

YES Comment



LITIGANTS ENTERING A COURTROOM, WHERE their case will unfold before a judge or jury, are often accompanied by armies of lawyers wielding reams of briefs, boxes of exhibits, and sophisticated legal arguments. But outside the courtroom, these same litigants have traditionally been armed with nothing more than a terse “no comment.” (Research from Brunswick Insight, below, shows what stakeholders think of that response.)

Certainly the stakes are high in both arenas. But while thousands of hours go into preparing for the outcome of a court case, the impact of that case on reputation has historically been an afterthought – or a matter on which litigants and their lawyers simply put their heads in the sand.

Supporting a legal strategy with a communications plan targeting key stakeholders helps create a narrative that connects with them and frames the issues in a way that makes the legal arguments understandable, and perhaps even appealing.

Communications outside the courtroom can be tricky, particularly when a company is fighting on multiple fronts and anything said in one forum can have implications in another. But time and again, we’ve seen that litigants who prioritize the outside world – with its echo chamber of 24-hour news and digital, user-led discussions – better weather the litigation storm.

ELLEN MOSKOWITZ, a Partner, leads Brunswick’s US Litigation Practice. She is based in New York.

When a company says “no comment,”

59

PERCENT of Americans hear that company saying they don’t have a legal leg to stand on, and are just avoiding admitting guilt in public

BRUNSWICK INSIGHT on what people actually hear when you say **“NO COMMENT”**

This data was collected by **BRUNSWICK INSIGHT** in early March 2018 from a nationally representative survey of 715 US adults. Brunswick Insight provides critical-issues research for market-moving decisions, and combines data-driven counsel with an emphasis on research and analysis.

PERCENT

75

say “no comment” means a company is “more concerned with the bottom line than doing what’s right”

82

say “no comment” means a company knows that answering the question will “damage the company’s reputation”

77

say “no comment” makes them “trust a company less”

73

say “no comment” means a company is “deliberately trying to hide something”

59

say “no comment” means a company “lacks strong leadership”

ILLUSTRATION: FRANZISKA BARCZYK