



Communications Strategy for Conduct Committees

This memo summarizes the presentation delivered by Bert Brandenburg at the Workshop on Establishing and Operating Successful Judicial Campaign Conduct Committees, held February 26, 2004 by the National Center for State in Dallas, Texas.

I. INTRODUCTION

Judicial campaign conduct committees begin with numerous obstacles to communicating effectively.

1. Many reporters find your issue to be boring.
2. Your issue is complicated.
3. Your issue is subtle.
4. Your issue cuts against populist instincts—left to their own instincts, people want judge candidates to talk, and couldn't care less about them "crossing the line."
5. In the media where most people get most of their news—local television—you're competing against a daily diet of Martha Stewart, convenience store stick-ups, house fires, and Janet Jackson's wardrobe malfunction.
6. In your state, most people don't even know that judges are even elected.
7. In your state, most people don't care.
8. The candidates in your state may attack you as Orwellian thought police.

For all of these reasons, depending on your campaign, in some cases you'll be lucky to get one good shot at the media—unless you prepare.

Finally, a little pressure: if your communications effort fails, your committee's effort will probably fail.

The good news is that if you start preparing—now, not this fall—then you stand a good pretty good chance of succeeding despite all these obstacles. A properly planned and well-executed communications plan can help you prevent inappropriate campaign conduct before it occurs, blow the whistle when it does occur, and rally popular opposition so as to minimize the chance of it occurring again.

II. PREPARATION

Many people think of communications as saying the right words on camera, or in the newspaper. Actually, that's the last link in a long chain of work, and the links that come

before it are just important. From my experience, at least 50% of effective communications—and oftentimes more—involves proper preparation. To put it another way, if you don't prepare properly, you will almost certainly fail. There's an old saying that "Chance favors the prepared mind." I would say that "Communications favors the prepared organization."

Step One—Get Committee-Wide Commitment: You need the entire organization to be committed to an effective communications effort. Regardless of how many people end up being involved in implementing your communications plan, you have to insure that every member of your committee is fully invested and willing to do their part, even if that doesn't involve direct work with the media. (I provide some examples below.)

Step Two—Select a Communications Subgroup: Select those among you who are especially creative, or already have media savvy. This is one of many good reasons to have a former reporter on your committee.

Step Three—Adopt Communications Goals That Flow From Your Group's Mission: Communications flows from substance. Once your organization's mission has been clearly stated, you can adopt goals that flow naturally from them. Examples of communications goals include:

- Visibility and name recognition for the committee
- Educating candidates about standards of conduct
- Reaching influential target audiences like legislators, judges and bar leaders
- Educating citizens about judicial campaigns and their proper conduct

Step Four—Hold a Committee-Wide Communications Brainstorming Session: Jot down everyone's ideas for communications goals, target audiences, techniques, and resources. Be sure to finish with a consensus for moving ahead—with everyone's support. (When committee members start reflecting on how vital communications is to their mission, they better understand the need to commit serious time and resources to their efforts.)

Step Five—Prepare a Communications Plan: Start with an outline, but make sure and include at least

- *Target Audiences:* Unless you're selling soap, or something else everyone needs, you'll waste away your limited communications resources if you try to reach everyone. Take some time to think about who you really want to reach—and be as specific as you can. (E.g., rather than, "the public," you might say "the voting public," or "voters in judicial elections.") Identify specific subgroups—like lawyers, judges, civic group members, churchgoers. Prioritize the list. Then think about how best to reach them. This will often suggest specialty media that you otherwise might overlook.
- *Research:* Take some time to learn how your local media covered the conduct of judicial elections. Use the internet, libraries and to find old clips and video. Talk

to journalists. You want to learn (1) which reporters have been most interested (2) how they approach such stories (3) the kind of people they like to quote, and (4) the kinds of facts and quotes they like to use.

- *Core Message:* Your committee needs to develop a short core message—ten words maximum—that you want to see every time a story is run on the judicial campaign conduct issue or your committee is mentioned. The message should connect to a core American value, and it should be in plain English—no jargon or legal terms. For example, “Protecting the courts that protect our rights,” or “Keeping special interest politics out of our courtrooms,” or “Judges should be elected on their merits, not sound bites.”

Use your core message every chance you get, even in the description of your committee. (Example: “A nonpartisan committee working to protect the courts that protect our rights.”)

When crafting your message, forget your legal training. When my Torts professor referred to law school as “Sharpening the mind by narrowing it,” he could have been talking about the fact that so many of us allow our legal training to obscure what we knew long before long school—that a few simple words, connected to common values, win more attention and support than any other message. For example, if I use the phrase “judicial independence,” just about every lawyer I’ve ever met knows what I means and almost all of them instantly care a lot about it. But the public is quite different. Indeed, we’ve commissioned opinion research that shows that citizens have little interest in terms like “judicial independence. They want to know that courts will be fair and impartial, and that they will protect their rights.

- *Opinion Research:* Polling and focus groups can do three things for your communications strategy. (1) It can help you understand what the public knows and thinks of your issue. (2) It can provide tips on crafting a message they will find persuasive. (3) It can give you some data to make news with by releasing it to the public—reporters love polls. Start by reviewing previous opinion research, some of which can be found at the Justice at Stake website (www.justiceatstake.org) or the National Center for State Courts. Many large private pollsters conduct omnibus polls where questions can be bought for \$1,000 or less. You may also want to check with universities that do polling in your state. This is a good example of how committee members can support your communications plan, even if they’re not involved in communications—by helping to raise money for polling.
- *Materials:* Even on a shoestring budget, your committee has to prepare some basic documents that will (1) help you educate others while (2) looking serious and professional:
 - Stationary, with a logo if possible

- A one-page fact sheet—in plain language—about your committee and its work
- A brochure (many computers can create brochures these days, and you can try to get pro bono design assistance from a graphics specialist)
- Short biographical information on your committee members and spokespersons
- Additional fact sheets to explore issues in depth, like conduct codes
- A newsletter (can be done on plain paper, or by email to save money)
- Press releases to announce the committee, preview its work, and track campaign conduct
- A set of press clippings featuring the campaign conduct issue and your committee
- After a campaign is over, a summary report to get press and serve as a reference

It's also very important to create at least a basic web site, stock it with the information mentioned above, and keep it up to date. Organizations without websites have a harder time gaining attention and credibility. This is worth an expenditure of resources, including pro bono assistance, and here too all committee members can help.

- *Media Targets and Lists:* I talked about targeting. Now you need to put your targeting list to work. Create a list of the news outlets that you want to reach: newspapers, magazines, newsletters, local TV news and public affairs shows (including cable), radio stations and talk programs, and web sites that handle your area's legal and political issues. Have committee members identify friends and acquaintances at each outlet. Then identify the reporters, columnists, reporters and producers who are appropriate to contact. Be sure to keep the list up to date—turnover in the media is rapid. Buy any available local media directories. You can also build your press network by joining local press clubs, inviting reporters to speak or serve on panels, inviting them to coffee once they've written a story about your issues, and networking with reporters you already know. Finally, don't forget specialty media, like legal periodicals and newsletters and websites of friendly organizations.
- *Selecting Spokespersons:* The spokespersons' identity conveys as much to your audience as what he or she has to say. The public is most trusting of messages they hear about the legal system when it's delivered by a judge. Try to identify a judge or an ex-judge, or respected political or legal figure, whose support for your work will command automatic attention, respect and trust. Make sure this person has time to commit and is comfortable doing press interviews. Identify an initial point of contact for media calls—even if it's not your spokespersons—and provide his or her contact information on all your publications. If you can afford media training, or secure some pro bono assistance, it is well worth the investment.

- *Begin Now to Plan Press Outreach During a Judicial Campaign:* If your rules permit, plan to provide timely information on complaints and decisions handled by the committee, with press releases, press conferences if warranted, and phone calls to key reporters. Another alternative might be a regular release, perhaps every week or every other week, during the campaign season. Make an extra effort during the campaign to book your members on talk shows, and to get interviews with columnists, editors and reporters as they turn their attention to campaign season. Write an outline, in advance, of how this outreach will take place.
- *Be Ready to Seize Opportunities:* Local media, especially local television, likes to provide a local angle on national issues. For example, if the rancorous judicial confirmation process in Washington is generating media coverage in your community, pitch reporters on a “local angle”—how judicial campaigns in your area need to be watched so that they don’t get out of hand. Sometimes local TV stations even do follow-up stories on issues presented on prime-time movies and programs (maybe you can get on the news after *Judging Amy!*) Be creative: reporters and editors are always looking for fresh ideas. And above all, spend some time in advance thinking of what these opportunities might be.
- *Communications Work Plan:* Now the pieces of a communications plan are coming together. Once you’ve outlined the elements of your communications strategy, turn your outline into a work plan. Develop time lines and calendars of events. Prioritize the work, and assign specific tasks and deadlines. Check your progress.

Once your committee has prepared a media strategy, it’s time to get to work.

III. ANNOUNCING YOUR COMMITTEE

You should try to make news by announcing your committee’s creation. (Or, if your committee is not new, do something shortly before campaign season to kick off that year’s efforts.)

If you have the resources, consider scheduling a press conference, perhaps on a courthouse steps or at the bar association.

- Hold it before the campaign season kicks off, between 10:00 and 2:00.
- Make sure and send an advisory out a week beforehand—and a follow-up copy the day before with reminder phone calls—explaining where and when the event will take place, who will participate, and a sentence or two about the committee.
- Don’t forget to target editorial boards and columnists.
- Bring your committee, along with any other legal and political VIPs like prominent ex-judges or former elected officials.
- Keep the presentation brief, and limit the number of speakers.
- Be sure and include some real news: some data, an announcement about upcoming activities, or perhaps a letter from prominent local officials to

prospective candidates. Include something visual for TV, like a video of past campaign commercials (make broadcast-quality copies), a blowup of your logo, or a simple chart.

- Provide press packets, and leave time afterwards for individual follow-up interviews and questions.

If you don't hold an event, send out a press release and reach out to brief reporters and editors.

IV. SOME OBSERVATIONS ON NUTS AND BOLTS OF WORKING WITH THE PRESS

Finally, I want to touch on some of the nuts and bolts of the communications trade, how you might use them, and pitfalls .

A Note About Events and Briefings: Events are useful only when you need to reach many reporters quickly. For example, if controversial campaign conduct has attracted widespread attention and inquiries, you may want to hold a briefing to announce your findings. Or you might want to hold a press event to launch your committee and introduce yourself to the media. There are several types of events available:

- A news conference should only be called when there's a real need to speak with multiple media at the same time. They can take work to organize, and if the press turnout is light it can convey organizational weakness and hurt morale. Before hold one, consider whether phone calls to key reporters could accomplish your goals.
- An audio press conference, using a conference call service, can help reach reporters in several cities at once. Send out a press advisory several days in advance and remind them a few times by phone and/or email. Be ready to moderate the call, and ask reporters to identify themselves when they ask questions.
- A press briefing is more informal. Invite a handful of reporters to sit down to be briefed on your issue, preferably with one or more luminaries like ex-judges. Breakfast and lunch often help make the atmosphere relaxed.

Working with Reporters and Editors: Since reporters often deal with difficult sources, you can often score real points just by treating them well. Deal with them like valued customers: cultivate personal relationships, return their phone calls quickly, always be straight with them, make an extra effort to get whatever information they need, and don't bother them unless you have something substantive for their attention.

Above all, be prepared: Prepare in advance for reporter phone calls, think about how to answer anticipated questions, and have your reference materials at hand. Part of your job is to get the reporter to convey your message, so use your core message sound bites. If a reporter calls and you don't have a message prepared, ask to call them back in a few

minutes and get organized. If they ask for a formal interview, find out in advance as much as you can about what they want to ask you. You may want to tape the conversation—especially if the reporter seems hostile—but be sure and ask permission first.

Be persistent (but polite): Don't be surprised if a reporter didn't get your materials, or threw them away, or doesn't read email or broadcast faxes. Be ready to resend everything, and to remind them of who you are and why campaign conduct is important. Don't take it personally if they don't seem responsive or interested. Reporters need sources, and if you build a good foundation for a relationship, it will pay off down the road when they suddenly need you.

Deal with reporters on the record, and don't let them lull you into saying something you don't want to see quoted. If you're not permitted to reveal certain information or comment on an issue, don't just say "No Comment"—be friendly, explain why you can't elaborate, and offer to help them in some other way.

Pitching Stories: Don't be afraid to cold call reporters and producers to suggest a story. (But avoid calling reporters after early afternoon, or near some other deadline, unless you're responding to a request or to breaking news.) Keep your pitch to a minute or two. Offer to send them some information, including contact information for other sources (your committee members and allies). Check back periodically.

Delivering Your Message:

- 3 key points supported by examples
- Every thing you say should restate or reinforce your message
- Stick to your message -- don't offer the other side a platform by bringing up their position. Example: "some people argue that these reforms will limit free speech..."
- Don't be afraid to repeat your message
- The audience is not the reporter—it is the viewer, listener or reader
- Make Your First Words Count
- Stay on Message—change bad questions using a transitional phrase:

–“What's more important...”

–“Another thing to remember...”

–“That's not my area of expertise, but what I can tell you is...”

A Word About Rapid Response: Since campaigns are short, and campaign conduct issues often arise quickly, the committee will want to prepare in advance for effective rapid response. Select a rapid response team with a single point of contact, make sure reporters know how to contact you after hours, have dissemination tools (like group emails) handy,

and be ready to make a lot of phone calls in a hurry if you want coverage for a late-breaking announcement.

Opinion Media: Before your campaign season begins, perhaps in conjunction with a launch announcement, arrange meetings with newspaper editorial boards and influential columnists. Bring your materials and be ready to educate them on why the issue matters to their readers. As the campaign events unfold, or when you have news to release, check back with them regularly. Don't be shy—judicial campaign conduct is a good issue for many opinion writers.

Make an effort to submit regular letters to the editor and op-eds, especially as campaigns getting underway. Check the paper's formatting criteria before sending a submission. Op-eds should be signed by a well-known figure. Begin by making your point in a single sentence (e.g., "Judicial campaigns are growing nastier, noisier, and costlier"). Use plain language and a few pithy sound bites, include necessary background information, and make your arguments in tight paragraphs. Keep the piece to 500-750 words. Letters to the editor should be no more than 150 words, they should connect a recent article to the conduct committee's message, and they should be submitted as quickly as possible after an article appears (the same day, if possible).

Television: If you can't identify a local reporter with a law or politics beat, call the assignment editor or news director. Above all, television wants visual images to tell its stories; campaign commercials are a natural, but you could also offer to do an interview on the courthouse steps or in a law office with law books in the background. See if your local station does editorials (and responses). If you get an interview, be ready to suggest questions to busy producers or simply deliver your talking points to the camera without being asked anything. Send local TV talk shows materials in advance, follow-up as campaign issues begin to heat up. Many stations use video news releases, but they can be costly to produce.

Radio: Organize radio tours around your announcements or breaking news. Give a quick pitch to the producer, and be ready to provide a one page fact sheet with quotes and biographical information. Radio actualities—audio press releases—are popular with many stations, and can cost a few hundred dollars to produce. They should be 30 or 60 seconds, review the issue briefly, include a "sound bite", and provide your name and contact information. Campaign conduct should be a natural for radio talk shows; send materials to producers and follow up with phone calls.

Public Service Announcements: Many local radio and television stations are willing to donate 15- and 30-second spots to public interest organizations. You'll need a budget to produce the spot, make copies and mail them out. See if an ad agency can help you, perhaps on a pro-bono basis. Then follow up with personal calls and visits with station public service managers, and explain why it's so important that the ads run.

Paid Advertisements: Even cash-strapped committees might be able to afford some local TV or radio time or modest newspaper ads. And some broadcasters will run your public

service announcement more often if you're also buying their time. You'll need an ad agency to help produce and place the ad.

Internal Communications: Don't forget that many organizations and interest groups can help spread your message. Work to get your information into the newsletters and other house organs of bar associations, civic groups, political parties, chambers of commerce and other groups. Before and during the campaign season, seek out speaking opportunities with these groups.

I've covered a lot here. You may not be able to do all of these things. But the more you do, the better you'll do.

V. RESOURCE LIST

A number of organizations have materials that will be useful to a conduct committee's communications effort:

American Bar Association <http://www.abanet.org/judind/home.html>

The Constitution Project <http://www.constitutionproject.org/>

Justice at Stake Campaign www.justiceatstake.org

National Center for State Courts <http://www.ncsconline.org/>