

Two days after George Floyd's death, as "peaceful protests turn[ed] into mayhem," the mayor of Minneapolis asked for the National Guard to help.

City leaders did not understand how much time it can take for the citizen soldiers of the National Guard to leave their normal jobs report for duty, collect their gear and travel to Minneapolis. <sup>1</sup>

It took three days. Meanwhile, the city burned. The National Guard is a basic resource for local and state governments to call upon in a crisis. In not knowing the process to mobilize it, Minneapolis officials failed to follow the fundamentals of crisis management: anticipation and planning.

On September 11, 2001, Robert Mueller had been Director of the FBI for one week. On the morning after the attacks, he was in the Oval Office reporting to the president on the Bureau's leads. He said that he was confident they would identify who was responsible. The president said, "I am sure you will, but my question for you is, 'How will you stop the next terror attack?'" <sup>2</sup>

Crisis management is about planning and planning is about anticipation. For his failure to be prepared to respond to the city's crisis, the once popular mayor of Minneapolis lost the confidence of the community. So too many CEO's, unprepared for their crises, lost the confidence of their boards and ultimately their jobs as, for example, at Boeing, BP, Equifax, Volkswagen, Wells Fargo and Yahoo.

Companies have many crisis plans, often dozens of them, ranging across a host of potential disasters from data breaches to terrorist threats. They are cribbed from templates downloaded from the web, copied from other companies and drafted from regulators' checklists. But the exercise has too frequently devolved into ticking the boxes. There is precious little useful guidance for what the C-Suite should do when the lights go out. Their glossy crisis card summaries look like a Rube Goldberg diagram for the wiring of a 737 Max.

The various crisis plans and the multiple committees, subcommittees, task forces, teams and groups supposedly managing them should be streamlined and synthesized to enable senior management to meaningfully supervise them. It should be done by someone with experience in having worked through a number of past crises. Mueller was not then the foremost terrorism expert. But, by 9/11, he had broad-based experience in law enforcement and private practice, having earned a reputation for intelligence, thoroughness, doggedness and probity. Those are the qualities needed to take charge of effectively pulling together a company's crisis planning and advising its board. But that is not normally done: budgets are tight, agendas crowded and planning for contingencies – even crises – is not regarded as an immediate need. And when disaster strikes, it is too late to prepare. So, boards then react, and occasionally – recently, more often – some in the C-Suite are sacked. The pound of flesh is a drastic remedy – actually, not a remedy at all – and it might have been avoided by an ounce of prevention.

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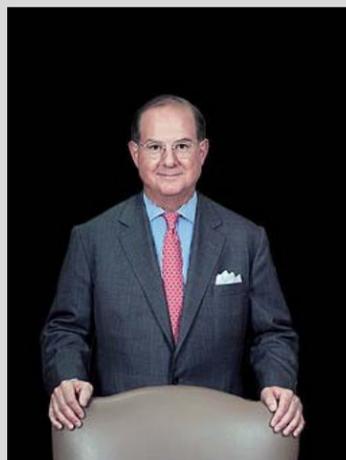
<sup>1</sup> Stokman, Farah, "'They Have Lost Control': Why Minneapolis Burned," *The New York Times*, <https://www.nytimes.com/2020/07/03/us/minneapolis-government-george-floyd.html> (Jul. 3, 2020).

<sup>2</sup> Mueller, Robert S., III, Remarks at Program: "Defending Corporations and Individuals in Government Investigations," Sponsored by Legal Executive Institute, Willard InterContinental Hotel, Washington, D.C. (Sept. 28, 2016).

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