

Law School, Meet Litigation PR ...

Law360, New York (February 17, 2012, 1:28 PM ET) -- It's almost inconceivable that the deans of our country's leading law schools would ever think their "public enemy #1" would be their own alumni base. But thanks to a recent wave of lawsuits filed by disgruntled graduates related to these schools' advertised employment rates, this scenario is quickly becoming a harsh reality. Devastating consequences for U.S. law schools will follow if the claims are substantiated and damages proven.

To date, 15 law schools have been sued on claims that they lured applicants to enroll in their institutions — and pay their notoriously expensive tuitions — through the use of deceptive employment data. One plaintiff's lawyer is promising to sue an additional 20 to 25 schools every few months. The allegations are consistent in each suit: that the schools touted the high employment rates of their graduates while failing to disclose that a significant percentage of those graduates, while indeed employed, had not been able to find jobs requiring their expensive degrees.

Hundreds of millions of dollars are being sought by jobless or under-employed law school graduates in the form of tuition refunds and other consequential damages. The plaintiffs also seek reforms in the way law schools report and audit employment data. Indeed, law schools need to look no further than last year's class action case against Career Education Corp. — a for-profit education provider, which offered \$40 million to settle very similar claims against one of its culinary schools in 2011 — as evidence of the seriousness of these lawsuits.

Yet, shockingly, public responses by law schools have been almost nonexistent. "No comment" has largely been the message delivered, allowing the media to present damaging, one-sided stories. Can you imagine a lawyer declining the opportunity to address a jury after being blasted by his or her opposition with scathing allegations of fraud and deceit? First and foremost, the law schools being sued now — and those with targets on their backs who will almost certainly be sued in the future — must understand that "no comment" responses are recipes for disaster when it comes to reputation management. Proactive, aggressive PR efforts are necessary to protect the reputations that these law schools have spent many years building.

Law schools must develop comprehensive crisis communications strategies that target current and prospective students and recent graduates, as well as accomplished, older alumni. These strategies should include the development and management of offensive and defensive messaging that supports the values of the institutions and actively communicates with their target audiences. Applicants and prospective students are the future of law schools, whose existence depends almost entirely on their enrollment, tuition, and eventual matriculation. While traditional media is always important, schools should consider that this relatively young audience relies heavily on various social media platforms to communicate and consume information. Targeting them via Twitter, Facebook and blogs is a must.

Different messaging must also target current students through similar avenues and provide assurances that the degrees they are working so hard towards will actually have value upon graduation. Alumni, particularly gainfully employed, recent alumni, should also be utilized in case studies and be made available to the media for interviews after receiving proper media training. These individuals are best positioned to deliver messages that directly refute the allegations of the lawsuits, while connecting the schools with the prestigious employers for whom current and prospective students hope to eventually work.

The initial lawsuits and the promise of many more to follow also make the formation of a consortium of law schools an appropriate crisis communications tool. There is, as we all know, safety in numbers, and in crisis communications, unified and well-managed messaging is essential. While each school will have its own agenda, they also face many common challenges that may be best addressed by working together as a cohesive unit. This consortium should also consider extending its membership to include a number of the nation's leading law firms, which rely on law schools to provide a stream of the industry's most promising young legal talent. These firms have a stake in the success of law schools and the resources to provide critical assistance.

Above all else, the single most important thing that law schools can do to manage their reputations in the face of litigation is to apply the lessons learned from Wall Street during the recent financial crisis and strive for transparency in all of its communications activities. One need only look to Goldman Sachs' woes or the struggles of Jon Corzine's MF Global as examples of the catastrophic results of a campaign based on anything but complete honesty.

--By Spencer Baretz, Hellerman Baretz Communications

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