

ACTIVATE

“Activate” is APLA’s new public affairs column. It is intended as an update for members on issues and trends relevant to APLA’s public affairs. Comments and suggestions to lbeard@apla.com are welcome.

Letters to the Editor: when no media is not ‘good media’

Philip Morris has a hazy grasp of Australian law

Philip Morris’s corporate affairs manager, Eric Windholz, should get his facts straight about the Australian legal system before drawing comparisons between lawyers here and in the United States.

Chris Merritt’s article on the recent \$US145 billion verdict against major tobacco companies in Florida (“US verdict adds fire to lawsuits”, *AFR*, July 17) reports Mr Windholz’s comments that although there are major differences between the legal systems in the countries, some Australian lawyers would look at the US experience, see how its lawyers have become filthy and famously rich and lick their chops.

This statement illustrates Mr Windholz’s obvious lack of basic knowledge regarding the Australian legal system. Clearly, he fails to understand that the major differences between the legal systems in the countries extends to contingency fees.

It is rather ironic that these comments come so soon after the previous Friday’s article, “Too many denied access to the law” (*AFR*, July 14).

For those who missed it, the article compares the situation in Australia and the US and highlights the fact that signing up clients to contingency fee

contracts (in which the firm’s fee is based on a percentage of whatever the client wins in court) is a practice that is illegal in every Australian jurisdiction.

As the public affairs manager for the Australian Plaintiff Lawyers Association, I am often astounded by the lack of knowledge in the community about the motives of plaintiff lawyers.

Thanks to the popularity of television programs and movies depicting the US legal system, many believe that plaintiff lawyers operate on a contingency basis in Australia.

Unfortunately, some also believe that plaintiff lawyers are motivated by the prospective percentage of their clients’ damages – a practice that is, I repeat, non-existent in Australia.

I was therefore pleased to finally read an informed article, spelling out the situation in Australia and the differences between our system and that in the US.

Mr Windholz and others who make sweeping and unfair generalisations about Australian plaintiff lawyers would be well advised to read the same.

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The Australian Financial Review 27/7/2000. Reproduced with permission

I attended a seminar for lobby groups recently, where the issue of an organisation’s media profile was raised. At this point, one of the attendees interjected with the following question: “But isn’t no media good media?”


The answer the presenter gave was that it depends on the particular situation. Certainly, it is wise to safeguard particular issues or angles from the media, but this should not necessarily mean maintaining a low media profile. And it should definitely not serve to prevent an organisation from responding to an important issue as it surfaces, particularly if it is one-sided or misrepresented.

Letters to the editor can be an effective means of reactive media, if they are done appropriately. APLA encourages members to write letters with the following guidelines in mind:

Timeliness: Respond to the issue immediately. It is unlikely the newspaper will publish a letter if it is sent more than a few days after the initial article.

Be Concise: Try to keep letters under 350 words. If the situation presents an opportunity to raise an APLA campaign or related issue, do so, but ensure it is relevant.

Passion not Emotion: Be rational and measured in addressing the issue. Make clear, calm counter-arguments. It is great to express passion for a particular cause but refrain from making statements clearly motivated by anger or outrage (and avoid exclamation marks!!)

Run it past APLA (Public Affairs): It is always useful to seek a second opinion and we are keen to assist. Further, it is important to keep APLA updated so that we can monitor and coordinate our media activities effectively. 



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