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TO: Executive Addressed

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RE: Litigation Communication Can Help Your Reputation

Most public communication surrounding litigation is vacuous, self-serving, and often legally insignificant. High-profile litigation, like many other high-profile situations, usually provides a powerful opportunity to enhance or clarify reputation - especially among key audiences such as employees, allies, investors, customers, and victims.

Instead we hear legal phrases like, "We're pleased with the direction this trial is taking . . ." or "We will vigorously defend our interests . . ." or "Their arguments are entirely without merit . . ." or "These outrageous allegations will be defeated at trial . . ." or "Their arguments are not well grounded in fact . . ." You get the idea. It's lawyer-to-lawyer button pushing.

Legal communication strategies can enhance the reputational interests of organizations outside the courtroom if they pass these tests

1. Does the commentary help those who care most about an organization learn more and know more about that organization?
2. Does the communication help those who should know about an organization learn more and know more about that organization?
3. Does the communication shed some light on, help others better understand, or move the discussion to a more useful, positive post-settlement/trial/verdict level?

Here are several legal public communication approaches guaranteed to fail, perhaps force extraneous information into the litigation or trial, convince the public of your client's guilt, complicity, or negligence, and reconfirm your adversaries' commitment to defeat you:

1. Deny the allegations.
2. Reassure the public that "it ain't so."
3. Stick up for people who have allegedly done something wrong
4. Characterize the adversary's position, facts, and arguments in negative ways.

When attorneys speak, they tend to look at all forums as being equal. Actually, attorneys' commentary only has legal significance and weight inside the courtroom. Mindless, often negative legalistic communication outside the courtroom leads to uncontrollable perceptions, once unleashed; and serious potential reputational damage when misunderstood. Control the legally insignificant, mindless litigation commentary and lawyer button pushing or your adversaries will control your reputation, and perhaps your legal destiny.

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