

» FIVE COMMUNICATION MISTAKES DURING LAWSUITS

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American businessman Warren Buffett said, "It takes 20 years to build a reputation and five minutes to ruin it." The numbers in this sentence may seem exaggerated, but sometimes five minutes may be enough for an individual's or a company's reputation to be seriously damaged. This is particularly true when the individual in question is involved in a judicial process, especially due to the rise of so-called "parallel trials" in recent years. We can all think of a case in which a spokesperson said too much after a judicial trial, making statements that were not aligned with legal strategy or explanations in relation to a court case we never got to hear. The result, as stated by Buffett: **damaging the work of many years in just a few moments**. The popular businessman also presented a solution: "If you think about it, you will do things differently." Although it is always easier to voice your opinion from the outside, in some cases it seems the common denominator is often a **lack of preparation and planning regarding communications management**.

In this article we seek to identify, based on our experiences, the **five most common communication mistakes** made during legal disputes. We will also present five actions to avoid, as well as some recommendations that can help minimize reputational impact on those involved in the litigation process.

1 "Ostrich" Tactic: Trying to ignore the problem by giving evasive answers, dragging or even refusing to talk to the media and other relevant stakeholders characterizes this tactic. Though it is increasingly rare, some companies and individuals continue to practice it. Sometimes, it arises from the false belief that if we do not speak about a matter, nobody else will either. While this is the wrong attitude in the majority of communication situations we encounter, it is even worse during judicial processes, where there is a high probability the other party will make their position known. In short, not giving our own version of the facts and avoiding communicating or offering information at all costs can work against us; The media needs sources, and it will publish the version given by those who respond and make their opinions known. At certain times in the process, it may be better to remain silent, but, before considering this option, it is important to analyze all associated risks and limit it to the shortest possible timeframe.

2 "Parrot" Tactic: The opposite of the "ostrich" tactic, this refers to a spokesperson who gives more information than necessary, constantly talking and expressing their opinion about any and every aspect of the process. There are numerous, well-known cases of people who, by commenting on any triviality of the litigation every day, wound up hurting their case by causing information "fireworks." Generally speaking, this practice does not refer to a strategy whose objective is to offer continuous information, but rather improvised reactions given during situations in which there is pressure for information or an urgent need to talk about each and every aspect of the process. This attitude may generate more information than strictly necessary, wasting opportunities to communicate information in the future or in a more suitable situation, therefore provoking a flood of information and confusion among stakeholders. Though we agree that, given the complexity of these issues, it is important to do a case-by-case evaluation, we can also confirm that providing too much information, however beneficial it may seem, is often counterproductive to a project's interests and goals.

3 "Peacock" Tactic: Sometimes the eagerness to be seen and give our own version of the facts may drive media attention toward the company and those involved in the process, leading them to report details that had previously gone unnoticed or, at least, remained in the background. This reaction is usually most detrimental in the beginning of a judicial process, when there are a large number of people involved, alleged crimes are unveiled and numerous related facts flying about. It is important to calmly and rationally consider whether it is appropriate for the company to appear in the media and make statements on the matter, since trying to immediately correct information can turn out to be a bad decision later on. It is usually better to maintain a low profile to avoid being in the media spotlight, and keep the focus on other parties involved.



4 “Mosquito” Tactic: The relationship with the media should be plural; That is to say, there should be no discrimination based on editorial approach. Adopting a selective attitude regarding which media we provide information to and which we are not could give a company's or individual's arguments a less credible image. In general, we must try to maintain pluralism without avoiding answering media that could be considered more “problematic.” If we know what and how we want to communicate, the specific media outlet will not make a big difference in that regard. This mistake is particularly common when the process is related to politics. It is important to define the key message the company wants to highlight, as well as educate and train spokespeople in advance when necessary.

5 “Chameleon” Tactic: Acting differently throughout the process, without applying a consistent behavior aligned with a legal strategy, is the hallmark of this tactic. Once a company has defined how it will manage communications during the process, it is important to be consistent—and always subject to legal management. Besides, adopting different strategies depending on the media outlet or situation can denote insecurity or a lack of credibility in a company's discourse, generating mistrust and negatively impacting the reputation of the individual or company involved. At this point, taking into account the most common communication mistakes made during lawsuits, we need to ask ourselves about the keys to communications management, always remaining aligned with legal strategy and the specific characteristics of each case. The communications team should present itself as a complement to legal counsel and always act under them. These are the steps to be taken to avoid the above mistakes:

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- Be properly **immersed in legal strategy**. It is essential to know the strategy in detail, including the milestones and scenarios expected during the process and their timing, as well as the groups of stakeholders we should address.
- Define a **map anticipating possible scenarios** and the probability each will occur in the short, medium and long terms. This way, we can foresee issues and establish lines of action to enable proper communications throughout the process.
- Develop a **story** that shares the company's or individual's version of the lawsuit in a clear, direct and simple manner. This will be the backbone of the communications strategy, which is why it is important it easily adapt to any channel, placing focus on the most relevant aspects it aims to address.

- **Establish a coordination system** to allow adequate preparation for each milestone that may develop during the process. In this regard, it will be particularly useful to launch a **media and online monitoring system**. With this, we can react quickly to identify possible communication opportunities.

Despite these guidelines, the truth is, communications during lawsuits is usually very complex and requires a multidisciplinary team that takes into account the particularities of each case. There is no single formula for success and, as we have witnessed on numerous occasions, even if you win the trial, you may still “lose” your reputation.



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