

“All Ink Is Good Ink”
**How Are You Planning to Manage
Public Messaging of your Claim?**

AEIX Claims Caucus

April 24, 2024

Presenters



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TransRe

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Poston Communications

New York / Denver

Think of a Claim You're Handling Right Now

What we hope to accomplish today!

1 – Define the problem.

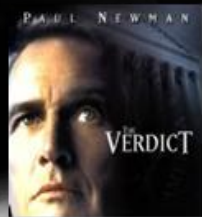
2 – Overcome fear.

3 – Gain confidence that public relations is a manageable process.

4 – Reminder of the “AEIX Best Practices Checklist for Catastrophic Claims Handling.”

5 – We can do this! We can change, command and control the new narrative.

Timeline



The Verdict

1982



Sicko

2007



Bleed Out

2018



Our Father

2022



Take Care of Maya

2023



Dr. Death

2023

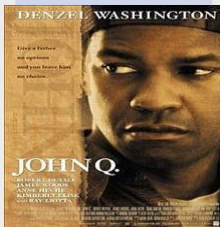


Imminent Danger

2023

2002

John Q



2011

The Good Doctor



2018-2024

Dr. Death



2023

Bad Surgeon



2023

The Good Nurse



2023

The Retrievals



2023

Exposed



We anticipate this trend will continue



Talent and capital is flowing into documentary production

The lingering effect of the writer's strike

Social media buzz

Why it matters

Large-scale and long-lasting reputational harm

Johns Hopkins All Children's faces backlash in wake of Netflix documentary -Becker's Hospital Review

Exclusive: More Than 70% of Americans Feel Failed by the Health Care System -Time Magazine

Threats to health care sector targets likely to stay 'elevated' amid cultural wars: DHS -ABC News

Poisoning of the jury pool

What role did a Netflix documentary play in a jury siding with Maya Kowalski? -Health News Florida

"A lot of people were very angry at the hospital. And they really wanted what they saw as justice for Maya and her family."

Financial Impact

Family in 'Take Care of Maya' Documentary Is Awarded \$261 Million -New York Times



What does the research show?

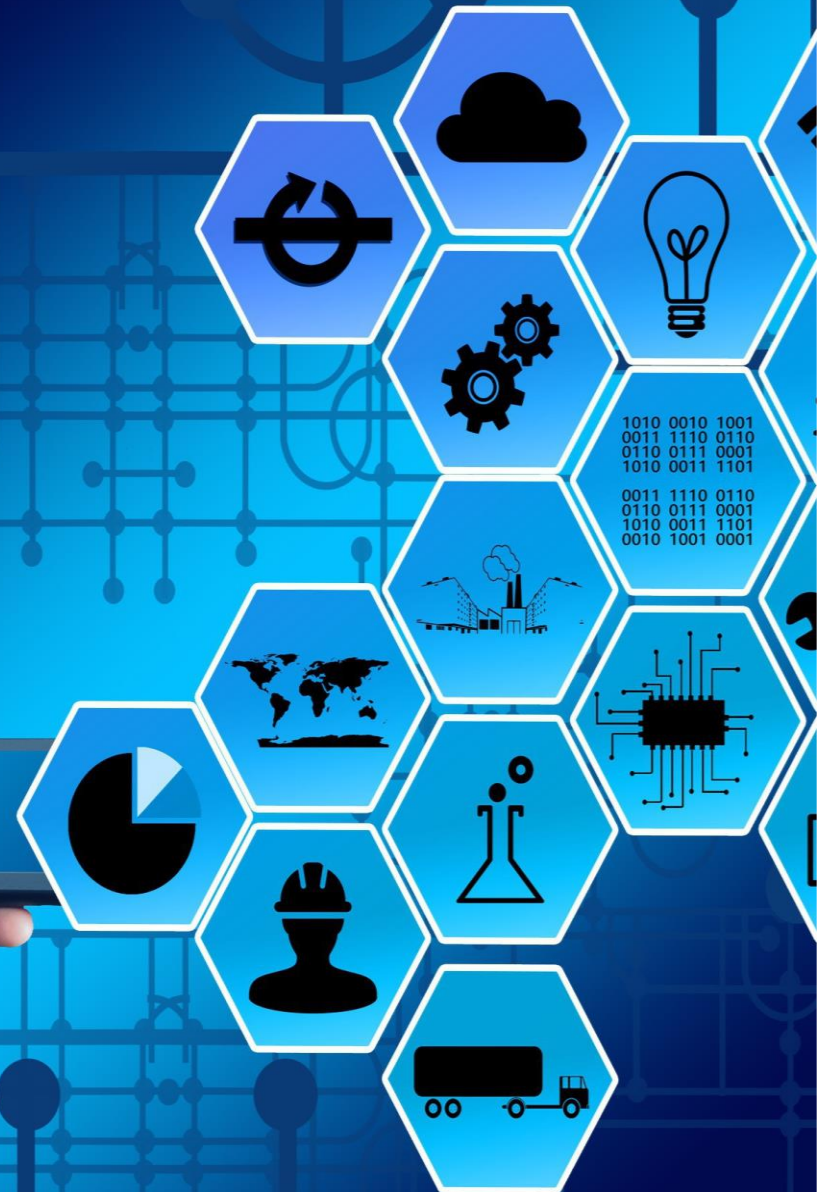
Mock jury studies: negative pre-trial publicity (PTP) results in negative verdicts

Negative PTP can result in negative verdicts

The "Serial Effect"

The "CSI Effect"

"Trial by social media"



Synergy: negative media meets reptile

REPTILE THEORY

CORPORATE NEGLIGENCE CLAIMS

POISONED JURY POOL

SOCIAL INFLATION

Think of a Claim You're Handling Right Now

With the scenarios in mind...

1 – What process have you developed?

TO DO = Share from your organization

2 – Remembering the timeline of media alongside claim and litigation with all three departments...

Corporate/Risk

Legal

Communications

TO DO = How many in the room have worked with comms and have a plan?

3 – How do you activate the plan?

TO DO = “Proactive Pause”

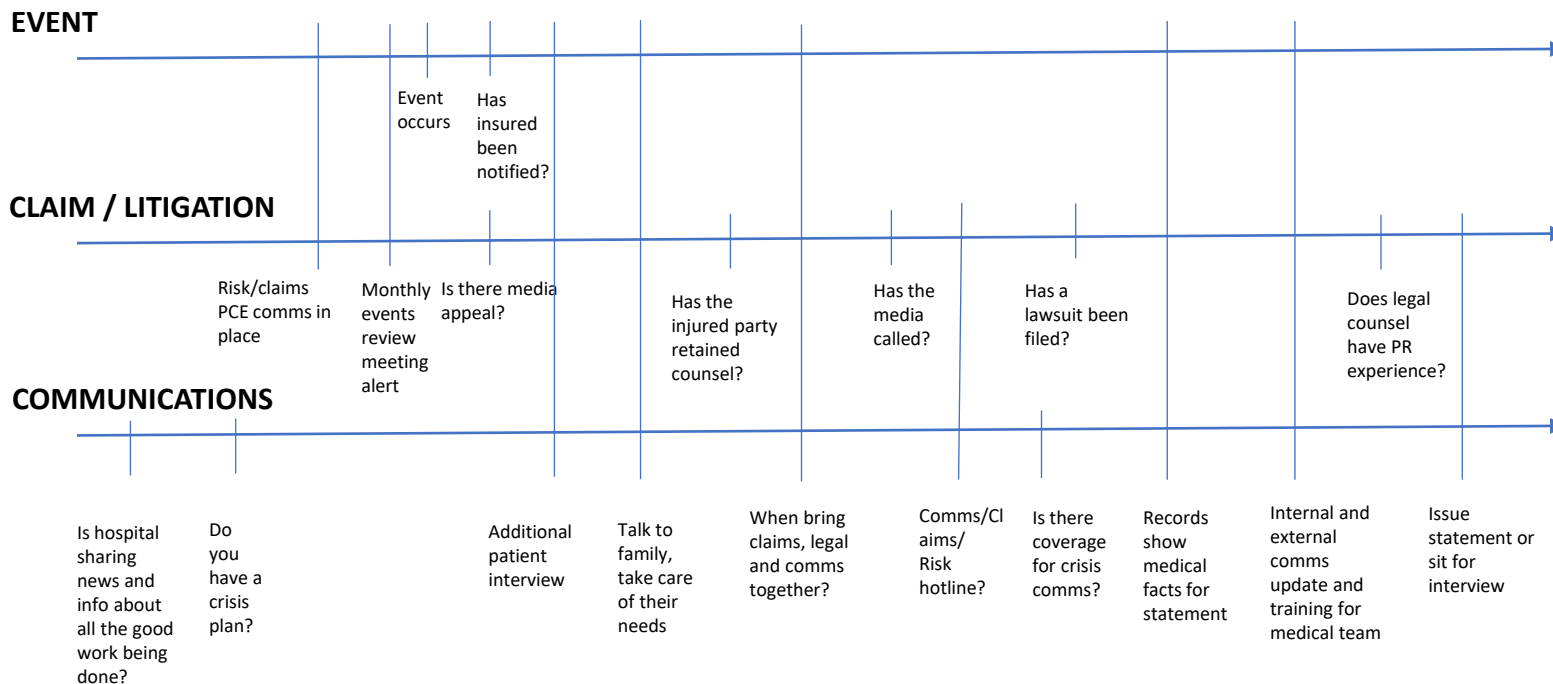
4 – How do you manage the claim with the plan in mind?

How do you lead the process?

Who do you engage?

TO DO = Meet internally

Claims to Litigation: Timeline with Communications in Mind



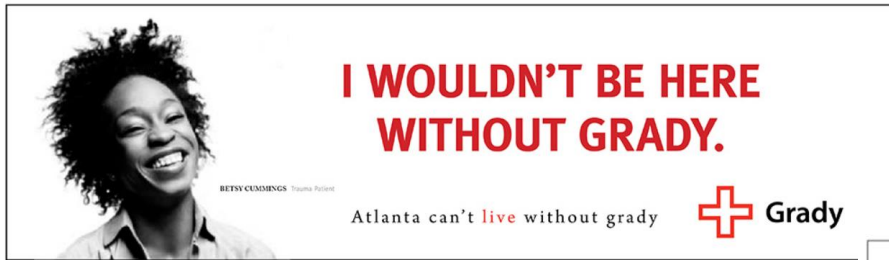
“AEIX’s Best Practices Checklist for Catastrophic Claims Handling” with a Communications Timeline

Timeline	Communication Type	Tactic	Messaging
Pre-Event	Patient Comms	Bedside Manner Training	
	Crisis Comms	Crisis Plan	
Event	Internal Comms	Put Up Reserve	
Post-Event	Patient Comms	Talk to Family and Patient, Make Offer	
	External Comms	Prepare Media Statement	
Standard vs. Catastrophic Claims			
Catastrophic Claim			
Evaluation of Counsel			
Evaluation of Witnesses			
Evaluation of Aggravating Factors			
Evaluation of Damages			

“AEIX’s Best Practices Checklist for Catastrophic Claims Handling” with a Communications Timeline

Timeline	Communication Type	Tactic	Messaging
Discovery End Date			
Motion Practice and Trial Planning			
Appellate Counsel and Litigation Support			
Mediation			
Litigation		Litigation PR Plan	
Review & Follow Up		Create New Communications Policy and Plan	

Messaging in Action #1



Videos :

-  [Phyllis Walker - I wouldn't be here without Grady](#)
YouTube - GradyHealth
May 30, 2023
-  [Jeffery Gates - I wouldn't be here without Grady](#)
YouTube - GradyHealth
May 22, 2023



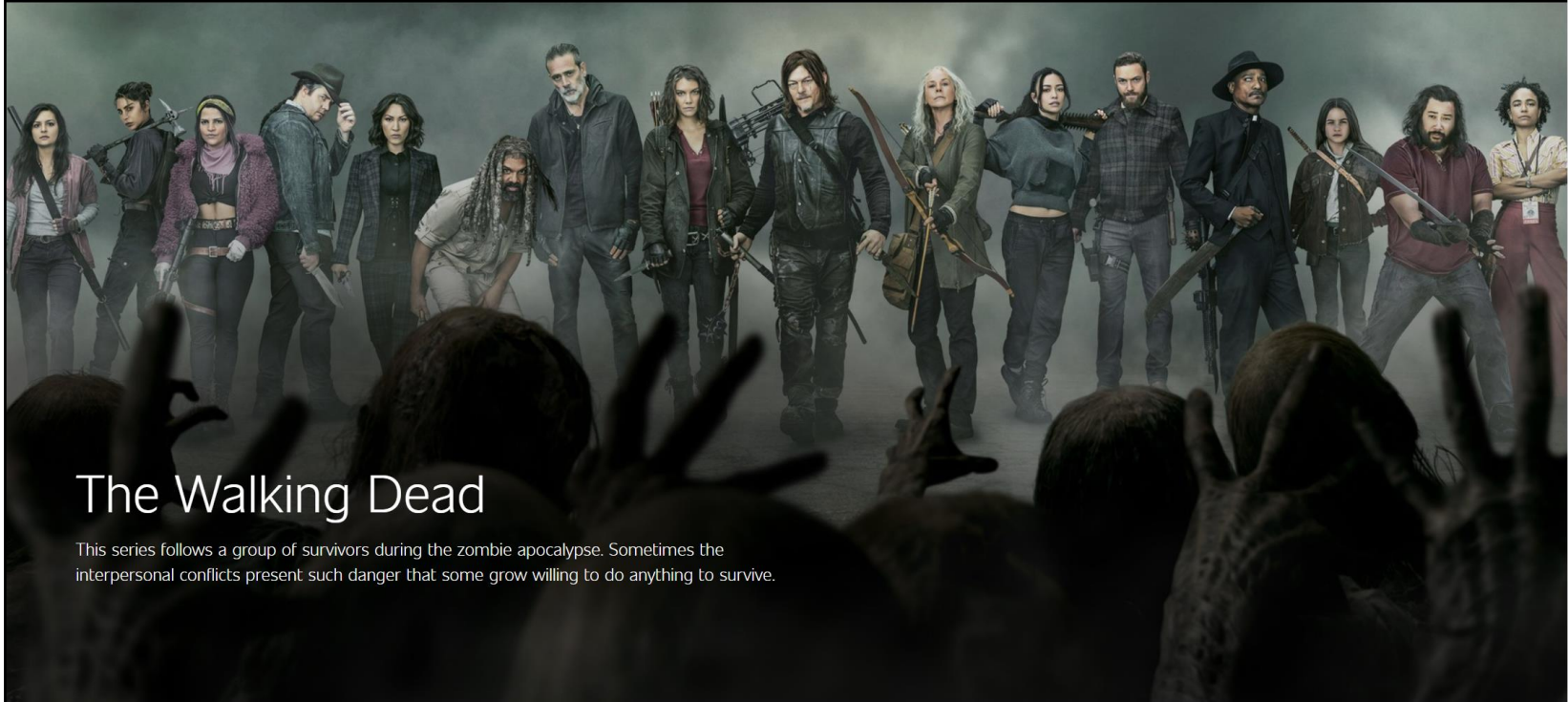
SCHEDULE

AMC TALK

AMC SHOP

GET AMC+

SIGN IN



The Walking Dead

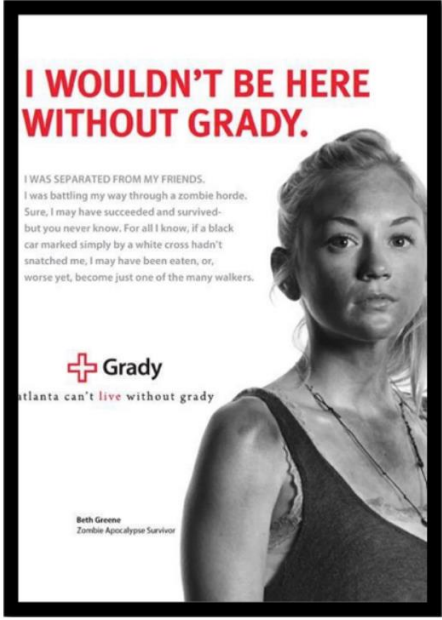
This series follows a group of survivors during the zombie apocalypse. Sometimes the interpersonal conflicts present such danger that some grow willing to do anything to survive.

EXPLORE

SHOP

Grady Hospital's Walking Dead

jenniferjonesblog.com/2014/11/04/grady-memorial-hospitals-walking-dead-meme-wins-the-internet/



I WOULDN'T BE HERE WITHOUT GRADY.

I WAS SEPARATED FROM MY FRIENDS. I was battling my way through a zombie horde. Sure, I may have succeeded and survived-but you never know. For all I know, if a black car marked simply by a white cross hadn't snatched me, I may have been eaten, or, worse yet, become just one of the many walkers.

+ Grady
Atlanta can't live without grady

Beth Greene
Zombie Apocalypse Survivor

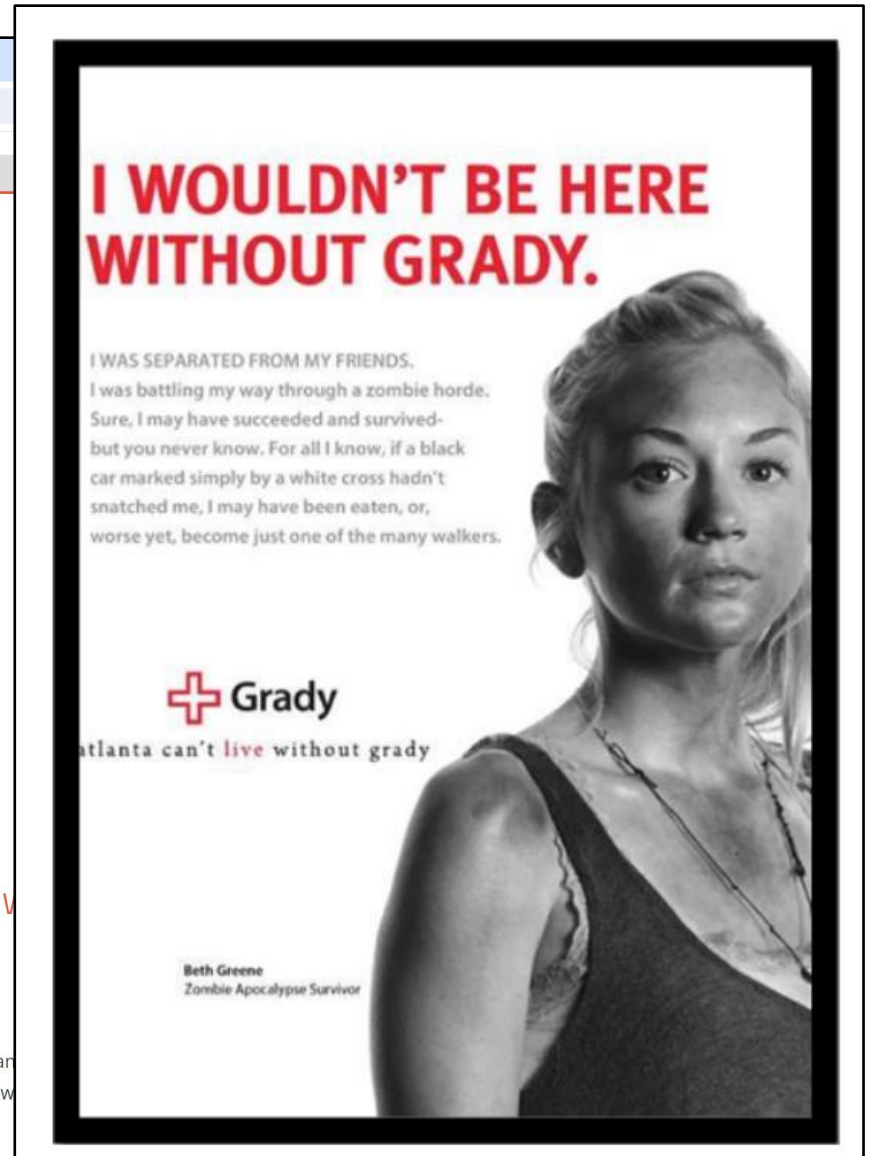
GRADY HOSPITAL'S WALKING DEAD MEME WINS THE INTERNET

Jennifer Jones-Mitchell One comment

Those who know me, know I love [The Walking Dead](#).

I love that it is filmed in my beloved Atlanta. I love the suspense and the insanely outrageous gore. Why do I profess this love for a TV show you ask?

Because [Grady Memorial Hospital](#) in Atlanta was featured in last Sunday's Walking Dead episode. And, today, they made the most amazing social media meme of all time. Ever.



Messaging in Action #2

The screenshot shows a web browser window with the address bar displaying the URL: ajc.com/politics/with-875-million-available-georgians-ask-for-146-billion-in-covid-19-relief/E2PSI7HOONBBD2YTYAUD32EHU/. The page features a banner for the Peachtree Festival with the text "THIS JULY 4TH LET'S MOVE" and "REGISTER NOW". The AJC Politics logo is prominently displayed, along with navigation links for "Politically Georgia", "Elections", "Trump Georgia Case", "Legislature", and "Georgia By The Numbers".

With \$875 million available, Georgians ask for \$14.6 billion in COVID-19 relief

HEROES WORK HERE
Grady

Grady Memorial Hospital has asked for \$158 million in COVID-19 relief funds that the state received from the federal government. The hospital would use the money to increase bed space.

By James Salzer
Nov 8, 2021

An Atlanta mobile bartending service, incorporated in June 2020, requested \$165,000 in federal COVID-19 relief funding.

79°F Sunny 4:53 PM 4/16/2024

- X
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- Explore
- 20+ Notifications
- Messages
- Grok
- Lists
- Bookmarks
- Communities
- Premium
- Profile
- More
- Post

← Post

 **GradyHealth**
@GradyHealth


We are incredibly grateful for our Grady staff and physicians who work tirelessly every day caring for our community. To you and your families - a heartfelt thank you. #DifferenceMakers #HealthcareHeroes #GradyStrong



12:45 PM · Apr 1, 2020

6 82 240


Post your reply Reply

 **Dave Poston**
@DavePoston

 **DeE** @donald2731 · Apr 1, 2020
Yes my wife works here 🙌


Search

Relevant people

 **GradyHealth**
@GradyHealth **Follow**

Atlanta can't live without Grady. Grady Hospital + 7 Neighborhood Centers Leaders in Trauma, Stroke, Burn, Heart, Cancer, Ortho, HIV

What's happening

 **FC Barcelona vs Paris Saint-Germain**
UEFA Champions League · LIVE

Sports · Trending
Xavi
70.3K posts

Trending in United States
Clooney
9,214 posts

Sports · Trending
Dembele
112K posts

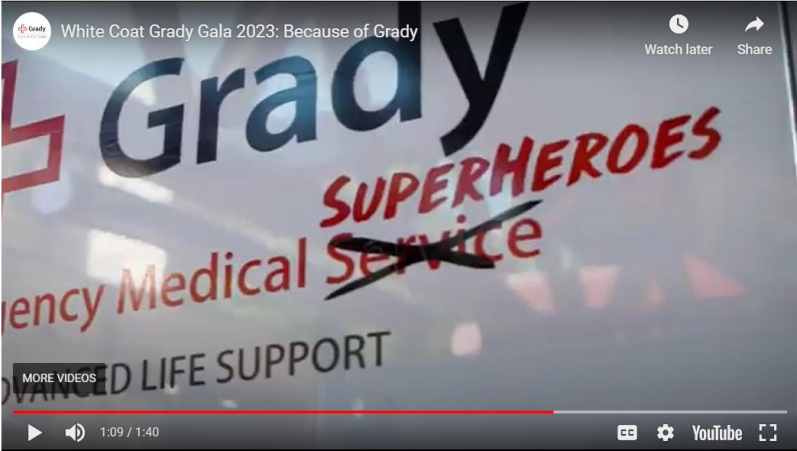
Trending in United States
Dubai
219K posts

Show more

grady hospital heroes work her... x White Coat Gala — Grady Heal... x +

gradyhealthfoundation.org/gala

SUPPORT GRADY



White Coat Grady Gala 2023: Because of Grady

Grady
SUPERHEROES
Emergency Medical Service
ADVANCED LIFE SUPPORT

MORE VIDEOS

1:09 / 1:40

YouTube

2023 Gala Chairs
Tomeka & Pedro Cherry
Caroline & Jack Hardin

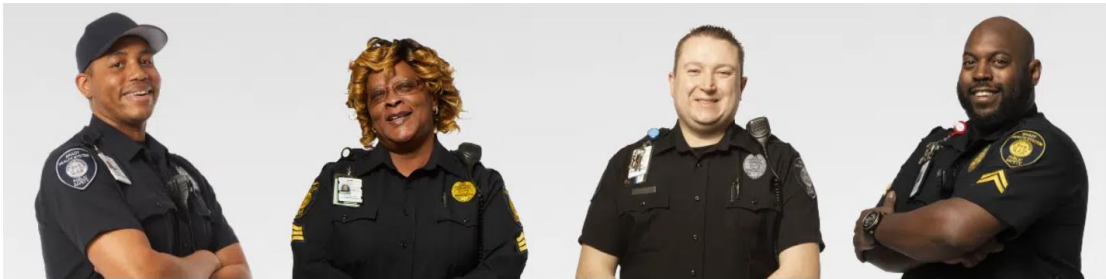
grady hospital heroes work her x Join our Team of Heroes in Blue x +

gradyhealth.org/join-our-team-heroes-in-blue/

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Grady Care & Treatment Locations Find a Doctor Patient & Visitor Info About Us **Make an Appointment**

Join our Team of Heroes in Blue



At Grady, the safety of everyone who comes through our doors is the top priority and that is where our heroes in blue come in – Grady’s public safety officers.

Grady prides itself on the high level of security it provides, both visible and behind the scenes. As a public safety officer, you protect staff, patients, and visitors and ensure that all hospital property is secure. Your duties are to patrol the building and its grounds, monitor all activity in and out of the hospital, and endeavor to prevent vandalism, theft, and disturbances within the facility.

Qualifications

- Ability to learn and operate computerized security systems, CCTV monitoring equipment, and standard 2-way radios
- Ability to remain flexible and adapt well
- Remain calm in stressful situations and keep attention to detail high, no matter the circumstances
- Maintain a neat and professional appearance, and provide excellent

Start Your Application Here

FIRST NAME

LAST NAME

EMAIL

PREFERRED CONTACT #

YEARS OF EXPERIENCE IN ROLE

Upload your resume here:

Accepted file types: doc, docx, pdf, Max. file size: 3 MB.


Thank A Grady Hero | Grady Health System

gradyhealth.org/thank-a-grady-hero/

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Thank A Grady Hero



Grady is teaming up with [Hands On Atlanta](#) on a letter writing campaign to thank the heroes of the COVID-19 Pandemic. Our doctors, nurses, technicians, transporters, EMTs, pharmacists, housekeepers, food service hosts and the entire Grady team are rising to the occasion to keep our community healthy and safe.

Please join us in showing our gratitude. We're asking you to send a handwritten note of encouragement to these Grady heroes.

1. Grab a card, postcard or piece of paper for the letter – don't forget an envelope!
2. Write your letter or letters, there's no limit to how many you can do!
3. Take a video or picture of your letter encouraging others to join and share it on social media.



Please mail all letters to:
Grady Health System
C/O Leigh Reece (Office #1C122)
80 Jesse Hill Jr Drive SE
Atlanta, GA 30303



Make an Appointment



TRAUMA CENTER



STROKE CENTER



BURN CENTER



BONE & JOINT



CANCER CENTER



PRIMARY CARE

#1
MOST WIRED HOSPITAL
FOR THE 8TH YEAR IN A ROW

\$450 MM
IN THE LAST 3 YEARS SPENT ON
UPGRADING FACILITIES

719,000
PATIENT VISITS EACH YEAR

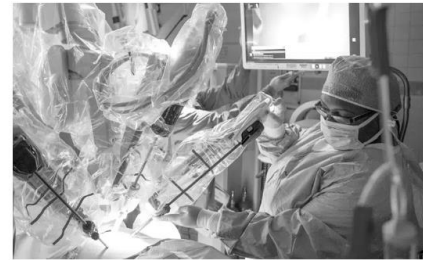
100+
YEARS OF PARTNERSHIP WITH
EMORY SCHOOL OF MEDICINE

Why Grady?



OPEN TO ONE AND ALL

Our mission is to create an open, safe space for all who enter to receive the care they need and deserve.



REINVENTING HEALTHCARE

Grady has pioneered treatments and procedures, and often introduced new medical practices to Atlanta.



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OUR LOCATIONS OVERVIEW

Our Locations

In addition to the locations listed on this page, CoxHealth has primary and specialty care providers located in more than 80 clinics across the region. Search our [directory](#) or call 417-269-INFO to find a provider today.

FILTER BY:

Location Type City

24/7 Urgent Care Plus Springfield: Turner Center

Turner Center | Urgent Care Plus
1000 E. Primrose St.
Springfield, MO 65807

📞 417-269-9812
📞 417-269-9853

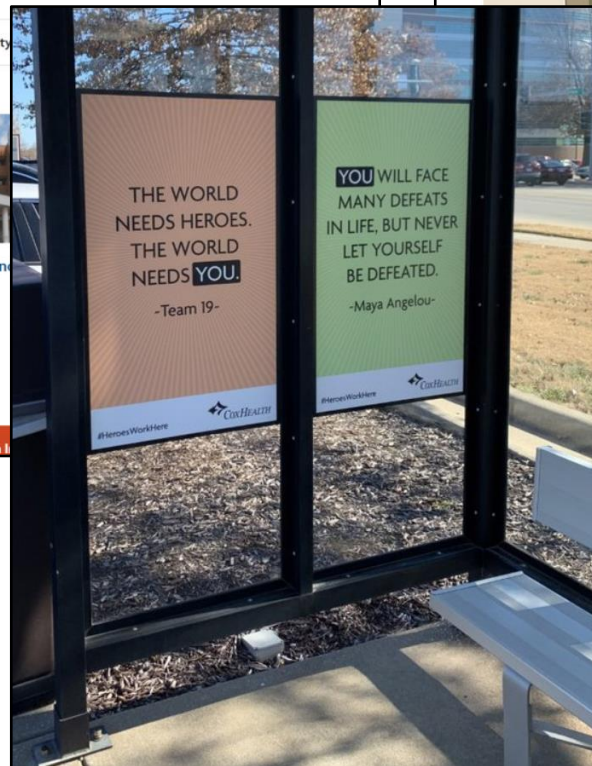
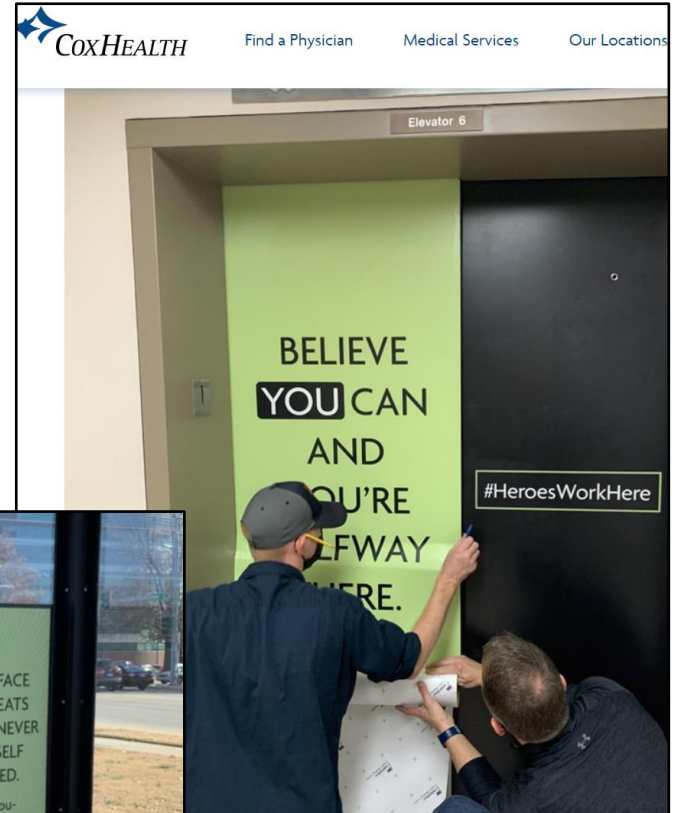
[View Location Info](#)

Allergy, Asthma & Immunology

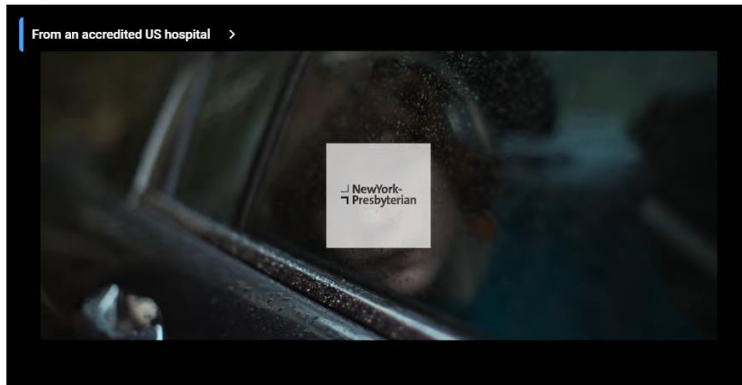
Ferrell-Duncan Clinic
1001 E. Primrose St., 1st Floor
Springfield, MO 65807

📞 417-875-3742

[View Location Info](#)



4. Patient Stories (New York-Presbyterian Hospital)



New York-Presbyterian Hospital is one of the largest and most prestigious healthcare facilities in the United States. It's known for providing exceptional health care to its communities by offering specialized medical services, conducting research, prioritizing individual patient care, and introducing technological innovations.

This commitment was evident in the “[Patient Stories](#)” series, which effectively captured the essence of the hospital's compassionate and patient-centered approach. By showcasing real-life stories and experiences of patients who received care at the hospital, the campaign achieved its goal: to spark an emotional connection in its audience and highlight the hospital's commitment to providing exceptional healthcare services.





Pediatric Patient Story - Jack F.

From an accredited US hospital >



Copy link

STAY AMAZING

0:57 / 1:01

YouTube









Browser tabs: Patient Stories | NewYork-Presbyterian x +
Address bar: nyp.org/patient-stories
NewYork-Presbyterian logo
Navigation: Services, Locations, Patients & Visitors
Utility: About, Careers, Give to NYP, News, Contact, For Physicians, Patient Login
Search: Find a Doctor

Home > Patient Stories

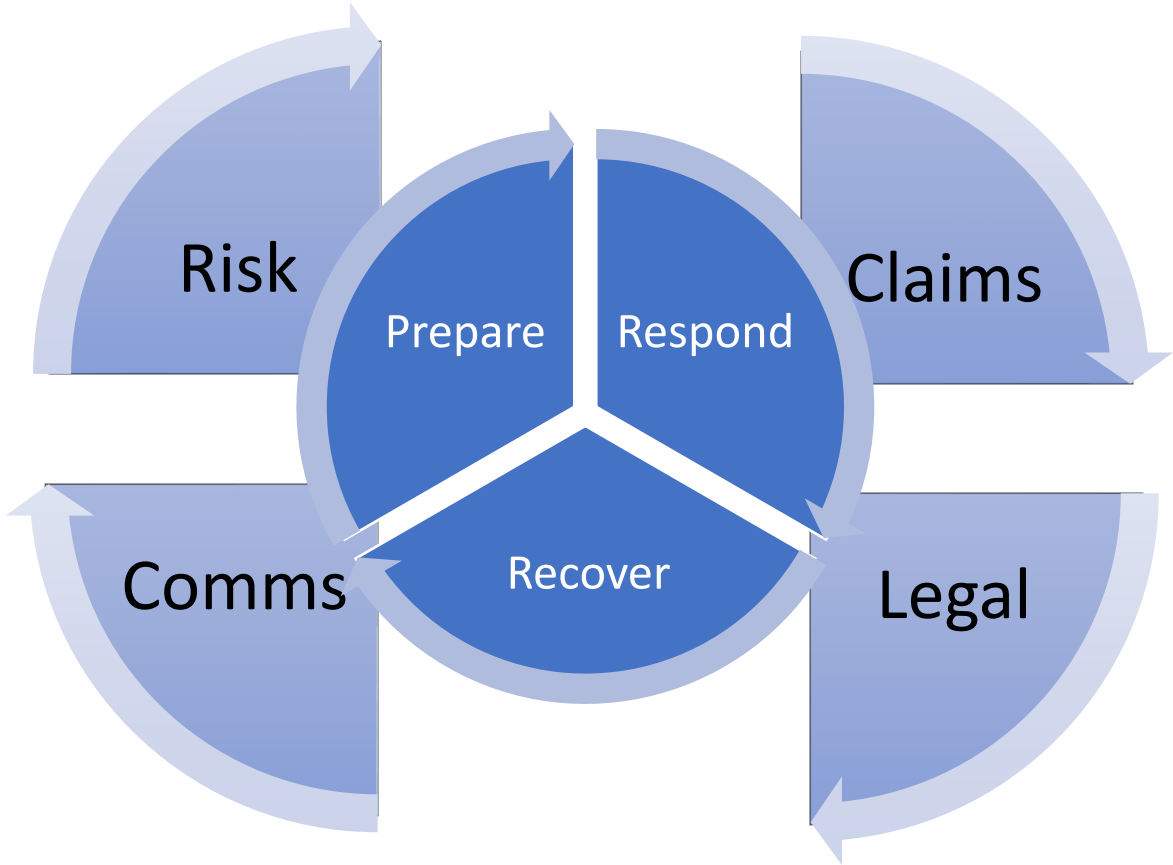
< Patients & Visitor Information

Patient Stories

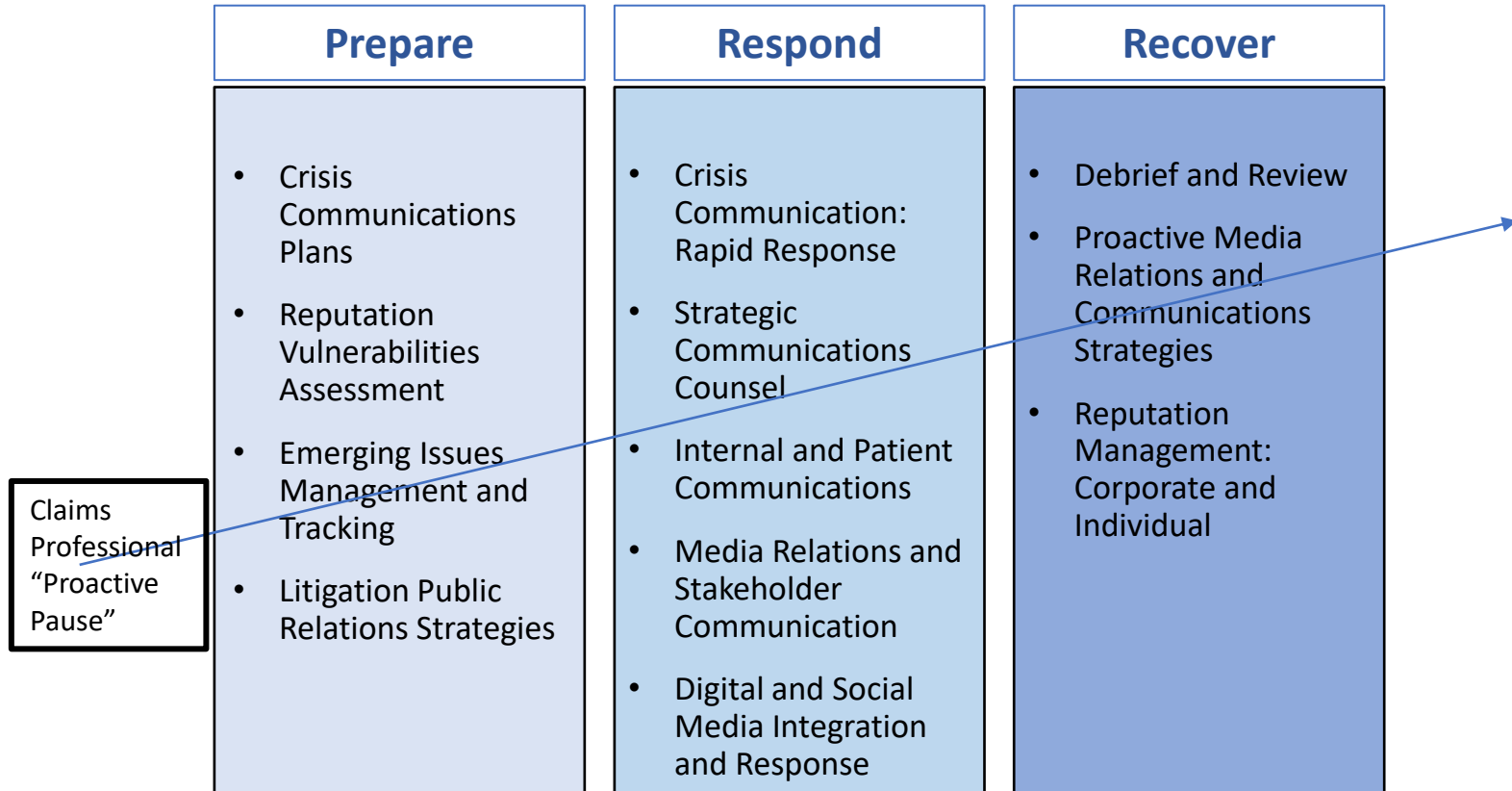
Medical Marvels

 <p>Andree Brown Read story</p>	 <p>Andrew Solomon Read story</p>	 <p>Andrew Read story</p>	 <p>Ashley Windle Read story</p>
			

Crisis Communications and Litigation PR Process



Crisis Communications and Litigation PR Process



Prepare - Crisis Plan Table of Contents



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**"All Ink Is Good Ink"
How Are You Planning to Manage
Public Messaging of your Claim?**

Workshop

AEIX Claims Caucus

April 24, 2024

Acknowledge and Get Ahead of the Media? Take the Sting Out of the News or Courtroom Drama

The Washington Post
Democracy Dies in Darkness

COLLEGE BASKETBALL

The Kim Mulkey way

The LSU coach holds grudges, battles everyone — and keeps winning. But at what cost?



By [Kent Babb](#)

March 30, 2024 at 10:30 a.m. EDT



Three Scenarios

**Scenario 1 –
High-Profile**

**Scenario 2 –
“Pleadings to
Press”**

**Scenario 3 –
Big Picture**

As claims team or defense counsel, what specifically are you going to do protect the institution?

At each table, we'd like to ask you to:

(1) Select a spokesperson and

(2) Answer the following questions.

- What would you do from a claims perspective?
- What would you do from a communications perspective (can't just refer to comms or external affairs)?
- What would your message be?

Scenario #1

Scenario #1

During a routine surgical procedure, a young woman has an anesthesia-related hypoxic event and suffers a severe anoxic brain injury, leaving her in a coma with little to no chance of recovery.

The surgeon, who is the team doctor for the local NBA and MLB franchises, a best-selling author, and a frequent guest on national TV and radio shows about patient safety and the state of healthcare, is furious at the anesthesiologist, who was not in the OR when the event occurred because she had four other cases going at the same time.

The patient's husband and two young children, as well as her well-connected parents, are devastated, and they want answers.

You are the head of claims at this hospital. The head of risk management calls you to alert you to this event. During the call, she tells you she is concerned the family will go to the press, and she asks you to take the lead in managing the event.

Scenario #2

Scenario #2

Your hospital communications office receives a call from a local reporter informing her they will be going to press in a few hours about a medical malpractice lawsuit filed in court earlier that day. The lawsuit alleges an attending obstetrician negligently discharged his client's wife too early, only two days after she delivered her second child via c-section, and without proper instructions for avoiding blood clots. And that as a result, the 32-year-old mother of two very young children developed a DVT that traveled to her lungs and resulted in a pulmonary embolism and death. According to the reporter, the lawsuit further alleges that the hospital's decision as to when to discharge the patient, who was insured through Medicare, was based on financial considerations. Finally, the lawsuit reveals that the attending obstetrician has settled two lawsuits within the past 10 years for a total of three million dollars and is a defendant in another lawsuit that is currently pending. The reported discloses that article will contain the following quote from the plaintiff's attorney, "It is disgraceful that the hospital would allow such a dangerous doctor with this troubled history to continue treating patients. It demonstrates, in the most tragic way possible, the greed underlying our healthcare system. My client is suing for justice for his wife's death and to send a clear message that putting profits over patients must be punished." She then asks if the hospital would like to provide a quote in response.

You are the head of claims at the hospital. The head of communications calls you to get help formulating a quote. For purposes of your answer, assume this event was flagged in a monthly claims meeting shortly after it happened, and an internal review was supportive of the care at issue.

Scenario #3

Scenario #3

In one week, your hospital will be opening a brand new \$500 million orthopedic hospital, a project that has been planned for several years and is critically important to the future of your organization. There has been significant local advertising and press coverage of the new hospital touting the orthopedic department's world-class faculty and their excellent results.

You are the head of claims at the hospital. Risk management has just called to alert you to a developing event involving Dr. Jones, an orthopedic surgeon who had been in the news a few years ago for suing the hospital for age discrimination. During that case, it was alleged he had a hand tremor. Since then, Dr. Jones had taken a course on anterior hip replacement and began promoted himself as an expert the technique. You know that, while the anterior approach can greatly reduce recovery time, it is difficult to master and complications can result in devastating outcomes. It is just such an outcome that risk management just told you about. The 38-year-old patient is furious and threatening to go to the press because the surgery resulted in a six-inch leg length discrepancy, a terrible infection that will require at least two additional surgeries and likely significant loss of leg function and mobility.

A few seconds after hanging up the phone you receive a call from the president and CEO of the hospital asking you to lead the effort to prevent any bad press about Dr. Jones on the eve of the opening of the new orthopedic hospital.

Top Five Things You Can Do to Reduce Media Impact

- Acknowledge and Address Fear and Misconceptions Around Communications
- Create Crisis and Litigation PR Plan
- Reminder of the “AEIX Best Practices Checklist for Catastrophic Claims Handling”
- Professional Development and Training
- Be Proactive and Speak Up

Thank You!

bflattery@transre.com
poston@postoncommunications.com

AEIX Claims Caucus

April 24, 2024