

- Respected *NYTimes* science writer Gina Kolata's view is clear in her article's headline: "A Hit Movie Is Rated 'F' in Science." Here we go again – trial lawyers, class action suits & junk science
- Firm Brockovich works for took 40% (not the traditional 1/3<sup>rd</sup>) + \$10m in "expenses" in the Calif case, reportedly hasn't accounted for the latter, held on to the cash for 6 months, & distributed the winnings unevenly among plaintiffs – so is now itself being sued by its former clients!
- Some lawyers in the suit, shortly after its conclusion via arbitration, took a boatload of the legal crowd on a weeklong Mediterranean cruise – including the 3 arbitrators!

### WARNING: COME TO CASES WITH CLEAN HANDS

Why did PG&E agree to settle, then, for megabucks?

Company hasn't said. But one investigative reporter, Kathleen Sharp, says PG&E's original lawyers in the case had engaged in possible misconduct, including privacy invasions by hired private eyes. Old saw about coming into court with clean hands applies to both courts of law & public opinion. (Full story from Sharp's "Erin Brockovich: The Real Story" in *Salon*, April 14. Also *Overlawyered.com*, a Website devoted to "chronicling the high cost of our legal system" & valuable for news & data about cases & issues in the world of law & lawyers. Recommended by respected attorneys)

### ITEMS OF IMPORTANCE TO PRACTITIONERS

¶ **The Inside Terminology Of Org's ns Might Need A Review**, as demonstrated by the fullpage ad MetLife ran when it effected the transition from a mutual to a stock company. Copy reads: "We'd like to take this opportunity to sincerely thank our policyholders, shareholders, customers & employees for their support" – followed by the logo signature. Who is the "we" doing the thanking? Who presumes to speak in this voice in expressing appreciation to *all* parties? Is it management? But they're employees – & perhaps shareholders & policyholders as well. But it's not *their company!* And assuming the "we" is mgmt, why not say so: "The management team wants to thank X,Y & Z for their support in helping us make this historic change" or similar. That would provide perspective. This presumption by mgmt that they *are* the org'n is widespread – & dangerous.

¶ **Here's An Opportunity For A Dot.Com Billionaire To Become Really Renowned.** Or any old entrepreneur who's made it big, like perhaps your founder or CEO. Reports indicate 25 hot spots contain close to half the world's endangered species of plants & animals. Experts estimate all of them could be purchased – & thus remove all these species from the danger of development, farming, logging & other habitat destroyers – for \$500 M. Ted Turner pledged twice that much to the UN. Bill Gates, Larry Ellison, Warren Buffet et al could become global heroes for a sum that would barely dent their fortunes.

¶ **Less Is More In Reader-Friendly Annual Report.** Northwestern Mutual has done it again, with materials that may actually get read! 20-pg AR (24 incl. cover) is small & horizontal, 5 ¼" high x 8 ½" long. Cover presents simple theme – "timeless values" – & 5 pgs illustrate them thruout the co's history back to 1857. Inside cover offers a) year's highlights, b) 3<sup>rd</sup> party reviews of performance & c) results in brief – all in 24 short lines covering 2 cols. Total words & bulk are about a quarter of typical ARs, yet everything expected is here. (Copy from 720 East Wisconsin Ave, Milwaukee, WI 53202)

## MOBILIZING EMPLOYEES AS COMMUNITY MEMBERS; USING THEM AS CONSTITUENTS TO GAIN PUBLIC APPROVAL FOR MERGER

Cable company MediaOne found that when it comes to winning over communities, the best agents of persuasion are employees. MediaOne is the largest broadband services provider in the US, offering premium cable, Internet access & digital tv to 5 million customers. When AT&T made a deal to buy MediaOne, the companies first had to gain consent to transfer cable operating licenses. The same scenario is happening across the nation as cable operators "infill" their territories by swaps, or sell out to competitors. For example, AT&T's purchase of TCI – the biggest cable co – also required each local cable franchising authority to approve the deal.

For MediaOne, things were trickiest in Massachusetts, where each community had to hold a hearing (11 in all) with their Local Franchising Authority (LFA) to review the forms & vote on the transfer. Consent from the communities was critical because without it, MediaOne would be virtually starting over to be awarded the franchises – which might cancel the AT&T acquisition.

### A RALLYING CRY

To encourage LFAs to approve the transfer, Legal & Com'n dep'ts joined heads & devised a way to target opinion leaders & gov't officials in each community. They did this by first engaging employees thru a program titled "3-2-1 – Action." Name signifies 3 key messages (see below), 2 things employees can do (also see below) & the fact 1 employee can make a difference.

Company has 3,000 employees in 115 locations in Mass. "Because LFAs are extremely sensitive to the needs & input of their constituents, it was especially important to involve employees who lived & worked in the communities," says spokesperson Carolyn Fischer. "These employees could best present reasons why the merger would be good for customers & the community-at-large."

MediaOne sought to educate this workforce on merits of the merger & provide them with com'n tools. It particularly encouraged 1) letter writing campaigns & 2) attendance at the regional hearings. And also urged workers to tell friends & family about the issues & encourage their support. "The intent was to create as much positive 'noise' as possible." Some employees were asked to testify.

### ■ Messages: Merger is good because it brings 1) choice, 2) competitive prices, 3) better service

"We had little time to garner employee support & educate all of them. I wanted a quick, catchy phrase that captured the essence of the campaign, summarized our key messages & served as a 'rallying cry.'"

**MediaOne faced a host of challenges:** a) Less than 3 weeks to execute the campaign. b) Some employees are limited in access to e-mail & v-mail. Since many work 3<sup>rd</sup> shift, getting messages to them can be difficult. c) Many lack an understanding of the legal process. One goal of the plan was to keep language simple & direct and to focus on how one employee can make a difference.

Reviewing employee satisfaction surveys showed 3 areas needed improvement: 1) "creating a spirit of togetherness across regions," 2) increasing sr mgmt visibility, 3) increasing employee recognition.

### Fischer & her team used these criticisms to leverage the campaign via:



1. **E-mail invitation.** All employees in the Northeast Region received an e-mail invitation to participate in an all-employee conference call with svp Kevin Casey
2. **All employee conference call.** They participated from workstations, or listened to it during a **24-hour replay.** During the call, svp provided background on the merger, outlined aspects of the transfer & detailed the campaign. He concluded by asking for employees' help
3. **Management conference call.** All managers participated in this, which provided further details of the campaign. The svp stressed the importance of management support and the need for **face-to face-com'n with employees** to garner support
4. **Letter to employees.** A letter recapping the details was sent to employees' homes
5. **Package.** Most employees were unfamiliar with legal proceedings associated with a transfer, so Fischer sent them a transfer package that included the svp's letter, "Cliff notes" on the legal process, a list of dates, times and locations of the regional hearings, talking points on why the merger would be a good thing, and a sample letter to an LFA. Kits were sent via e-mail & inter-office mail
6. **Feedback mechanisms.** Since the campaign was a top down program, Fischer wanted to provide ample opportunities for employees to offer feedback. "I established an employee hotline & posted my name & number on material that went to their homes & work locations." Employee representatives met with employees in advance of hearings to prepare them & answer Qs. Also, employees' questions, many of which concerned their job security, were answered promptly by e-mail, telephone, meetings & in work groups – total coverage as far as possible
7. **Pizza parties.** Before every hearing, front line managers sponsored pizza parties for employees who planned on attending. These included briefings & helped the employees unwind
8. **Weekly updates.** Fischer issued weekly updates about each of the hearings
9. **Thank-you notes.** Vp sent a hand-signed thank-you note to all employees who attended hearings

#### CAMPAIGN SUCCESS

98% of the communities unconditionally approved the merger, with 3 issuing conditional approvals. As far as the campaign's effectiveness in mobilizing its key constituency, over 600 employees wrote letters to gov't officials & LFAs – 20% of the employee population. Over 3300 attended a regional hearing. "In fact, 90% of the people attending one of the largest hearings in Lowell were employees; between 30 - 50% of the attendance at all other hearings were employees." In all, over 30% of all employees took measurable action to influence local decisionmakers. Fischer says Legal is confident conditional approvals will be finalized, allowing MediaOne to close the deal with AT&T on schedule.

#### THE WAY TO RETAIN EMPLOYEES IS TO ENCOURAGE THEM TO ENJOY LIFE, PR FIRM FINDS; TAKE A LOOK AT THESE BENEFITS!

At a time when many employers are offering on-site day care, fitness facilities, concierge services etc. all designed to keep employees happy at their desks – a Boulder-based pr firm is taking the opposite approach. Metzger Associates, a 33-person pr/ir company, encourages employees to get *out* of the office – and onto a mountain, into a spa, or on a plane to Europe. "It's a lifestyle issue," vp James Clark told pr. **"We don't want them to be lost in the world of work."**

Firm started the program in response to what it saw as a high turnover rate among hi-tech companies. "A lot of people quit companies to join Dot.Coms." Firm decided the root of the problem is a lack of passion for work; too many people becoming burnt out, reaching midlife & seeing their

glass as half empty. "We realized a lot of people get into their 30s & think, 'I've never traveled,' or 'I've never learned to flyfish.'" Metzger set out to make dreams come true through "Live Long and Prosper," a benefits package which goes way beyond dental & medical. "Attracting & keeping great employees goes beyond salary & work style," says Clark. "It needs to reach into that person's personal aspirations & needs."

#### A DOSE OF PREVENTION, A DASH OF PASSION

Idea started with a conversation between Clark and his uncle-in-law, a man in his 90s who was in great shape. "I asked him how he did it & he said, 'I have passion in my life.' It really hit home." Clark & his colleagues reviewed the firm's goals – retaining clients for the long term, launching award-winning campaigns, etc. – & "built our benefits around them." In addition to extensive medical benefits & financial incentives, non-traditional benefits include:

- **60-day, paid sabbatical** employees can take either in two 30-day increments, or all at once every 2 years, after 5 years with Metzger. This does not include the vacation time they will also have earned
- **Physical fitness** benefit includes gym memberships, special physical fitness-related courses or classes. Each employee receives up to \$600 per year
- **Outdoor living** – employees are encouraged to participate in outdoor activities (such as kayaking or sailing lessons), so membership fees for outdoor org's such as the Colorado Mountain Club are paid, up to \$500/yr per employee
- **Relaxation** – This benefit allows employees to engage in activities such as massages, guitar lessons or vacations. Each employee receives up to \$600 per year
- **In addition**, employees are encouraged to "sleep in" or take the day off on their birthdays. Firm also offers a combo vacation/sick day package that allows employees to take up to 3 weeks off the first year, up to 32 days after 7 years. Half days are given as a billing incentive, & split schedules are offered during winter holiday so everyone gets time off
- **Plus** financial awards are offered for placement of Op-Eds & similar favorable to Metzger, as well as for new business brought in by employees. Clark says staff runs the gamut in size, shape & age, but have in common a desire to stay in shape & enjoy life

Whether or not the company can support such generous policies remains to be seen. Program has been in place but a year. One thing certain is that, since its inception, retention & employee satisfaction have been excellent. "We have seen tremendous response from prospective employees & clients from all over the country. We were attracting a lot of people who love pr but are burned out on long commutes, long hours & a non-existent life outside of work." (*More from Clark at 303/786-7000, or [www.metzger.com](http://www.metzger.com).*)

#### INVESTIGATIVE MEDIA FIND BROCKOVICH NOT A WHITE KNIGHT

And the lawyers she works with come off as fairly villainous. But what good does that do PG&E and others she & her gang – or their wannabes – may target, now that Hollywood has made her an enviro heroine (pr 4/17)? Details:

- The chromium-6 involved in the original PG&E suit is dangerous to industrial workers inhaling it – but US Health & Human Services toxicologists flatly state that as a trace element in water (which the case was about) it couldn't have caused the health problems over which PG&E was sued