

Criminal Law News

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Corporate reputation- a US perspective

By Sally Ramage

There is a role for public communications during litigation involving corporations. The effects of instant communications in blogs, for example, emphasise the impact that legal activity can have on the reputation of corporate clients and therefore on their success and viability as businesses. This is one reason for external corporate lawyers should consider using public relations consultants during corporate litigations.

Litigation Communications

Litigation communications is the term given to a systematic effort to protect or enhance a client's reputation throughout the course of litigation. Ideally, public perceptions are affected in a way that both helps the case in court and has a positive impact on how audiences outside court perceive the client. A litigation communications strategy should begin before any charges are filed and should continue for as long as the after-effects of the case have any perceptible effect on the client's reputation. From a legal position, a communications strategy can affect whether or not charges are filed or indictments handed down, as well as the outcome of settlement negotiations and, ultimately, the outcome of a trial. From a non-legal standpoint, litigation communications can affect the perceptions of customers, business partners, investors, and employees. At issue are both short-term and long-term perceptions. The bottom-line impact is measurable. For corporations, sales and stock prices are at play. For individuals, careers and public reputations are at stake. In many cases, legal and non-legal goals will conflict. In certain circumstances, the actions needed to achieve favourable press coverage will not serve the client's legal position. For example, a litigant whose lawyers convene a press conference at the end of every day of trial testimony might garner favourable coverage during the trial, but the client and the lawyers are almost certain to anger the judge by doing so. Only when the communications adviser, the lawyer, and the client work together as a team can the client make a fully informed strategic decision to sacrifice one corporate interest at the expense of another. The communications adviser must be brought into the planning process at the earliest possible opportunity, and the collaboration must continue through every stage.

Litigation communications team

The purpose of the litigation communications team is to make such decisions at every juncture, whether one is trying to avoid an indictment or the filing of charges, negotiate a favourable settlement, or prevail at trial. In preparation for

trial, a strategic communications offence can create a climate of opinion that, you hope, will affect the outcome in your favour. The risk is ethical. You may be seen as trying to seed the jury pool, which can enrage the judge and even result in sanctions.

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