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00:02

My name is Martin crumbing. I may know some of you if I don't Greetings, welcome to this hour, or how many minutes as close to one o'clock as possible. So I'm glad you're here. It's a fascinating topic. Let me if you don't know who I am just some background, I'm an attorney in San Diego. My background is as a journalist. I was with Associated Press, I was with editor of The Daily transcript newspaper, and have been around the media much of my life and have enormous respect for the media. And I hope that in the next hour, so then we can also share some ideas that you've got, and some questions if you got criticisms, compliments, etc, about the media. The reason I put this slide up here is anybody know who the journalist is? We know who the person on the left is. I'm presuming. I mean, can you see it? I can't imagine. Okay, if I said CNN, would it ring any bells? At least in terms of the context? Anybody got an idea? Jim Acosta, Jim Acosta. Now, why is he here? Why is he here? Because the president, the United States is dealing with the media. But Jim Acosta is not an attorney. He's a journalist. And what was the problem that Jim Acosta got into? In terms of the president? Anybody remember? They remember. And they took away their press credit his press credentials, because they challenged him. They said he hits a woman when he hit some woman in the press briefing, reaching for a microphone. Exactly, exactly. And so cnn went to court access issue. Jim Acosta is back reporting. So here's where we start. One of the things that's fascinated me is the media have changed. Perhaps, from the time we started, I don't know what the age discrepancy is in this room. But these are still around many of them. For instance, if you take a look at the Washington Post, still around, still a player, New York Times Wall Street Journal in the San Diego union Tribune, they've changed in terms of their influence. And I'll ask some questions as we go through here. Has the influence of these publications changed? Today? enormous, enormously. Why? Why is the question illusion, a lot of sniping, diluted. Okay. And the question in terms of dealing with the media is, number one, do we want to as attorneys deal with the media? What are the gains? What are the losses for our clients? And one of the things I want to ask is, how many of you know anyone in the media and we'll come we'll come back to that,

and what's been your relationship with them, then we'll get into some ethical issues in terms of dealing with the media, primarily with social media today. So if we go down with newspapers, then we get to magazines, and the magazines are no different than they were when they started with one exception. They're more online today. All of these publications are online. Their platforms are enormous. They're not only in some cases like San Diego magazine and San Diego union Tribune, local, but they're also obviously national with these national publications. And they're International. They're global with them. So this is beginning to be the sea that we're going to swim in, if we want to as attorneys. So then we get to broadcast. how effective are ABC, NBC, CBS, PBS, NPR? Anybody? Just a quick answer. In your opinion, how effective are these in terms of disseminating information?

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Still as powerful to a certain extent, yes, because the media feed off one another. What is three reported in the New York Times is also on CBS is also an NBC. It's the fodder for talk shows on CNN, MSNBC, etc, etc, etc. So it's not just simply one media that we're dealing with. But it's a conglomeration of media. Then we get to the cable. And I don't know how many watch MSNBC, watch Fox, watch CNN, the talk shows particularly, but there is an enormous amount of participation by lawyers on these talk shows just diverting the minutes, because they're primarily opinion, their opinion, their opinion, I think sometimes it's disguised as news.

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The factual basis in some instances, but it's, but it's like undiluted opinion for about 95%.

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I totally agree with you. And you got to differentiate between opinion, and what is news. And then you get into what is marketing and advertising. And these sort of swim together at times, in my opinion, if you're an attorney, and you want to deal with the media, it will come back to anybody know who this person is law, right. MSNBC, jeffrey toobin. He's an attorney. He's written books, he's been a professor, journalist, a lot of the ingredients that they're looking for on talk shows, then we come to the social media. And this is where I think it has changed considerably. That everybody, not just the names, and we're going to see some of those. But everybody can be a journalist, including you, if you want to be in terms of getting information to the media, or contributing in some way. So where else do we go? After we get through social media, then we get to the newsletters and the blogs. And if we want to deal with the media, we say, why would I want to consider a newsletter, and I'm just looking at it from the pure perspective of getting my opinion out. Because there are very many blogs, legal blogs, as well as newsletters that are very powerful, and information in there, of all particular persuasions. And then finally, you get down to those

people who we consider journalists, reporters, anchors, commentators, analysts and bloggers. And how many of those have the credentials of being attorneys as well. So jeffrey toobin, to me is a prime example. But if you take a look at MSNBC, if you take a look at CNN, just those two, with a lot of opinion, you also see journalists who have legal backgrounds or attorneys who have journalism backgrounds. Sure, and don't hesitate to interrupt, because I'd like to make it as interactive as possible. Yeah,

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some point along the line here. This is sort of a gradiation of

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accreditation, in some ways. Social media, you can have very important people, but they're not accredited in the same way. They don't have a press tab. And it seems to be the The, the, in the old days, you had HP or you had a press pass, and somehow you had access to the information. somewhere in the middle of this that's gotten lost. There's no longer any editorial control. There's no longer any restrictions on who gets to go in and ask questions. And I'm curious, that isn't a lot of what's really going on in this situation.

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We'll see. Go back to Jim Acosta, whose picture was there with President Trump outside the White House. If you take that situation and go to the press room, the briefing room at the White House where they used to hold daily briefings, on particular issues of the day, and you go there and all those people have press passes, which is what you were talking about. They're accredited. Somebody in the White House I've said, and they could be large organizations, small organizations, we may not disagree with their message, but they are accredited. Now you go on to the talk shows, and those people do not necessarily have to be accredited. They simply have to have a particular point of view that they feel comfortable with. On television. CNN feels msnbc feels, but we're going to get to some journalists who have to be accredited. So I think what you're saying is, it's a very valid point. It's a very valid point. But anybody my contention is, anybody today can be a journalist. I mean, what what do you need to be a journalist and accredited school of journalism? No, because they don't always come from schools of journalism. Many of them don't come from journalism backgrounds, the majority of them do. So you as an attorney, who you dealing with, if you want to deal.

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So what do you define a journalist, as I'm having some trouble with that time? So I think anybody

can be a journalist, that one.

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I think a journalist is somebody who has been through an education, of how to gather information, put that information together, and then distribute that information in a ethical, legal, and truthful way. As a journalist, okay, so this element of truth of factual truth is a big part of it. I would, I would agree. Anybody else want to weigh in on this? Because I think this is an important part. If you as an attorney, say, I want publicity for a client, who I've got, whether it's an individual Corporation, whether you're in private practice, Major, firm, whatever, why do I want to deal with the media? And what are the traps? And how do I avoid them? Is it simply developing a relationship? Here's some people who have dealt with the media. And I'd be interested in your feedback in terms of how effective they are. In dealing anybody know the person on your left? We mentioned it before, you got no glory or one. Right, right. Now, why does glory already I don't know the answer to this question. But why does Gloria alread deal with the media? Easily dealing with controversial kind of cutting education? Exactly, exactly. And who does she need in order to get her message out to the public about her client or about the situation? Well, client or high profile situation? Exactly. Exactly. Yeah. And so she's not doing it. Are you saying the legal heads of law firms don't do any worse than that one? So with that said, but she's got people who do this, but she recognizes the importance of the media. And not only the print media, social media, all media, not only national, but international as well. Other pitfalls to it? I don't think so. In terms of her case. anybody think of any negatives for this?

13:53

She's not very well trained in the law and doesn't understand trials when I was working for the city attorney's office, when Bob Filner got deposed. Okay, take out and she represented the one of the victims of his sexual Miss misdeeds, and she got eaten up and this is arbitration. And well, she actually stormed out of the room because she didn't have a grasp on what was going to happen. We she was all about the newspaper.

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But what was the perception to the public because that's who we're trying to reach. Many times

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was reached okay. Didn't work. She She stormed out of the room and there was no more discussion of her at all. Other people got credit for taking out a film or not. Obviously say, to some

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degree, it is ethical duty. You hear that? Right, in a court of public opinion? Right. And I think that there's an attorney

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doing that is, to that degree normally, but the kind of comments and the way she presented the case,

15:12
yeah. And who's her client, I mean, who's the most important person, obviously, is that client and his or her rights, that are respected and protected. And that's what you've got to be concerned about. And I think, if you look at the public opinion, public perception, they may have a very positive perception. I'm not here to say one way or another, whether she's a good attorney, or not a good attorney. I'm just simply saying she's using the media effectively, in order to get out a particular position, that she's got a permanent catalog as part of a permanent gag order.

15:56
I think she's actually very effective because she doesn't dilute your brand. And she doesn't spend a lot of time. I mean, when you see her, she does, and she moves on. I mean, it's like a whale. She comes out, you see it, and then she's gone. She has to spend every day diluting their brand, right? So when we learn All right, let's put it this way. People know when Lori orange shows up. Trouble will follow that the people are opposing her whether you think she's competent or not. You're opposing her plus everybody behind her. And she she has gravitas when it comes to that. Everybody wants to Oh, bad malware, try to do what she does as effectively as she does. And it's pretty tough.

16:45
Yeah, Yeah, I would agree. I would agree. Second Person who is the first of all, if you don't know. And the only reason we know about it is because parking.

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Cars Scaramucci, not Scaramucci. No, there is. There is he is not scared. No, he is not. He's not. Okay. Michael avenatti. Yeah. Michael avenatti.

17:23
But what was the problem in terms of representing, as you say, the porn star stormy Daniels that he got out in front? I mean, this is just looking at from a media perspective. Did he get a lot of publicity? Yeah, an enormous amount of publicity. But what was the problem? What was the dangerous territory that he walked into?

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The contractual deal of roommate of silence by going out there before? He was even litigated in court?

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Exactly. And what was the other situation that came back to haunt him? situation with his wife? That, so he stepped into the public Limelight, got a lot of publicity, an enormous amount of publicity. And then what was the last time you heard from him? Again, it's like L'Oreal, right? The reason I put these up here is simply because most people know who these people are, because of the media. And they're all lawyers. Go ahead. My recollection is he came up with two people that hate Trump, and two women, and it wasn't trumpet. It was the guy who was trying to get him he had got on the US Supreme Court, and Kevin Cavanaugh, and it turned out that they were the democrats and some folks,

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I think that's not an accurate reflection of what actually happened. What happened was the republicans were able to block the release of Kevin all his records. And so the factual support for what these women was saying, was never heard in this committees or otherwise. So the notion that he didn't do something correctly, I think, is a misunderstanding.

19:22
I'm talking about the domestic violence that came about the allegations of domestic violence. That sort of sidetracked what he was doing was stormy Daniels and I and I use this example, simply because, as I say, you can get involved in some very negative media attention if you're not careful. Who's the third one? He's also very effective. And why is he effective? Why is he effective? Because he does say because He doesn't say anything. I mean of these three people. There's no question, no doubt. Who is the one who doesn't say anything? Which is the most effective strategy, which is the ethical thing. They all be ethical in their dealings with the media. What is it about the Muller investigation in particular Robert Moeller, his strategy, yeah. credibility,

credibility, were added the sort of the entertainment area, the big media profile. And a lot has been written on Robert Muller. Also the people special counsels office. But he except what happened a few days ago. With an organization that was not on the list, it wouldn't have been on the list. Many years ago, BuzzFeed. BuzzFeed came out with a story, that what?

21:11

Anybody, whenever law enforcement people in a way that raised the specter, that part of Muller's team might be indirectly involved. And he had, right. I mean, I, it's not clear to me that Muller is actually doing these things. There's a there's people in the Justice Department now, who I do not believe have the proper credentials to be there. And I think they're abusing their position and their power. And I'm not sure that we you've actually heard from Muller's team, so much as he may have been completely silenced. And he's a very lovable person, clearly. Right. Right. Not clear, who's really speaking from the Moller team. But the perception from the public standpoint, is that they don't say anything. And it's basically no comment. And we're going to get to that how effective is no comment? Is that the most ethical thing you can do in dealing with your client? So those three, in my opinion, the most effective would be Robert Moeller. In terms of not dealing with the media at all. I don't want to be argumentative with you. But I would say for the following reasons that it is really boring already is the most effective. Okay, she's a very long track record. And people go to her specifically because they want that activity to take place. And it is kind of new to the to the game. And so I don't know how to think of him. But as far as somebody who's really got a long track record, she's, she's really a top of that game.

23:01

I totally agree with you. I totally agree with you. Because in a way, she has got credibility, too. Yeah. And anybody else can weigh in on this, if you want. I'm not saying one is more than another of my in my opinion, it would be Bob Muller, in terms of dealing with the media because of what he is connected with what he does. But Mike, I guess my

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problem with Muller didn't, I did not disagree with you at the at the core of it. But the problem is, is that Muller has yet to actually produce the end result. And it's not clear to be that he is ever going to be able to produce the end result because he's been stopped. He's been defeated behind the scenes, right. And that kind of is where the problem is, is it's a question of whether you were effective or not effective. You could do all the great research in the world and not be able to bring your case forward. That doesn't make you an effective lawyer that's basically defeated war, medium wise or otherwise. And I don't know, Okay, awesome. category or not.

24:10
Okay. Okay, good. And I swear, I think the beauty of this is that we can debate these issues. Yeah, you're gonna pick the glory of being infected with the media between different places. By not getting that immediate. Oh, right. Right. I mean, you know, I won't talk to you so I look like a saint. You can't say anything about or they can try to say things about you. opinion, commentary, whatever. What's it saying? They have. You keep your mouth shut. You never put your foot in your mouth. Yeah. Prove that you're a fool. Right.

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what he's doing right now, I think easily several times more important. Everything. Well, it's done in her entire life.

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Don't first Yeah, no question. Would anybody disagree? Oh, no. I don't think so. He's playing for the nation. Yeah. Yeah. There are some serious business here. Yeah.

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When it comes to credibility, Muller has got it all. And she has. She's got even in the game. Okay. She's got more publicity. And she's what more well known. And the sheet servers, your clients purposes by getting out into the media. Right? credibility. I don't think it's anywhere near.

25:28
Yeah. But we could keep discussing this and debating that. And the reason I brought it up because I wanted to pull three relatively high profile people, who are all lawyers, who are all dealing with the media, and from an ethical as well as a publicity standpoint, how effective are each of them? Next? These are the journalists. These are the journalists. And I would dare say that we don't recognize at least who the first two going from left to right. Are. Are they also borders? No, no, I, I've got some who are the cross lawyer, journalist, jeffrey toobin being one. But none of these are lawyers. They are all with influential news organizations. They also deal with issues or with those individuals on the previous slide. The one on the left, anybody know who he is? And I could have put anyone but I put relatively high profile, at least in the media world. And you probably wouldn't even know who the first two are, unless they were also commentators on cable, and cable, and television elevates them. To give them some expertise, perhaps that other journalists don't have. The first person is the one is a man named Philip Rucker of The Washington Post. He is the Washington bureau chief for the post covers the White House and is constantly on

cable news. The other one is a woman named Maggie Haberman. Maggie Haberman is from the New York Times, and consistently, these two organizations, news organizations have been providing information about what's going on with this administration. And their sources are far reaching, and they're deep. My guess is those sources include journalist, which gets into another ethical issue, legal issue in terms of how do you deal with journalist credible, both of them high profile by lines? Not every day. But significantly. In those two papers. You should recognize the person on the right. Anderson Cooper, CNN. And so all these three we could have pulled there's also a woman with NPR that I think is very credible, she covers the courts. And you can go on and on and on and dealing with these people. The reason I put it up here to look at who are these journalists? Do you want to deal with them? What if one of them called you? What if one of them called you because you have got a hypothetically, a connection to one of the stories that they're working on, which has the San Diego angle or a national NGO or whatever? What goes through your mind and you don't know anything about them. They call up and they say I'm Philip Brucker from the Washington Post. I'm Maggie Haberman. Our producer calls for CNN will speak to Has anyone ever dealt with the media and what goes through your mind ethically legally? Yeah.

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The first thing is coming into this fight camp in the media is doing better. You're just talking garbage? Yeah. Yeah. My experiences, a good amount of the liberal coverage is not not spotted. usually indicates we have a lack of spending money on anybody within the legal town and the legal expertise and even to practice.

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That's right. That's right. But we can say it in this room as lawyers. But who do they go to? They will go to somebody who's knowledgeable, who is connected to a case to a story. They need information. They want to sound if they want a sound bite, correctly, talk to the lawyer or this lawyer with his expertise. Right. But that's all you've got there on the phone. And the first issue is, can I speak competently about this issue? And then what do I say? How do I say it? etc? I mean, are those going through your mind? As you ever turn them down? Okay. Talking about a case I'm involved in? Yeah, it's a question of what can I talk about within the framework of professional responsibility? Yeah, you've dealt with the media.

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I think the most challenging part is to figure out what your real strategy because you speak without an NBA, you're just, you're killing yourself. And you may not know what, at that time, or if you have any wits about you, as a lawyer, you have more than a little bit of a sense of the end game, where you know the case better than anyone else. Yeah. And also, if you've lived long

enough to live, you realize how this will play out. It's not like the rules are not No, yeah. Yeah. I mean, there's a there's an ebb and flow to practically everything in life, right? where you are, is going to determine a lot about how you act.

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I agree. I agree. Anybody else want to comment on this? Anybody else had quite anybody, whether you're calling is going to compromise you and your client, you maybe can't talk at all right? You can explain that to you. But you need to know when? Right? Why are they calling? Why are they calling? I don't know. Yeah. Exactly, exactly. But if you got a call from these, the first question that I would be concerned with, who are you? Who are you? And why should I talk to you? Not what's in my best interest? for my clients best interest is? So how many

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lawyers you think you're really thinking about the clients when they're dealing with the media, as opposed to themselves? And it seems like, ego is forever The problem with people especially more like, it just might get out there. They want to be done.

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I think there's a certain amount of that. I mean, the lawyers I know, are very concerned about what they say whether they say anything at all, and concerned about a client.

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Yeah, let's say you have a choice between obscurity and nubs. Okay. And in either way, which side and again, it seems to me that an awful lot of people are looking, they don't have to necessarily have the opportunity. When they're looking for an opportunity. They're always trying to advertise. It's always trying to put the cart out there. There are all these activities that are being done to promote themselves. And then all of a sudden, you have this golden opportunity, or at least appears to do something more to advance your career. And you got this client, and you got your career. Oh, you know, one thing last a little while. Last your whole life?

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Well, that's a hard choice.

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I would agree. Anybody want to weigh in on this? I agree. It's a hard choice. But personally, I think that your client is the most important. I mean, to me, that's a no brainer. Now I can't say about the others how they feel about it, or anyone else. But I think also if you work for a public agency, anybody worked for public agency, practice law of agency? Yeah. You're not only I mean, who's your client, that agency? What are the rules? What are the restrictions that you can say it comment on a case? I think they're very easy to have one person speaks for that. Period. That's right. Everybody else. Right. Yeah. And law firms to a great extent to you know, you Want to marry the voices out there? commenting? One slip. And that could be the difference between, oh, should we look into this? I think that's how delicate This is. And that all the notoriety in the world is never going to help out one slip that affected that, that client. And I think that's a thing that we all know about this. So that has to do with prosecutorial

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misconduct, which is where prosecutors use images to try people before their trial. And this is a lot San Diego, we had detention people who were pilloried in the news. We have, you know, the district attorney, the city attorney, and all these people coming out and saying these ridiculous things. That I mean, just crazy things like that. We're focusing more on individual people representing individual clients. There have been some serious misuses of the media, which, you know, for the most part seems to go accepted.

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Is the media powerful? We all know it is. We all know it is. Is it all pervasive? Yes. It's all pervasive. And are there going to be miscues on the media as part? Yeah, no doubt about it. But most of the journalists that I've dealt with, and I hope you've dealt with have been honorable, have been ethical, have been legal, have been forthright right, in dealing with you. And I would hope that that's the standard. I'm not saying it's always the case. But there are certain things that you can do if that is not the case. I wanted to take a look at what is news. You know, what makes the story Why are they coming? I think there's a lot of interesting stories that the lawyers come across every single day, if you go down, what are they interested in timeliness? If you look at Maggie Hagerman, she spent months researching some of these stories, and a team of journalists at the New York Times others at the Washington Post. These are so they're not timely. But I think as a general rule, typically, they're going to call you on something that's timely, that they want comment. They want feedback as quickly as possible, because what have they got? They got deadlines to meet. And they've got a new show. And now a 24. Seven, that everything is available for them. So timeliness is irrelevant, is irrelevant. There may be some things that attorneys do every single day. That is not relevant, as viewed by that journalists. They have no no need to get in touch with you. They'll come across you because somebody has given you them your name, or

some information come across it in a court record, whatever the case, entertaining. Yeah, I think there's a certain amount of value in this. Visual, I think visual is the key. Because how many people read newspapers today? I do. I do. Three of us in here read newspapers. Most people where do we get our news from? I don't get it from television. We get it from cable, get it from social networks, faxes wherever. The source of all truth.

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There you go. There you go.

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And then in terms of the categories, how they spread out over the legal arena, whether it's criminal civil business, I don't know what you practice, or what you did practice. But I can almost guarantee that in some, at some time, there's going to be a story of a news element that makes it a what makes it your way, not to you specifically, but in all the areas that lawyers are involved in, because there are a great source of information from journalists. And asked how many people know journalists. How many people know journalists on the national level? Anybody? on the national on the national level? Yeah. Has it been a good relationship? was a short one was on dateline. Okay. You mean you were listening? On dateline? Yeah. Median case, murder case. Murder Case. If you don't mind sharing with that because we've got a real example dateline. I have not watched stettler long time it's an NBC program. I think it mainly deals with crime. Morrison interviewed me. Okay, they filmed the case. Okay. How long ago was this? Probably? Probably around 2006 2007. Okay. Okay. How did they find you? They found out about the case was about

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preacher who practice polygamy and he had two wives and killed wife number two, and barrier in the Arizona desert and built a car to honor her when he killed him. So all the ingredients I mean, it had Oh, yeah. Yeah, yeah. So they filmed the case during the trial, like the interview was with the with the prosecutor, they got to do the about the trial. Preparation. Okay. Okay. Well, the defendant started the case and was kind of difficult for me, because the way the case thought we've walked into this gentleman here, and so I killed joy risker, that's

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okay. Does anybody remember this case? I kind of guess it was called. body of evidence. Okay. And so they, they came out and filmed you? Yes. And do you have any editing rights to it? You can't So what they did was a fair. Yes. Okay. It was it was pretty fair. Okay. Yeah. Yeah. But yeah.

Why did you do?

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Why did you do the interview? Because you know, didn't change the cake. No, didn't change. So why did you do an opportunity to do something that most people don't get a chance to do? dealing with the media? on a national level? national level? Okay. Okay. Something that you know. Okay. A lot of people would say wouldn't pass it up. I think. I think that was also a legal commentator. I want to say news story.

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Okay, there you go. There you go. So you enjoyed the media? Yes. Yeah. Right. Okay. Good.

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It's kind of an ethical obligation to share information to your client, or if it doesn't involve a client, right. Same as having some talent as an artist sitting in the room. And I didn't have an obligation to share

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from an ethical concern. Yeah. Right. Right. And what if you said, No, I don't want to talk to you. That would have been fine, too. But I think, to your point, is there an ethical consideration in presenting a point of view without divulging any privacy issues that you may have? And I think there is, there is you can tell that audience, that client's perspective on the case, right, within a certain level. Anybody want to share anything?

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People people outside of the law don't understand or know about having heard from Yeah. might also be Yeah, yeah. And I think lawyers have a good advantage point.

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to, you know, to share this information when it's appropriate. This one, anybody not know who he is? He's back, Michael Cohen. Michael Cohen,

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not a lawyer.

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The reason I put this up is no comment. Somebody comes in as we know that Giuliani, another lawyer will comment on everything. So when you say no comment, when do you talk to journalists? And what are the concerns? We've gone over this but particularly in light of what he has to say? Yeah. I mean,

44:53
well, I think one of the hardest parts about his whole life is his job was to intimidate too. Rather than talk to influence, as far as I can tell, monetarily affect news on behalf of his only client that I guess gets two or three, ultimately, but he has one client. And his whole job was to manipulate the media. So, you know, from that standpoint, I don't know how you categorize him in your system, because he's got one file, and he's doing all kinds of crazy things behind the scene that none of us would think was the right thing to do. Yeah, yeah.

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And he was going to testify, when in February, and then we get word of intimidation. And his attorney says, No, he's not going to testify. What we look forward to testimony down the road, in addition to his family, yeah, intimidation against the family, they issued a subpoena this morning foreign. Did you hear that? Right. Brand new? Yeah. half an hour's ago. So yeah. The center of the house? Yeah. House Intelligence Committee was the one that was talking. I'm not sure there was. Somebody in Congress wanted to force him to talk. So and then I just threw in some questions. You know, what's the impact of a no comment? If we go back to your example, where you talk to them? And you just simply say to the media, no comment, but you got every right to say, Well, what does that affect in the public's? in

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the court of public opinion? Yeah,

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people when they say no comment means that they have something to hide. And people think that you know, you're in the wrong and, and so it's a really tough situation. They don't say

anything, they think, oh, the other side's Right. Yeah. So what do you got to find

47:01
some common ground? I mean, where's the middle point, and to say something which helps your client, but doesn't know everything about the case,

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to do that. And another media case that I handle, right, the police officer and his wife from trashed the house up in Temecula, because they had, they weren't able to get the refinance done during the Great Recession. And, you know, the big media thing about having busted up the house, and one guy was saying, on the media, the house has completely destroyed and I said, Well, I still have the roof. I still have some walls. I said, it's not completely destroyed, right, and cosmetic cosmetic handled, what is standing? So why you say is completely

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right. So you know, I felt like clients, at least at the house, when the media gets it, the house is completely destroyed. If I say no comment, they won't believe

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that the houses had been destroyed. destroyed. Right. But they're still in there. Yeah.

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So how do you handle the off the record? Because off the record that strikes me is the perfect, strange maneuver for work?

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I would be very careful. I be very careful. I think. I mean, some of you know, journalist, and I think when you get to know journalists, like, I would encourage you to if you have an interest, just go out for a cup of coffee with a journalist at some time as a as a human being. And, but be cautious about off the record, because there are certain phrases off the record. You see anonymous sources, what's the relationship? And I don't think you give that easily to somebody. From a lawyer to the journalist,

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are you saying that those are anonymous sources versus off the record? Or actually the same thing?

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No, no, not at all? Off the record, if you can give somebody some background, but I don't want my name associated with but I'll tell you a little bit about the story. Right? Can we come to an agreement on that? But therefore, there it's trust? I mean, if you know, that journalist, but if a journalist called me and said, Tell me some background about this story. My concern would be Who are you again? What relationship do I have? If it's an off the record? type? that nothing that you say, but I think that's a more formal relationship.

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Let's go and try to get Yeah, your based on your experience and understanding. I mean, off the record, it strikes me as a way for warriors to have some some formative conversation about like, for example, what he's talking Right. Right. Getting into the weeds and not becoming the public voice upon Exactly, exactly. We hire a PR firm.

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Yeah, if you want to go that far, and spend money to do that. That's fine. And then what can you say? response? I think these are some areas which ethically you can feel comfortable doing. And my feeling is the journalists, if they need information, whether they contact you, or whether they contact another lawyer, they're not going to give up until they figured out who to talk to. It's just the first person who will agree to be interviewed about this. I don't think you can control what they're going to print, what they're going to publish, what they're going to air, etc. But the more you know, a journalist, the more you feel comfortable, that what's going to come out is something that's fair for you and your client. So my feeling would be if you get a call, respond as quickly as possible, if you want to just to simply say, what's this all about? Or the worst case scenario, don't return the phone call at all. They'll go on to somebody else to do it. My feeling is deal with it directly. If you can't say something, collect your thoughts, we've talked about this, they'll understand when they just I'll get right back to your have somebody call and get back to them. And I think it's something we want to say we were talking about before. Now what you want to say, why would you want to talk to the media? And those ethical concerns, go through those legal concerns go through your mind? Why would you want to talk to them in the to the individual publicity, 15 seconds of fame. I think that's the wrong approach. And then get to the point. I mean, I can't tell you how many times I've heard people just go on and on and on and on, be direct.

That's what they want. They don't have a lot of time. Lawyers are a lot like journalists, I think, I think we got a lot of qualities in common. Avoid legal ease that goes without saying, because who you're trying to influence, trying to influence that public out there. They don't know a lot of the terms, you got to break it down. Off the record background, we talked about credibility. I think this is what it's all about. Both for lawyers. And the reason I put this slide up there, because there were a lot of ethical issues dealing with this case. First of all, the one on the left is now you probably recognize and again, is a commentator on CNN, the one and you may recognize him because he is on cable, although his background is in the print, both as newspapers and magazines. And the one in the center you might not recognize, but I think he's probably one of the most influential journalists in Washington. And then the third one, you probably don't recognize you may. But what binds them together is the relationship with the person in the center had with the person on the right. And that was course the Watergate scandal. And the one in the center is bob woodward. And the one on the right is the former number two in the FBI who became the source, deep throat and who died. And their relationship was established between that man and the man in the center. And that stood the test of time. And there are only a few people know who this person on the right was. So I think these are common sense, misleading journalists. It's going to come back to haunt I can't imagine anyone misleading. Does it happen? I'm sure it does. accurate information credibility and public perception. And then relationships. I can't subscribe enough to develop relationships with journalists. Social media, here's the one that's sort of the I think that's the significant player today because of the different platforms in the media.

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I think the news cycle is being driven by this administration. To a great extent a lot of journalists are involved in this story in some way. I think as a lawyer, you got to watch what you do and what you say. Because it's not only words, it's pictures, too. And everybody's got a cell phone. Everybody can take a picture. quest is who is a journalist? And I think you can we alluded to this before shape public opinion. I think as lawyers, we almost have an obligation. In fact, we do have an obligation, in my opinion, to help shape public opinion, the discourse. The best interest is that of the client, which we've said many times, ethics, I would offer these two, and these get more into the advertising, the marketing, the cetera. I don't know how many of you have webpages. But the California rules of Professional Conduct are very specific on what you can say and what you can't say. And I go to this case, I don't know whether you've heard about it. But this is the one that started lawyer lawyer advertising, which was the one that went to the United States Supreme Court, Arizona vs. Bates back in the 70s, when they said that lawyers could advertise. But I'll wrap it up with these four, quote. And what I would ask is, which is stepping over the line in terms of what you can say? And if it's stepping over the line? Why is it stepping over the line from an ethical standpoint? if somebody were to tweet another great victory in court today, my client is delighted who wants to be next? Any problems with that? There we go. There we go. Yeah.

solicitation. Case finally over unanimous verta. Celebrating tonight. Any problem? Anybody got any concern? assuming it's true? If it's true, yeah. Okay. One a million dollar verdict. Tell your friends and check out the website. pretty specific. One another personal injury case, call me for a free consultation. fact that is free. That changed the scenario. just published an article on Wage and Hour breaks. Let me know if you'd like a copy.

58:23
Article. That's what's wrong.

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Is it soliciting? Yeah, if

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you want the article, if you really are interested in Wage and Hour breaks, wow. Yeah. Okay. And I was coaching me. And

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now they're actually they're the ones who got them all the ones that were soliciting.

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But

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any questions, any ideas? I mean, you've been terrific because I think interaction is wonderful, with ideas. touching on some of these, and I'd say just be very careful in dealing with the media. When somebody calls or tweets or whatever the case might be. This is the press corps. In Washington, we started out outside now we're taking it inside these the people you're dealing with. And they've also I should say, got legal and ethical restraints on them to ethical is not as serious many times is what the legal profession is. So two minutes after one we said one o'clock, thanks for coming. Enjoy the day. Stay in touch all of you. Thank you.