:
1. **Build relationships** with reporters, legislators and other constituents so that when a crisis develops, the relationship is not automatically adversarial or distrustful. Also, think ahead and have contracts in place with outside vendors — such as outside counsel, media relations firms and other consultants — that you may need in a crisis.
2. **Develop an internal communications plan** for litigation/crisis so that the right people are notified immediately.
3. **Establish a crisis management team.** Generally, the team should include a chief executive; in-house counsel and perhaps outside counsel; a risk manager or insurer; the human resources director; the director of communications/media relations, and possibly the legislative director or constituent affairs director.

It's happened. Now what?
1. **Convene the team** with the main purposes of understanding the nature of the crisis, comprehending each other’s respective short and long-term goals, and developing an action plan.
2. **Share goals.** The executive’s goals will not necessarily be the same as the insurer’s and might conflict with the director of communications. Ensuring that everyone understands each other’s goals and concerns is critical so that inadvertent actions that undermine another’s goals are avoided.
3. **Prepare the team**
   - Discuss any thorny issues such as attorney client privilege, litigation holds (and the resulting sanctions that can arise if holds are not met) and the difficulty of the litigation process.
   - Initiate the action plan. Assign team members to determine what work must be achieved immediately and by whom, what must still be learned, what steps to take to gather that information, and any impending timelines or deadlines.
   - Develop a routine for ongoing communication with the team. Use regularly scheduled meetings to check in on progress and goals.

Post-crisis debrief:
What valuable lessons can you learn from the situation? Convene your team to debrief about the underlying event that caused the crisis and review the recovery/litigation process. Ongoing issues — such as repairing harm to the agency or managing staff morale or personnel issues — may need to be addressed long after a judgment is entered. Assess whether additional actions are necessary and continue to coordinate any follow-up as needed.