



# Litigation & Disputes

## Reputation Management



# Strategic Communications – our approach and services

Our specialist team helps companies prepare and manage communications plans to protect and manage a company's reputation during any kind of litigation process. Our experts have been involved in high-profile cases before all major international courts and dispute-settlement bodies. In politically-sensitive cases our public affairs professionals can generate external / international pressure to find an amicable settlement by mobilising key governments and international organisations. Traditional and social media often plays a vital role during the course of litigation and how a case is ultimately resolved. Whether it is managing a reputation during a high profile case or working to generate interest to win over the Court of Public Opinion, a well thought out and well-executed communications plan can make all the difference.

As one of the world's largest Strategic Communications companies, FTI Consulting's Litigation Communications team combines media and social media relations with specialist legal and industry sector expertise. The team comprises communications experts, former journalists and lawyers, and has been employed by both the lawyers representing companies or individuals, as well as the litigants themselves.

Our services include:



# Our recent experience includes



Communications for the first ever deferred prosecution agreement by the Serious Fraud Office



Communications support during the dispute with Phones 4U



International crisis communications support through the high profile criminal trial of a rogue trader



International crisis management during the multi-billion dollar settlement of a DoJ/SEC investigation



Supporting high profile material adverse effect case related to impact of Covid pandemic, managing international media interest



Protecting an iconic technology brand through a high-profile intellectual property dispute dubbed the "smartphone wars"



Provided counsel to one of the main shareholders through one of the most explosive series of scandals worldwide through the LSE's history.



MEDIA GROUP

Navigating CMA investigation into acquisition of local radio stations in the UK - with significant national media, public policy and local community interest



## CONFIDENTIAL

Providing counsel on largescale cross-border litigation, known in the press as "Dieselgate"



## CONFIDENTIAL

Advising a government Ministry of Foreign Affairs in relation to a complex border dispute before the International Court of Justice



## CONFIDENTIAL

Managing the media interest in an investor-state dispute in anticipation of settlement negotiation between the parties



## CONFIDENTIAL

Trademark related dispute, using social media analysis to provide evidence for trademark case with EU Intellectual Property Office and litigation cases in Canada and South Korea

# Our reputation management capability



## Bring a holistic perspective

Deep sector and specialist expertise identifies **key issues** to support the case holistically

## Enhanced argumentation, stronger case

Legal and economic arguments that are credible and resonate with wider audience. Broader arguments that support clients' overall objectives

## Leverage and create communication channels

Mapping of potential **key stakeholders** who may impact case, corporate reputation and enterprise value. Build communication infrastructure and tailored messaging

## Wider support, higher impact

Wider support with high-impact messaging resonating across relevant stakeholders

## Provide strategic support

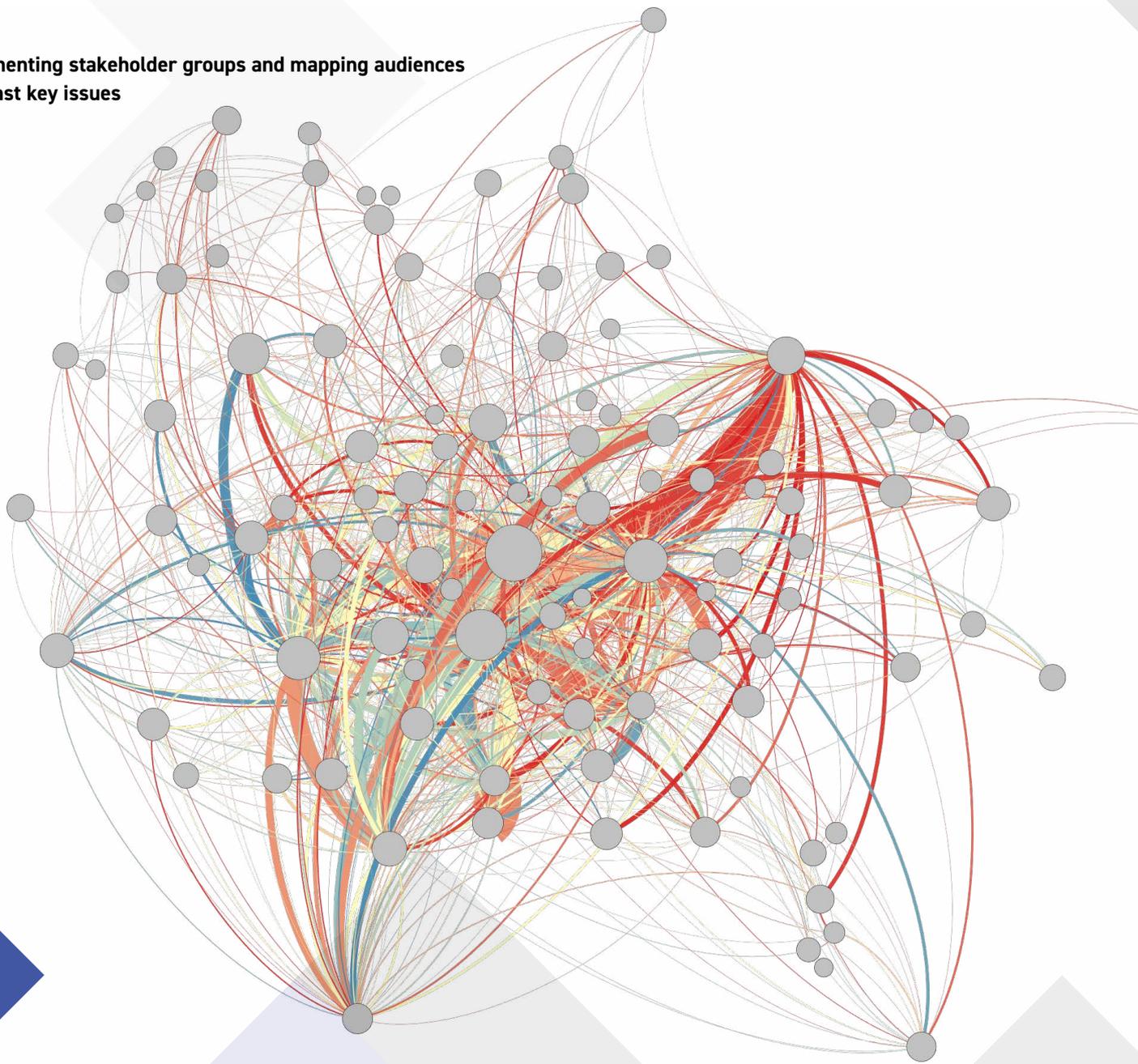
Program development and roll- out which enables the articulation and delivery of the **best strategy** across multiple stakeholders

## The most favourable environment for your case

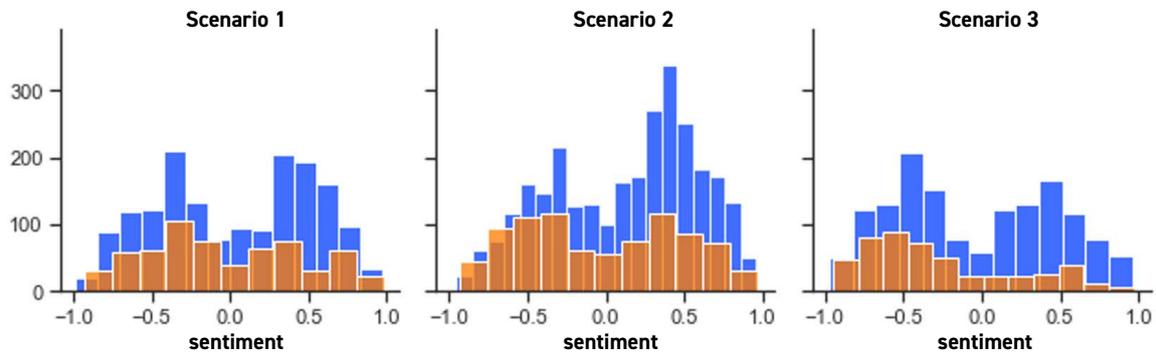
Best-practices communications strategy that protects your company and helps you to achieve the best outcome

# Using data science to assess the communications landscape

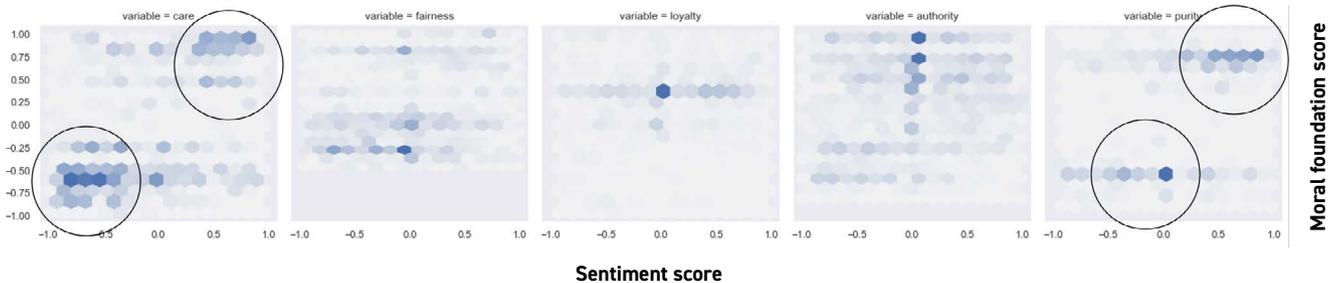
Segmenting stakeholder groups and mapping audiences against key issues



# Message testing the key triggers of reputational risk



Leveraging machine learning to analyse the focus and sentiment of media statements related to a dispute.



Understanding the triggers in corporate messaging, based on data science methods rooted in social psychology. FTI can identify and assess the drivers of audience behaviour, which will help prepare, test and refine the case made in the court of public opinion.

# Uniquely positioned with strategic communications advice backed by proprietary data

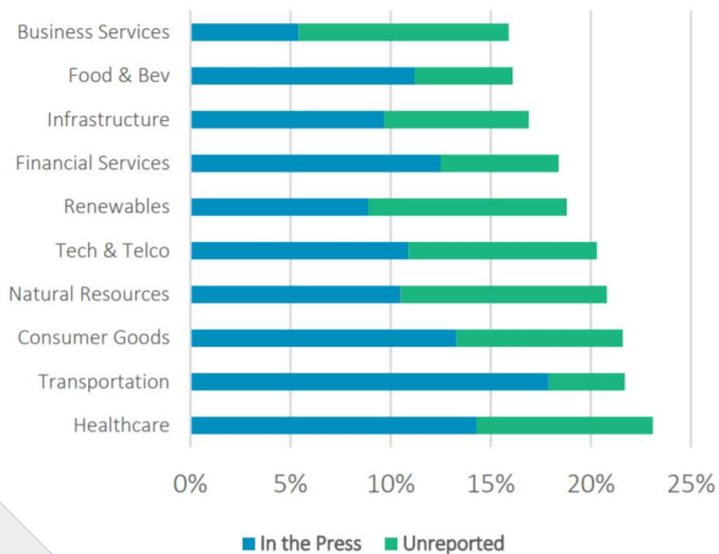
FTI Consulting undertakes regular research on corporate litigation and its impact on investment decisions. With a base of over 500 global institutional investors with a total AUM of over \$1 trillion and over 2,000 business leaders of large companies across the G20. Insights include:

Hedge funds most likely to see corporate litigation as a "very important" investment factor, more so than endowment funds, pension funds, sovereign wealth funds, mutual funds, private banks or wealth managers

61% of investors said that media coverage "strongly affects" their investment decisions when looking at companies engaged in corporate litigation

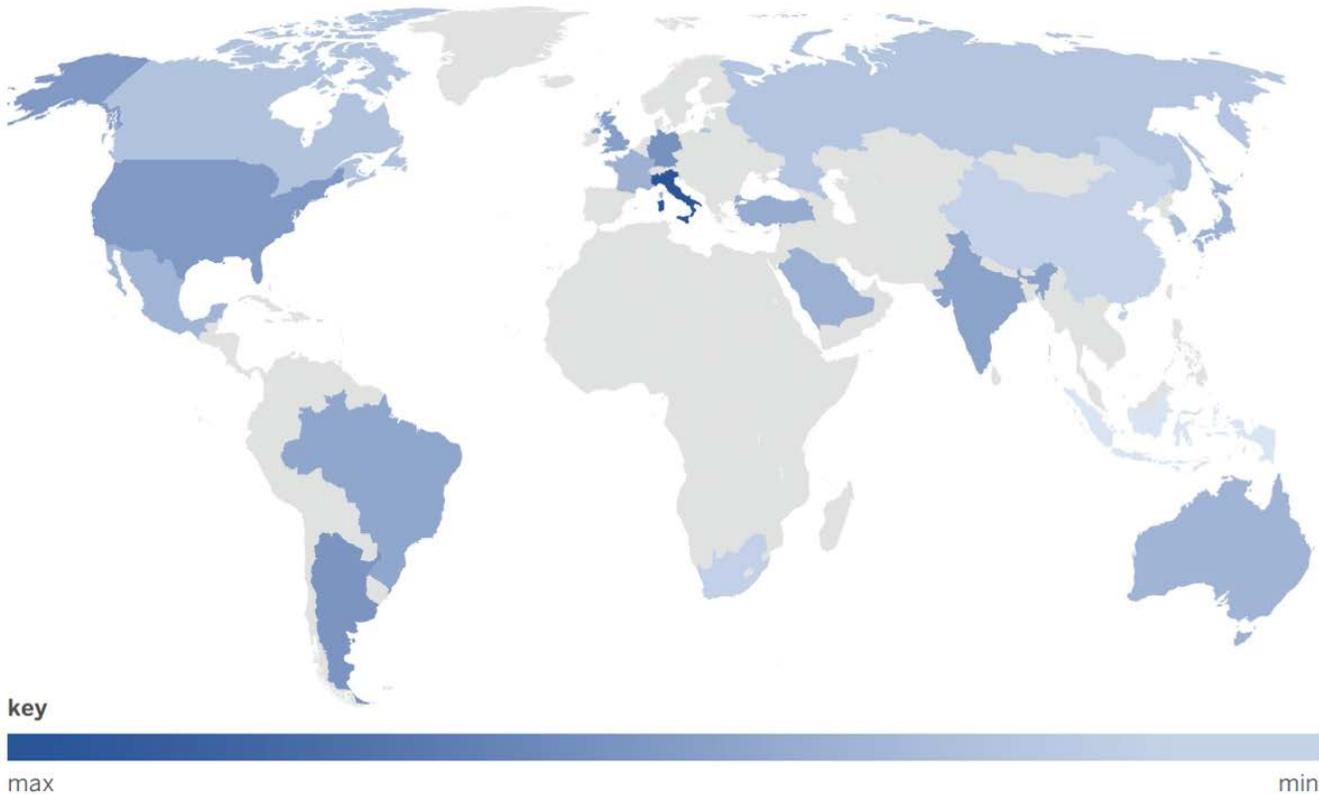
Not all litigation makes it to the media spotlight. Almost half (42%) of 2019's corporate disputes went unreported in the media

## Proportion of companies facing litigation



# Our research indicates that business leaders are anticipating a decade of disputes following Covid-19 disruption

G20 reputational sensitivity to corporate litigation



Full details of FTI Consulting's "Decade of Disputes" research can be found at <https://ftiresiliencebarometer.com/news/the-decade-of-disputes>

# FTI Consulting's broader services for the legal community

Helping lawyers resolve complex challenges for more than 30 years

For many years, FTI Consulting has been supporting clients in their efforts to manage and overcome complex legal and regulatory challenges in a variety of areas as diverse as disputes, competition policy, mergers, trade and restructuring.

Our work gained us an excellent reputation and earned us the trust of regulators, corporates, lenders and investors and their legal councils.

Building on the experience of our diverse team, we strive to anticipate, manage and overcome the complex issues our law firm clients can meet in any stage of contentious or non-contentious situations.

Our services span from PA support around M&A approval to competition economics, from asset tracing and recovery to IP.

## Investigating and fact finding

Asset tracing and recovery

Investigating fraud or wrongdoing

Regulatory inquiries

Investigating beneficial relationships

## Managing and analysing information

Providing end-to-end industry-leading e-discovery and document review platforms

Identifying, collecting and analysing data

Developing sophisticated data and analytics

Translating and interpreting data through visualization and reporting tools

Implementing information governance strategies



## Communicating

Before courts and tribunals

Developing reports

Reputation management

Social media monitoring and engagement

Media strategy development

Pre and post litigation communications

Pursuing negotiated solutions

## Assessing economic and financial impacts

Quantification of lost profits

Damages calculations

Business interruption claims

Advising on theory and practice of finance, economics and valuation

Performing complex simulations

Estimating merger-related efficiencies



## **Strategic Communications**

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