

- **Cross-functional linkages** between comty rels & other dep'ts are continuing to develop. PR is most often cited as being linked to comty rels planning & activities.
- Strategic management: 71% report their comty rels program has a **written policy or mission statement** (71% in '95). 66% possess a **comty rels strategic plan** (56% in '95). 56% **annually evaluate** the overall program (51% in '95). 47% work with external groups, such as **comty advisory panels**, to assist in planning programs (48% in '95).

#### 10 MOST CRITICAL SOCIAL ISSUES CITED

1996	1995
1. Education (k-12)	1. Education (k-12)
2. Economic Development	2. Crime
3. Crime	3. Economic Development
4. Healthcare	4. Violence
5. Job Training	5. Healthcare
6. Substance Abuse	6. Job Training
7. Violence	7. Substance Abuse
8. Literacy	8. Higher Education
9. Higher Education	9. Literacy
10. Environmental Issues	10. Teen Pregnancy/Environment (tied)

(More from the Center at 36 College Rd, Chestnut Hill, Mass 02167-3835; 617/552-4545, fax 617/552-8499; e-mail CCCCR@bc.edu)

#### ITEM OF IMPORTANCE TO PRACTITIONERS

**First Amendment Congress disbands**, after 18 yrs of national Congresses on key FA issues, several publications & a very successful school curriculum for instilling awareness of FA rights. PRSA was an original supporter & member. Founder Jean Otto reports continuing financial support, primarily from media org'ns, was not forthcoming -- even tho every time they're in trouble they hide behind the good old First Amendment. Org'n was first ever to get print & broadcast media to work together. Even The Newspaper Guild was an active member, as were 2 dozen other prominent com'n org'ns. Tho pr also depends ultimately on FA rights, pr org'ns haven't been active in defending it either. Sadly, survey after survey shows voters would curtail or eliminate many FA freedoms if given the opportunity.

#### WHO'S WHO IN PUBLIC RELATIONS

**HONORS.** NSPRA's President's award, its highest honor, for career contributions to the profession & to education, to **Ken Weir** (dir schl-comty svcs, North Penn Schl Dist, Lansdale, Penn)

**PEOPLE.** **Richard Long** (former sr pr ofcr, Dow Chemical & Weyerhaeuser) forms LONG-term Solutions (Federal Way, Wash) to assist clients with public policy issues & crisis mgmt. He has written & given seminars widely on the topics.

#### PR COMMUNICATIONS NOT PRIVILEGED, CAN END UP IN COURT

Are pr communications privileged? "Public relations practitioners who think their conversations enjoy attorney-client privilege because an attorney is present may be lulled by a false sense of security. The same is true of some documents routed thru lawyers to achieve privilege.

- "A number of court decisions have found that communications involving a mix of business & legal topics are not privileged if they are not 'primarily of a legal character' or if they 'expressed substantial non-legal concerns,'" reminds Bill Huey of the pr firm Knapp Inc (Atlanta) in a fax to [pr](mailto:pr@prpublishing.com).
- This applies to lobbying, pr, pa & other activities that involve communication with 3rd parties, says Elizabeth Cowie, an attorney with Kilpatrick Stockton LLP (Atlanta). A recent issue of the firm's *Environmental Review* advises that attorney-client privilege may apply where confidential legal advice is sought from an attorney. Agents of the attorney, such as environmental engineers & consultants, may be able to assert the privilege if **they are acting on the attorney's behalf**, i.e. for the purpose of assisting the attorney in providing legal counsel.

#### KEY POINTS PRACTITIONERS SHOULD REMEMBER IN THESE LITIGIOUS TIMES

1. "The critical issue" is not how much "legal" info is contained in the communication between client & consultant, but "whether the person asserting the privilege can show that the communication relates to facts that are essential to the attorney's assessment of the client's legal position & that **the communication evidences the attorney's motivation to convey legal advice.**"
2. The ruling doesn't necessarily prohibit pr consultants & others from giving confidential advice to their clients, notes Cowie, but **communications once routinely assumed to be privileged may be subject to court scrutiny.**
3. "Because pr practitioners often participate in discussions touching upon a variety of issues -- legal, business, technical, political & communications -- they should not assume the mere presence of an attorney means the discussion is privileged. Likewise, **routing documents & other communications thru an attorney does not protect them from later disclosure,**" notes Huey.



### HUEY OFFERS THESE EXAMPLES OF RECENT FINDINGS AGAINST PRIVILEGE

1. In '96, court held that because a lawyer's recommendations to his client about contract negotiation strategy constituted "business" rather than "legal" advice, the info was not privileged.
2. This year, a court found that notes taken by a non-lawyer at an industry meeting about tobacco research studies were not privileged because the meeting was basically educational & directed toward pr & public image issues -- not toward legal advice.
3. Documents relating to lobbying efforts coordinated by a public utility's legal dep't were found to lack attorney-client privilege. Even tho in-house lawyers prepared the documents for mgmt, court ruled the documents did not contain legal advice because they contained summaries of town meetings & progress reports about the formation of a power system to which the utility was opposed.

### COWIE'S GUIDELINES ON PRESERVING PR ROLE IN LAWYER-CLIENT PRIVILEGE

1. The role of the attorney should be clearly documented before the privileged communication occurs.
2. Conduct of all parties should be consistent with the intent to secure & provide confidential legal advice.
3. Dissemination of info to others should be by the attorney & should be limited to avoid waiver of the privilege. This does not mean attorneys must assume the role of issuing news releases & making statements to the press. But proper procedures should be followed to protect communications for which privilege is sought.

Good rule of thumb: If the matter is not primarily legal in nature, & the discussion is not for the purpose of rendering legal advice, privilege doesn't apply.

"The scope of attorney-client privilege may vary, depending on the jurisdiction, so it's best to determine ground rules in advance," notes Huey.

### GUIDELINES & STANDARDS FOR MEASURING & EVALUATING PR EFFECTIVENESS

Just released, report is "a working document that begins to define minimum standards," prepared by an 8-member task force of the Institute for PR Research & Education -- with contributions from 6 others.

These 14 are a mix of clip-counting service operators; & some heavy-weights of more sophisticated methods e.g. Walt Lindenmann, Jim Grunig, Mary Ann Ferguson, Kitty Ward, Don Wright. All were unpaid volunteers, donating both time & expenses.

Booklet notes that "as important as it might be to measure pr outputs, it is far more important to measure pr outcomes." Even so, both outputs & outcomes are given equal emphasis.

### WHAT REPORT DOES

- Defines outputs & outcomes.
- Identifies standards for measuring outputs (media content analysis, cyberspace analysis, trade shows & event measurement, public opinion polls) & outcomes (awareness & comprehension, recall & retention, attitude & preference, behavior).
- Touts setting specific measurable pr goals & objectives.
- Identifies important questions to ask both the org'n commissioning the research & the org'n doing the research.

Overall, a basic text. That it is still needed illustrates resistance to evaluation -- after 2 decades of experimentation, study & debate.

### WHAT REPORT DOESN'T DO

- Lead or inspire pros to go beyond the misleading counting of clips or Web page hits. That's equivalent to the military telling how many rounds of ammunition they fired without knowing whether all that firepower actually hit anything (e.g. glowing pr reports of Patriot missile firings in Gulf War -- later found to have been very ineffective).
- Report does advise differentiating between measuring outputs "which are usually short-term & surface (e.g. the amount of press coverage received or exposure of a particular message)" & outcomes "which are usually far-reaching & can have more impact (e.g. determining if the program changed awareness & attitude levels, & possibly behavior patterns)."
- It also notes "measuring media content, while of great value (sic), needs to be viewed as only a first step in the pr evaluation process. It can measure possible exposure to pr messages & actual press coverage; however, it cannot, by itself, measure whether target audiences actually saw the messages & responded to them in any way." (Copy from IPRRE, P.O. Box 118400, Gainesville, FL 32611-8400; \$15, 23 pgs)

### REPORT: COMMUNITY RELATIONS BECOMING MORE STRATEGIC

Annual snapshot of issues & trends in community relations shows a) commitment from top mgmt is on the rise & b) function is playing a strategic role within org'ns, reports the 1996 *Community Relations Index* from The Center for Corporate Community Relations at Boston College. Center surveys participants of its programs & seminars about the role & function of community relations activities within their organizations. Most recent Index is based on responses from 181 comty rels pros in a variety of industries who attended Center's '96 programs. Notable findings:

- 40% say support of CEO & sr vp's has increased over the past year; 52% cite no change; only 8% have seen it decline.
- Budgets have increased (36%); remain unchanged (42%); decreased (22%).
- Staff has increased (23%); remained the same (60%); decreased (17%).
- Comty rels is being integrated into the overall business function. 64% include comty rels in the company's strategic plan (up from 56% in '95).
- 52% have an employee advisory committee to assist in contribution decisions (up from 45% in '95).