

LITIGATION PUBLIC RELATIONS – WINNING IN THE COURT OF PUBLIC OPINION



It's a well-known maxim that winning or losing in the court of public opinion can be just as important as what happens in the court of law.

While the legal profession has the role of determining and resolving the rights and wrongs of a matter, the rest of the world is forming opinions about the business, organisation and people involved.

Notwithstanding legal restrictions, how you present your case in the public domain and to your stakeholders directly influences both the equity in your brand and your organisation's social operating licence.

Indeed, in his excellent work endorsed by the American Bar Association, *"In the Court of Public Opinion"*, James F. Haggerty put the power of well deployed litigation public relations beyond that of brand equity and social licence to that of being able to influence the course of legal disputes – particularly in the context of pre-trial settlement.

Like the US, in Australia the vast majority of legal disputes are settled prior to trial, however many still find their way into the public gaze, for example ACCC investigations and voluntary orders, various State-based inquiries such as the CCC and ICAC, and hearings by authorities such as the State Administrative Tribunal. A great many generate considerable media interest and thus potential adverse impacts on brands and reputations – well before the matter is resolved.

The advent of the 24-hour news cycle via subscription television and digital media presents challenges to corporations wanting to present their side of the story in the public domain. Added to this is the social media phenomenon including the growth of 'citizen journalism' which heightens the threat and potential impact of failing to manage or mismanage communications.

Over the years, Riley Mathewson has assisted a number of clients in industries as diverse as the environment, heavy industry, business licensing, and property - before and during the litigation process.

The lessons learnt from this work include:

- 1) The importance of working hand in glove with lawyers.
- 2) Never allowing a media information vacuum to develop.
- 3) Regular packaging of the media material in plain, accurate English to ensure the fair and accurate portrayal of the issue and the client's position.
- 4) Never wasting an opportunity, such as running your own courthouse/doorstep media conference as well as being there to respond when the opposition makes its media moves.
- 5) Keeping stakeholders directly informed.

Giving expert voice to your position can be critical to the ongoing support of your customers and stakeholders. Certainly, the court of public opinion exists well before and after the court of law.

If our experience in this critical and growing area of communications is any guide, being ready, willing and able to confidently state your argument is just as crucial to the commercial outcome.

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