

Weathering the Storm – The General Counsel's Role in Crisis Command

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Today's Focus

1. What is a **crisis**?
2. What's your **role**?
3. What's your crisis **game plan**?
4. Best Practices and Horror Stories

What is a crisis? How is it different from an issue?

Accident

Financial Turmoil

Violence / Safety Incident

Social Movements & Unrest

Natural Disasters

Labor Incident

Adverse Court Ruling

Cyber Incident

DOJ/FBI Appears Onsite

Public Image Incident

Public Health Emergency



The General Counsel's Role In Crisis Response

The Role of Organizational Leaders – typical? ideal? realistic?

Execs

Share high-level messages with teams in non-involved markets, affirming commitment to excellent, high-quality care and promising a thorough investigation and accountability for all involved

Comms

- Provide communications strategy, tactics and messaging to most effectively position organization and protect brand with key stakeholders and public
- Proactively manage internal and external communications channels and reactively responded to media requests

Counsel

- Ensure compliance with regulatory and legal requirements
- Protect organization and its agents from legal action or regulatory sanctions as appropriate
- Partner with execs and comms to ensure messaging and response did not expose organization to further legal or regulatory action

Two Tracks of Crisis



Crisis that impacts your organization's image

Crisis that impacts your organization's ability
to provide care

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Your Crisis Play Book

The Power of Preparation to Protect Your Organization

A crisis playbook and/or command center protocols equip you and team leadership with better planning when the initial, intense wave of a breaking crisis or issue hits.



Key intel vs. lengthy resource



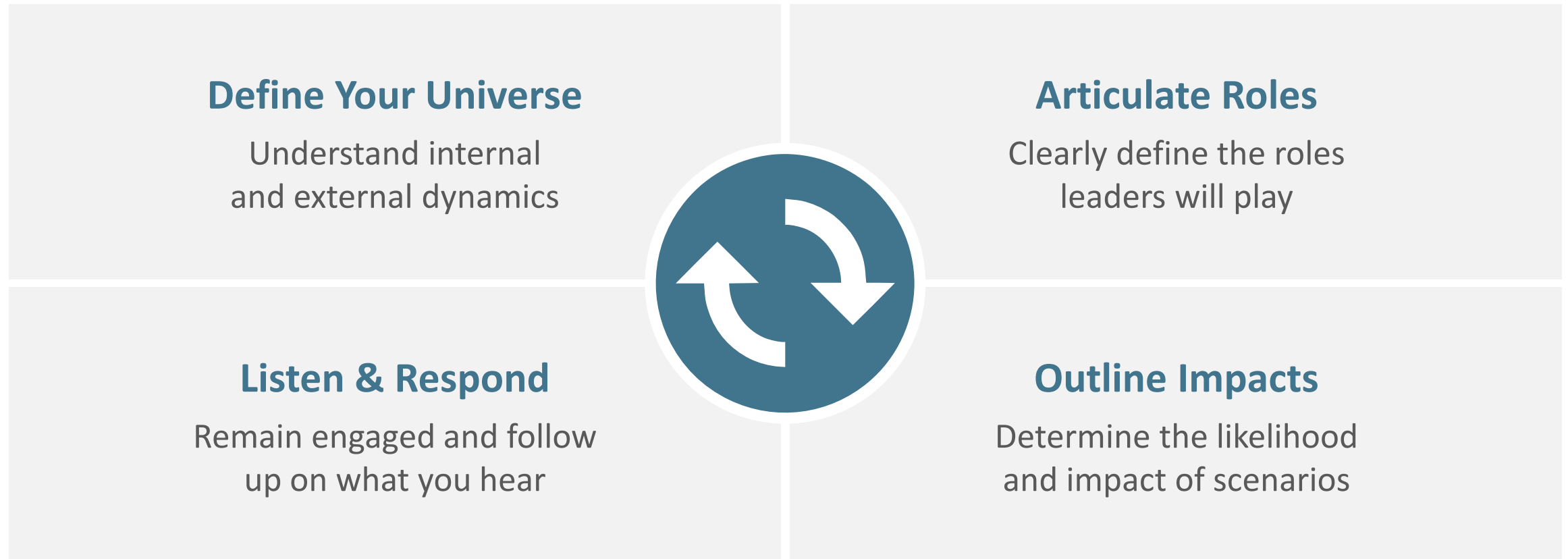
Familiar to leadership



Defined roles



Crisis Framework



Crisis Framework: Define Your Universe

Particular to the issue at hand, identify.....

Your Audiences	Their Unique Dynamics & Concerns
Executive Leadership Team	Need to know the full landscape and ramifications
Local Leadership Teams	Need answers to questions and support understanding impact for teams
Physicians, Nurses & Staff	Want to know how to respond to patients and peers
Regulators/Elected Officials	
Community Partners	Concerns about community voice in decisions
Media	
Patients/General Public	Potential reputational impact

Your Role:

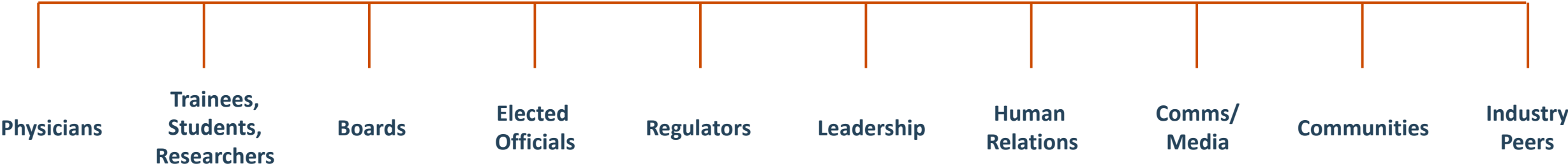
What is your unique perspective relative to each group?

The Currency of Relationships

Invest in Important Relationships **BEFORE** You Need to Call in Support



Where can the organization build these relationships?



Crisis Navigation: How to Respond

Partners in the Response

- Communications Team
- Government Relations/Community Relations Team
- Physician or Business Leaders
- Legal Counsel
- Subject Matter Experts
- Community Leaders

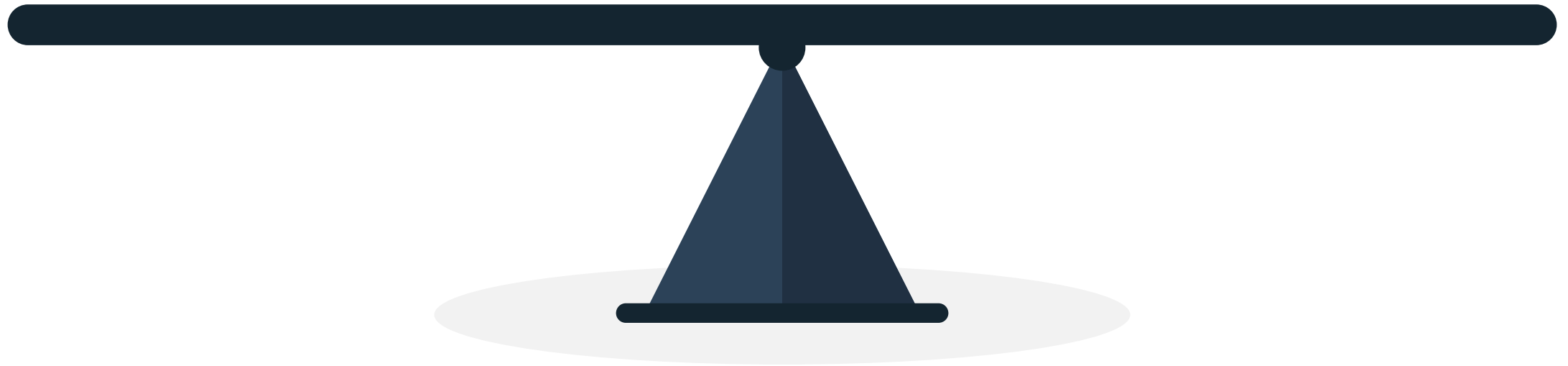
Plan Ahead

- Utilize your *Crisis Playbook*
- Invest in relationships before you need them
- Consider a crisis readiness assessment

Finding the Balance Between Transparency and Control

Responsible transparency
that doesn't exacerbate
the situation

Controlling the environment
and stopping information flow
to minimize organizational risk



Knowing When to Respond

The Impact to Your Organization

- Does it stand in line with your mission, vision, values and strategy?

Your Organization's Impact on the Situation

- Is this issue something that your organization can meaningfully influence?
- Does your organization have current programs or offerings that support the issue?
- What does support/opposition look like in practice?
- What will the reaction be from supporters and detractors?

Your Unique Lens

- Are there any policies/regulations in place or ongoing litigation that would preclude your organization from taking a stance?
- Are there others (external counsel, elected officials, governing bodies, etc.) who need to be alerted before you respond?
- If the organization may have been at fault, do you know where processes or procedures may have broken down?
- If employees were involved, are they still employed? Will you comment on their employment status?
- Is legal or regulatory action as a result possible or pending?
- Are there events/milestones occurring during the situation that we need to consider (i.e.: hearings, filings, etc.)?
- Is this something over which your organization has jurisdiction?

Crisis Framework: Articulate Roles

What do the messengers below need to say and who needs to hear from them?

Messenger	Audience	Their Message
Organization Leadership	Entire organization Community	
Other leaders	Local facilities Individual audience groups	
Others (Legal counsel, Physician expert, etc.)	Media	



Best Practices *and* Horror Stories

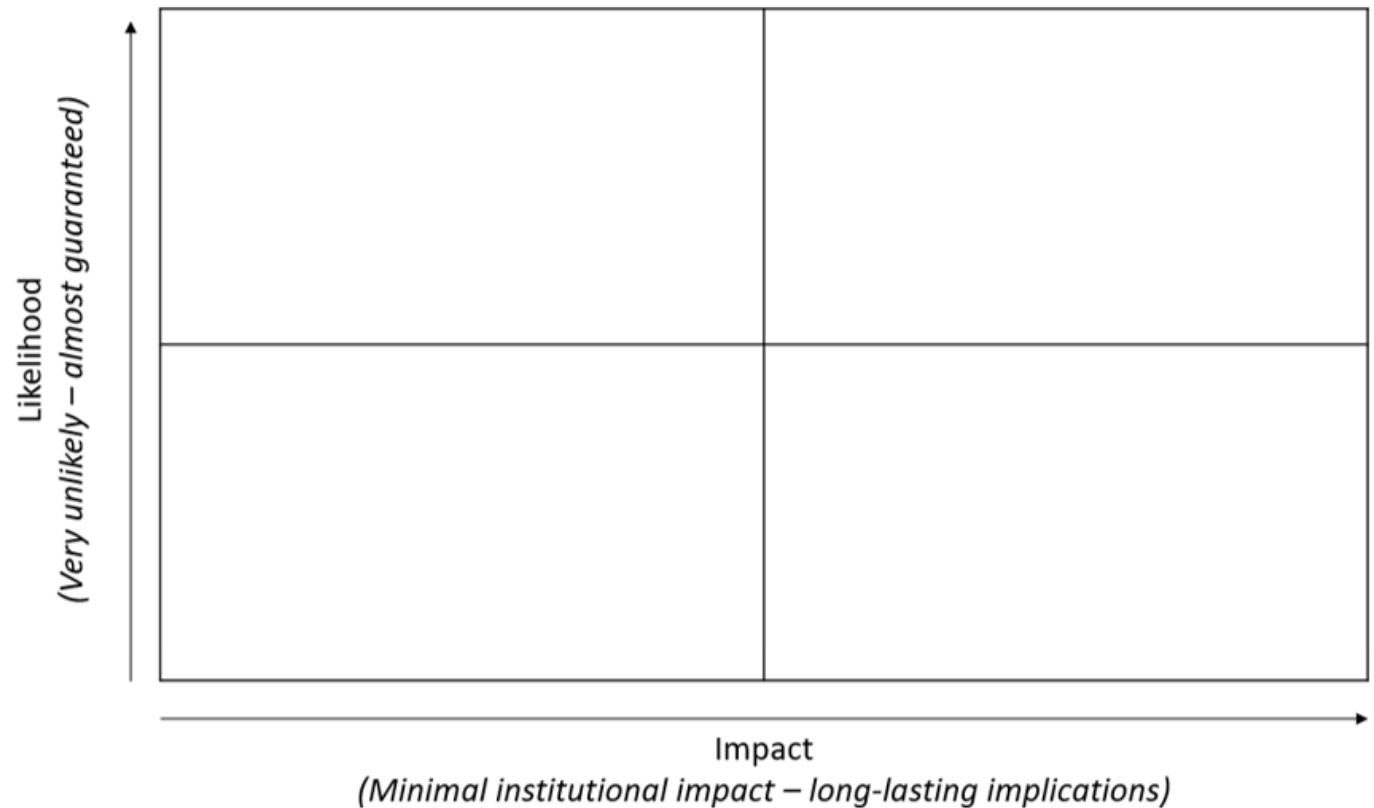
Potential Stumbling Blocks

- 1 The desire – organizational or personal – to just say something or nothing
- 2 Conflict among different segments of large, complex organizations
- 3 Navigating the nuance of local, state, national and global politics
- 4 Over- or under-estimating the nature and volume of internal/external noise
- 5 Allowing teams to blur the line between urgent and important

Crisis Framework: Outline the Impacts

Thinking about the likely scenarios and outcomes....

- What is the likelihood of this scenario occurring?
- If it does occur, what is the anticipated impact?



Key Takeaways



Ask the right questions to determine when/how to respond



Utilize planning frameworks to navigate complex situations



Challenge the team to appropriately contextualize the “noise”



Define your universe and clearly articulate roles



Have a point of view, listen and respond

Hearing from You

Identify a crisis your organization has navigated in the past year.

At what point were you brought in?

What role did you play?

Did it result in a BEST PRACTICE or HORROR STORY? Or both?

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Q&A