

PRACTICAL ADVICE

FROM THE SECURITIES INDUSTRY DEPARTMENT



Fox Rothschild LLP
ATTORNEYS AT LAW

CRISIS MANAGEMENT AND COMMUNICATIONS SERVICES

Reputation has always been at the core of corporate viability. With the advent of swift and broad communication vehicles, the challenge of protecting your company's reputation and managing its public image has increased considerably. Blog postings can result in defamation suits from competitors. Staff may reveal trade secrets online and damage your company. Employment discrimination litigation can arise from web site comments.

Worse yet – with a knock on the door and a search warrant or subpoena in hand, federal and state civil and criminal agents can change the fortunes of a company in an instant. Such blatant government intrusion may not be the only incident foretelling dark times – some corporations uncover their own problems and seek to disclose them to both regulators and the public in the most efficient and truthful way.



At Fox Rothschild LLP, our attorneys are skilled at guiding corporations through the myriad of public relations challenges they face as they seek to extricate themselves from these predicaments. We offer a number of services designed to help you protect your corporate reputation and prepare for potential crises. Our media-savvy attorneys regularly provide integrated risk mitigation and crisis response services to companies in the financial services, insurance, retail and other sectors.

Crisis management planning is a crucial component of your corporate risk management program. No one likes worst-case scenarios but if you think about them in advance, you are less likely to have to live through them. Every company or institution concerned about its business and reputation must assume the worst and develop a game plan before a crisis occurs.

Fox Rothschild's comprehensive crisis avoidance, communications and management services allow us to partner with you, your in-house legal team and your communications and human resources professionals to ensure that accurate information about your company and its actions is conveyed to the public.

Our services include:

Risk Audit

Our attorneys will conduct a comprehensive assessment of your risk factors for potential crises. From privacy and data security audits to employee communication policies, we will identify

any gaps in your risk profile and recommend actions to eliminate or mitigate those liabilities. As part of the assessment process, we will:

- Determine the risks your company faces;
- Assess sensitive information and how it is stored, accessed and disseminated;
- Identify existing or needed internal controls to ensure centralized messaging; and
- Evaluate how firm resources are being used to impact corporate reputation.

Policies/Procedures

We will craft or update your corporate policies and procedures on employee communications to ensure you are well insulated from potential litigation. Our attorneys will ensure that your policies are comprehensive and incorporate new technologies. In assessing your policies, we will consider:

- How your policies govern employee speech;
- Whether blogs and social networking sites are addressed;
- If employees are aware their communications on your resources are not private; and
- Whether the company has a formal approval process for employees to blog at work.

In the heat of a crisis, corporations need the agility to respond quickly and effectively to potentially damaging circumstances. With the assistance of our crisis management team, our clients can take proactive steps to insulate themselves before problems arise so they can then move swiftly to mitigate damage if a crisis erupts. Improvisational thinking in the heat of the moment rarely results in sound business decisions. The attorneys at Fox Rothschild will ensure that your company decides its crisis management strategy in advance and handles its crisis communications adeptly should a problem arise.

Crisis Management Plans

Our attorneys will work with your team to craft a crisis management plan that maps out potential responses to your most likely problematic scenarios. Drafting a crisis management and response plan *before* a problem occurs is a key step to ensuring measured and adept handling of any future crisis. We will work with your company's senior management to make informed decisions about how the company will handle a variety of possible scenarios from media relations strategies to internal communications. Once you have established a crisis management plan, we will collaborate with your employee relations staff to ensure it is communicated clearly and effectively to staff so they will know the appropriate procedures to follow should a crisis arise.

Crisis Communications

While we strongly encourage proactive planning to mitigate damage from unplanned crises, Fox Rothschild recognizes that sudden and serious situations arise, and our attorneys are available to provide advice on communications strategy. Our media-savvy attorneys help clients to:

- Minimize the risks for libel, defamation, slander and invasion of privacy claims by drafting and reviewing news releases and public statements;
- Coach and train in-house communications professionals;
- Ensure the broadest messaging permissible under various privilege standards;
- Craft effective public responses to potentially damaging allegations; and
- Respond to media inquiries with a clear, credible message while still insulating the company from liability.

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Fox Rothschild LLP is a full-service law firm built to serve business leaders. Over the past 100 years, we have grown to more than 500 lawyers in 16 offices coast to coast. Our clients come to us because we understand their issues, their priorities, and the way they think. We help clients manage risk and make better decisions by offering practical, innovative advice.

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