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THE NEWEST DISCIPLINE: MANAGING LEGALLY DRIVEN ISSUES©
Providing Public Affairs Advice in the Lawyer-Dominated Problem Environment

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ABSTRACT

"The public affairs process is charmingly intuitive and delightfully broad ranging in its acceptance of plausible potential scenarios. The lawyer is far more focused, far less inclined to speculate, and often antagonistic to the idea of extensive public communication preparation." James E. Lukaszewski

Growing worldwide legal threats to business organizations require that management consultants, but especially public affairs and issues management managers, develop a substantial knowledge of the law, lawyers, the environment of legal risk and how to apply this knowledge strategically and tactically.

One of the most interesting aspects of this new environment of laws and litigation is learning just how useful, systematic, and common sensical the law really is. From the public affairs perspective, the legal issues of a business organization fall into four general categories: legal management, litigation, lobbying, and negotiation/conciliation (generally for the purpose of avoiding or shortening litigation).

There are basically two kinds of litigation: civil and criminal.

In civil litigation, the individual or organization that sues is called the plaintiff. The action is usually for money, but can also be for a variety of other claims involving injury or damages such as libel, loss of entitlements, loss of property, or to enforce a contract. The individual or organization being sued is the defendant.

In criminal litigation, the "plaintiff" – now called the "prosecution" – is always an agency of government. It could be a county government, state government, the United States of America, or an agency of government such as the Food and Drug Administration, the Environmental Protection Agency, or the Occupational Safety and Health Administration.

Due to increasing government prosecution of corporate executives, a solid knowledge of law, particularly criminal litigation, has become mandatory for consultants who advise senior management. This is because so many governments, at so many levels, are either beginning to focus on and emphasize criminal prosecution of statutes and laws, or are criminalizing laws, rules, and regulations that in the past only involved civil penalties. This trend of toughened enforcement continues and, despite much public policy rhetoric to the contrary, the public's increasing demand for punishment will strengthen the government's utilization and enhancement of punitive measures because they satisfy the public's expectations.

This monograph talks about knowing lawyers, knowing the legal environment, legal response techniques, applying legal affairs knowledge to the issues and problems of your business or organization.

The legal arena is one in which the non-lawyer needs to be proactive, making the assumption that for a limited but appropriate range of scenarios, public affairs and legal affairs will be teamed up in the interest of the corporation's reputation and constituent relationships.



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PRODUCT DETAILS

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ABOUT THE AUTHOR

James E. Lukaszewski (loo-ka-SHEV-skee) advises, coaches, and counsels the men and women who run very large corporations and organizations. He is an expert in managing and counteracting tough, touchy, sensitive corporate communications issues. The fastest growing portion of his practice involves civil and criminal litigation. He is one of the few who can and truly does coach CEOs.

He is a prolific author (several books, hundreds of articles), lecturer (corporate, college and university), coach, and counselor. He is quoted in publications such as *The New York Times*, *The Wall Street Journal*, *The Miami Herald*, the *Harvard Business Review*, and industry trade journals. He is a columnist, advisor, or editor for almost every major public relations periodical. His 1992 book, *Influencing Public Attitudes: Strategies that Reduce the Media's Power*, remains a classic work in the field of direct communication. He is the author of the four-volume *Executive Action[®] Crisis Communication Management System* and has published 26 unabridged monographs on critical communication subjects since 1994. His newest book, *Why Should the Boss Listen to You?*, was published by Jossey-Bass in 2008.

He is an internationally recognized speaker on crisis management, ethics, media relations, public affairs, and reputation preservation and restoration. Visiting his Web site, www.e911.com, is like attending the University of Crisis Management.

An accredited member of the International Association of Business Communicators (ABC) and the Public Relations Society of America (APR), Mr. Lukaszewski is a member of the PRSA's College of Fellows (Fellow PRSA) and Board of Ethics & Professional Standards. He served as a crisis communications advisor to the International Disaster Advisory Committee, Agency for International Development, Office of U.S. Foreign Disaster Assistance from 1989 to 1992, and is a civilian advisor to several other federal agencies. He lectures annually at the U.S. Marine Corp's East Coast Commander's Media Training Symposium and was the second recipient of its Drew Middleton Award. He is the recipient of both Ball State University's 2004 National Public Relations Achievement Award and the 2004 Patrick Jackson Award for Distinguished Service to PRSA, and is among the winners of the 2005 *PR News* Lifetime Achievement Award. His name appeared in *Corporate Legal Times* as one of "28 Experts to Call When All Hell Breaks Loose," and in *PR Week* as one of 22 "crunch-time counselors who should be on the speed dial in a crisis."