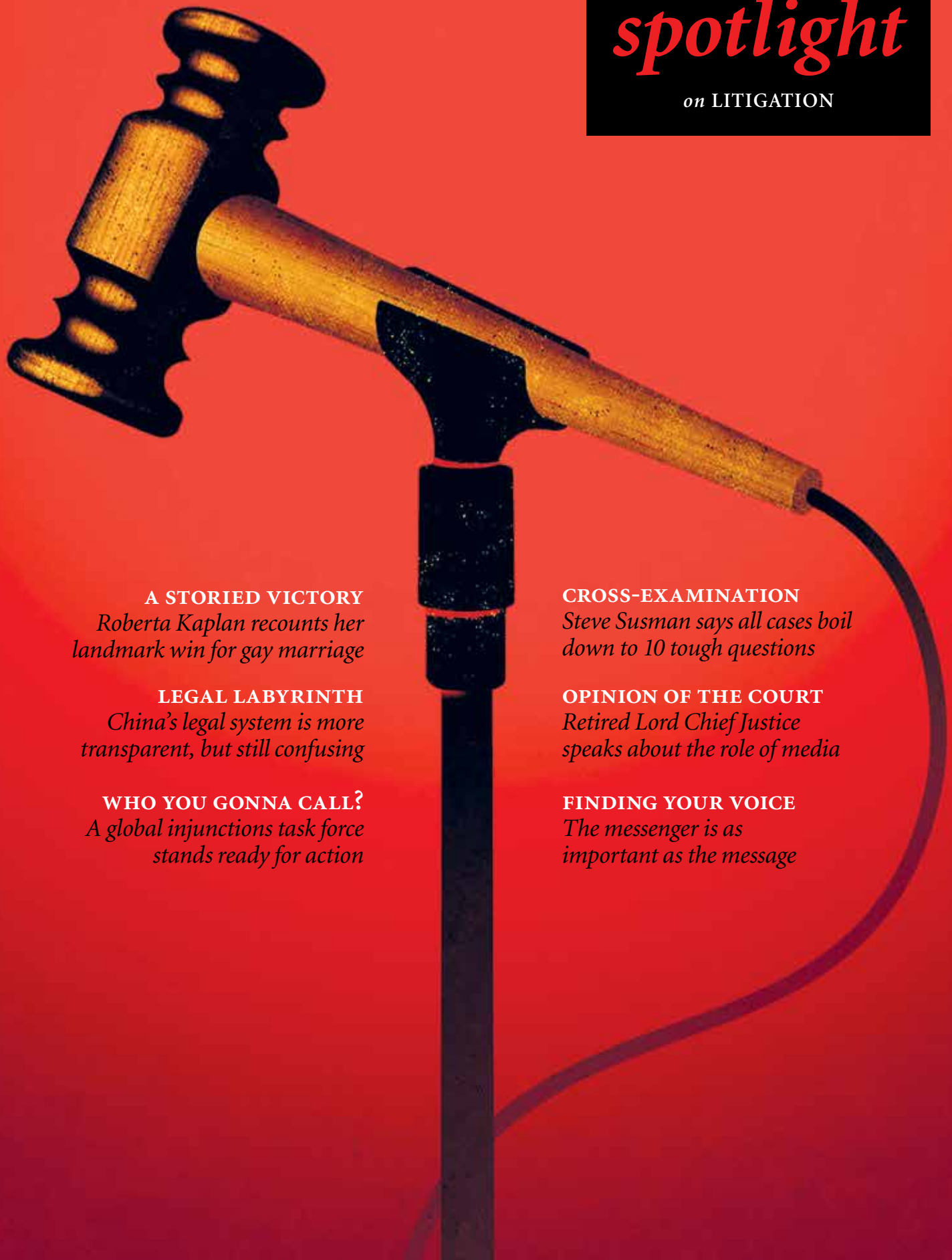
BRUNSWICK REVIEW

spotlight

on LITIGATION



A STORIED VICTORY
Roberta Kaplan recounts her landmark win for gay marriage

LEGAL LABYRINTH
China's legal system is more transparent, but still confusing

WHO YOU GONNA CALL?
A global injunctions task force stands ready for action

CROSS-EXAMINATION
Steve Susman says all cases boil down to 10 tough questions

OPINION OF THE COURT
Retired Lord Chief Justice speaks about the role of media

FINDING YOUR VOICE
The messenger is as important as the message

BRUNSWICK

Brunswick is an advisory firm specializing in critical issues and corporate relations

Spotlight on Litigation is the third in a series that complements the *Brunswick Review*, a journal of communications and corporate relations. Each *Spotlight* focuses on a topic that represents a challenge to corporate leadership around the world

To download and share *Brunswick Review* stories go to *www.brunswickgroup.com/review*

You can follow us on Twitter *@BrunswickReview*

Highlights from this and previous issues are also available on LinkedIn

EDITOR
Carlton Wilkinson

ART DIRECTOR
Frank Tagariello

DEPUTY EDITOR
Edward Stephens

PROJECT MANAGER
Mallory Merge

PRINT PRODUCTION
MerchantCantos

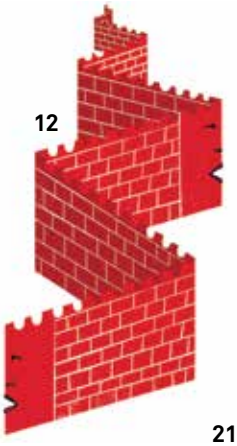
PRINTED BY
CPI Colour

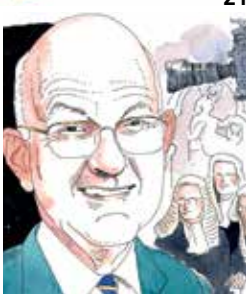
COVER ILLUSTRATION
Brian Stauffer

INSIDE BACK COVER ILLUSTRATION
Miguel Porlan

FEEDBACK
feedbackreview@brunswickgroup.com

Spotlight on Litigation is printed on Redeem EW 100% Recycled paper, made using post-consumer waste fibers and manufactured without the use of any secondary bleaching





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."

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.

For companies facing enterprise-threatening litigation, best practice today is to support legal strategies with communications plans targeting key stakeholders, including the media, investors, regulators, elected officials and employees. These efforts help create a narrative that connects with stakeholders' world views and frames the critical 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.

We learn a lot from the people in this issue and from our clients around the world, who every day are working to find the right balance between communications inside and outside the courtroom. We hope you enjoy this edition of *Spotlight* and, as always, welcome your feedback.

ELLEN MOSKOWITZ AND JONATHAN GLASS
lead Brunswick's global Litigation Communications practice

Making the case

Top lawyer STEVE SUSMAN talks to Brunswick's MIKE FRANCE about the media and his successful challenges to conventional wisdom

VERY FEW LAWYERS DESERVE TO BE called disrupters. Steve Susman is one. Today, he is among the litigators most feared by corporate defense lawyers, but he started off on their side, joining Fulbright & Jaworski after a clerkship with US Supreme Court Justice Hugo Black.

In 1980, Susman founded Susman Godfrey, a firm voted one of the top litigation boutiques by *American Lawyer*, the first time the magazine judged the field in 2005. Accolades have been piling up as the practice has grown to over 100 lawyers.

At the same time as he has been building an institution, Susman has been bucking the establishment. He pioneered creative billing arrangements, risk-sharing tactics and novel litigation strategies that have consistently defied the profession's conventional wisdom. In 2015, he made headlines with a $2 million donation to New York University Law School to study the demise of civil jury trials in the US through a variety of research and academic activities (see next page).

In a recent interview, Susman talked about the Civil Jury Project at NYU and his views on litigation communications.

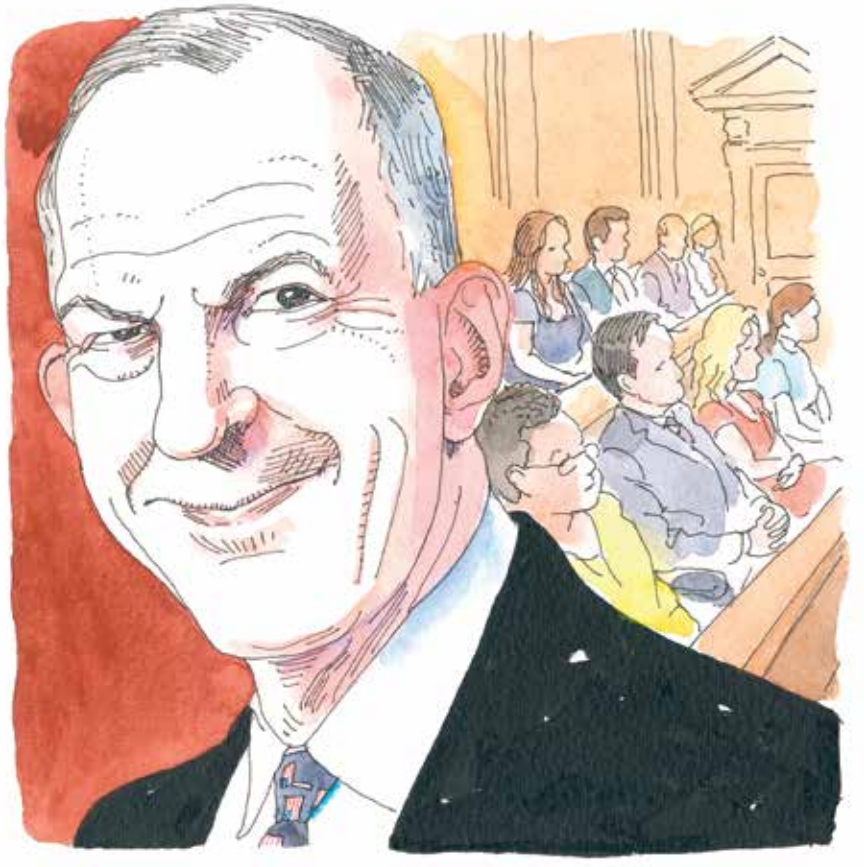


ILLUSTRATION: JOE CIARDIELLO

What is the central communications challenge in every lawsuit?

You have to ask yourself, "What are the 10 hardest questions in every case?" Whether you are a plaintiff or a defendant, every case basically boils down to no more than 10 hard questions. We believe in putting them in writing. When the clients tell us their answers, we critique them. We make them go back and do it again. We make them mad. It is a collaborative document, but we challenge them – and that's the point.

What are your views on the role of communications outside the courtroom?

It is a dangerous thing for a lawyer to do. You have to be very careful. Judges do not want you trying your cases in the press; they want you trying your cases in the courtroom. So I have to be extremely careful about talking to the media in a case. I frankly prefer that the client do it or that the client hire an outside firm to manage it.

> "Whether you are a plaintiff or a defendant, every case basically boils down to no more than 10 hard questions"

What is your opinion of plaintiffs' lawyers who seek high settlement values by exerting pressure in the media?

As a lawyer, I evaluate the case on the basis of merit. That's it. What is the judge going to say? What is the jury going to say?

I've had clients come and say, "You should take this case because the other side cannot afford to have any media attention. They will settle this case." That's the stupidest rationale I can think of. Taking a case on the belief that you can get quick settlement because the other side may be embarrassed is really ridiculous. You can't predict what the media reaction will be in any event, and you can't count on that.

How are creative fee structures important in your firm's work?

Lawyers who bill clients by the hour get paid for their work whether it produces a good result or not. So why would somebody tell a client that the case sucks? On the defense side, this is a very dangerous thing. Clients should hear the truth up front. "Well, you're never going to go to trial on this. It'll cost you a lot more. The risk is too high. You should pay now because you are going to have to pay the other side anyway." Lawyers don't say that enough. They don't communicate with the client because, if they're working by the hour, it's not in their self-interest to end their work.

Why did you start the New York University Civil Jury Project?

I was worried that the civil jury was disappearing and there was nothing getting done about it. The right to a civil jury really mattered to the Founding Fathers. It's in the Constitution, the Bill of Rights and the Declaration of Independence. It was one of the most important rights of all about 240 years ago; juries were the ultimate protection against a potentially tyrannical government.

It is surprising to read on the project's website that since 2005, less than 1 percent of federal civil cases have involved a jury.

The media has created a huge misperception. There are movies, books and articles about trials. We've seen a tremendous amount of publicity about the so-called "litigation explosion." Most people think, "There are too many trials." Yet last year the average federal judge tried only two civil jury cases and the same number on the criminal side.

Those figures are not talked about a lot, but I think they should be.

How can civil litigation be improved to preserve the role of the jury?

We have to try to create an environment where it's a pleasant experience for the jury so they can comprehend the case better. There are a lot of things that courts can do that will improve jury trials. Rules can be established that put short time limits on the trial. You could make lawyers put on their case in three days. You're talking about a day in court – not a week in court, or a month in court.

If you make trials shorter, you will attract better jurors. Too many people think that serving on a jury is a phenomenal waste of time.

Additionally, you could make sure that instructions that jurors receive are easier to understand and that jurors are allowed to ask more questions.

STEVE SUSMAN

Recognized as one of the most successful attorneys in the US, Steve Susman is a Founding Partner of Susman Godfrey. He has won some of the largest legal cases in US history, including the 1996 case *Samsung Electronics v. Texas Instruments*, and the 1980 antitrust class action involving Corrugated Container.

Susman Godfrey was founded in 1980 and is headquartered in Houston, Texas. It currently has over 100 lawyers in four offices in the US.

MIKE FRANCE is a former lawyer and Senior Editor at *BusinessWeek*, where he oversaw coverage of management issues and legal affairs. He is a Partner in Brunswick's New York office, specializing in litigation and crisis.

NYU CIVIL JURY PROJECT

The Seventh Amendment to the US Constitution, part of the Bill of Rights framed by the nation's Founding Fathers, is plain: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. ..." In theory, this guarantees citizens the right to a trial by jury in civil cases. However, the Supreme Court has stated that while the "substance" of the right is preserved, "mere matters of form or procedure" are not (*Baltimore & Carolina Line, Inc. v. Redman*, 1935). In practice, the number of federal civil cases heard by a jury has fallen below 1 percent.

The US is one of the few countries to guarantee a jury in civil cases. In the mid-18th century, juries allowed the American colonists a way to challenge hated British laws. In the years after independence, however, skepticism toward juries grew and their role in civil cases remains under debate.

50 PERCENT

The decline of juries in civil trials in the largest US counties from 1992 to 2005

Source: *Civil Justice Survey of State Courts, 2005*, Bureau of Justice Statistics

In 2015, Steve Susman donated $2 million to the New York University School of Law to launch a four-year Civil Jury Project to use empirical evidence to assess the causes and consequences of, and remedies for, the decline of jury trials.

Susman told *The Wall Street Journal* that, depending on the project results, "I'll either raise money or contribute my own for a center. Or if we conclude that it's too late or not worth it, I will have done the best I can."

Injunction army

Linklaters' TOM LIDSTROM talks tactics in storming the global injunctions supermarket

ILLUSTRATION: HANNA BARCZYK

When I tell people that I help lead a global injunctions task force, they sometimes see some glamor in it. It's not, of course, about lawyers rappelling into the courtroom in ski masks. But, for litigators, injunctions – court orders compelling or restraining conduct – are about executing tactical responses to a clear and present danger. They're usually obtained under tremendous pressure, so timing and targeting are everything. They can crack open a case and achieve in days what would otherwise take years. They can also be vital defensive measures for protecting the status quo as part of wider legal maneuvers.

My team seeks or resists injunctions around the world. We're deployed when time is short, often in complex cross-border conflicts, frequently to target assets at the heart of a dispute so that litigants can obtain control over them, even if it's temporary.

Seeking injunctions requires careful choices. The first is whether to approach a state court or an arbitration tribunal. Parties subject to arbitration agreements can use emergency arbitrators whose sole purpose is to grant injunctive relief. But they will lack jurisdiction where third parties are involved. They tend to move in days rather than hours. And they usually insist on giving notice for hearings, which may be unhelpful where assets in question are mobile or easily transferred (like cash) and the element of surprise is essential. So even in support of an existing arbitration, state courts may be the best option. But which courts and where?

Various courts exercise flexible jurisdictions for freezing assets around the world, providing a global supermarket for injunctive relief. Judges in London, New York and Hong Kong can order a person or company within their jurisdiction to freeze assets anywhere internationally. "Worldwide" freezing orders will frequently involve compulsory disclosure of assets and other helpful relief, like seizure or delivery of documents. So creativity in what you ask a court to order is key.

Dutch and American courts are known for granting quick and creative injunctive relief. Most common law jurisdictions allow injunctions to be promptly available and tailored to each case – especially where there's a whiff of fraud. Hong Kong judges will grant injunctions for arbitrations even if they're not seated in Hong Kong. Judges in some locations will even supplement injunctions by seizing passports to prevent travel and promote compliance. One English judge ordered shredded documents to be seized and reconstituted at the shredding party's expense. In cross-border disputes the savvy litigant may need multiple injunctions from different courts in different countries.

But injunctions can have very high stakes, redefining commercial relations and reputations for years to come. In most jurisdictions, injunction applications are heard in public – with allegations of unlawful or unethical behavior gaining widespread press coverage, especially if assets are frozen or transactions are blocked. Reputations can be destroyed overnight – as can relations between business partners or associates. Before pursuing any injunction, a party should weigh the potential impact on commercial goodwill, reputational profile and future business flows. Injunctions also incur monetary costs – legal fees are just part of the picture. Most courts insist on a bond, in the form of bank guarantees, to compensate an innocent defendant for the consequences of an unjustified injunction. Applicants must also be prepared to bare all and make full disclosure of sensitive commercial information. We have to look clients in the eye and ask them: are you willing and able to pay the price?

Tom Lidstrom spoke to **CHARLIE POTTER**, a Partner, and **HELEN SMITH**, a Director, in Brunswick's London office.

TOM LIDSTROM

A Disputes Resolution Partner at Linklaters, London, Tom Lidstrom is a senior member of the firm's Injunctions Task Force. From 2008 to 2012, he headed Linklaters' Asian arbitration practice in Hong Kong.

Founded in 1838 and headquartered in London, Linklaters is a leading global law firm.

Getting to the heart of the matter

Paul, Weiss attorney ROBERTA KAPLAN talks with Brunswick's ELLEN MOSKOWITZ about managing the message and the media in the legal fight for gay marriage

ROBERTA KAPLAN DESCRIBES HERSELF AS "a traditional commercial law litigator." But that ignores her pioneering work in constitutional law, particularly in the area of equal protection and due process rights.

Her civil rights work has helped reshape US society, having argued landmark equal rights cases for gay people since the mid-1990s, work that prompted former President Bill Clinton to call her "a true American hero."

A Partner with law firm Paul, Weiss, Rifkind, Wharton & Garrison, Kaplan currently serves as lead counsel for JPMorgan Chase on a multibillion-dollar liability case, and has recently won decisions for clients in the sharing economy, such as Airbnb and Hailo. But her most famous victory came in 2013, in the Supreme Court case *US v. Windsor* that centered on the tax-exempt status of an estate left to Edith Windsor by her longtime spouse, Thea Spyer. The decision found that restricting the legal privileges of marriage to heterosexual unions is unconstitutional.

Recently, Kaplan spoke to Brunswick about the strategies that won the day in the Supreme Court, and shared some of the lessons she took away from *Windsor* on the need for communications and storytelling to support legal arguments.

Why do you think the victory in *Windsor* happened when it did? Was it the case itself, or was it just the right time?

Both. In *Windsor*, we won because we brought the case, but also because at that time, there had been a fundamental shift in Americans' understanding of gay people – probably most importantly, on the part of the Supreme Court justices.

In civil rights litigation, there's an ongoing debate about the best strategy. Political organizing? Grassroots protest? Media work? Or do you bring court cases? If there's a lesson to be learned from *Windsor*, it's that the answer is "all of the above."

> "With Edie Windsor we were able to refract the entire case through the story of her life"

You've said that Edith Windsor was the perfect plaintiff in part because she had the perfect story. Why was storytelling so important?

The legal principles in *Windsor* are not complicated. The Constitution's Equal Protection Clause says all people should be treated with equal protection of the law – pretty simple. If you look at the progress of gay rights cases, what's changed is not the arguments, but how the judges understand them. The best way to change understanding is to tell stories, so the judges can see that the lives of gay people are no different from their own. The marriage Edie Windsor had with Thea Spyer for over four decades was no different than the marriages that many of the justices have had. We really wanted them to see that commonality.

ILLUSTRATION: JOE CIARDIELLO

You've also said it was important to tell one story, as opposed to a lot of stories. Why do you think that's true?
Up to that point, gay rights cases tried to present the full diversity of the community. So you'd have a male couple, a lesbian couple, an older couple, an African American couple. What advocates, myself included, did not realize, is when you have the story of many couples' lives, then the individual stories tend to get washed into the background.

With Edie Windsor we were able to refract the entire case through the story of her life. From Day One that was our strategy, and all the papers and reporting about the case highlighted that.

Knowing there would be intense public scrutiny, was the media always a part of the strategy?
Edie's story being front and center was the strategy from the outset, yes. If you look at our Supreme Court brief, the first nine pages are basically her and Thea's love story. Not a lot of Supreme Court briefs look like that. We wanted the press to grab that story and report it over and over and over again. We also insisted that any reporting not be about the lawyers. You will not find a story about me before the Supreme Court reached its decision.

Was there a risk of alienating the judges with a strategy that relied so heavily on the media?
That's one of the reasons we were so disciplined. We were careful to make the story about Edie – not the lawyers or our strategy. Even with Edie, she had to agree not to talk about issues that could be alienating, or distract from the essential story of love, companionship, family and the way in which she and Thea had shared their lives. Other parts of the story needed to wait until after we had a decision.

You wrote the 2015 petition *The People's Brief*, signed by more than 200,000 people. How do you reconcile such efforts outside the courtroom with an impartial judicial process?
Your case is built on legal strategies based on the merits and the facts. Any lawyer who deviates from that is making a huge mistake. On the other hand, judges are human beings and, like all human beings, they are affected by what goes on outside the courtroom, by life experiences, by what they see on TV, what happens in the news. For that reason, it was very important to be disciplined about the media and the story. And I think we succeeded. When you read Justice Kennedy's opinion, it's very clear that he was affected by the emotions, by the lives of Edie and Thea, their dignity and their common humanity.

> "Hiding your head in the sand and pretending the media is not there is not a wise strategy"

What lessons from a case such as *Windsor* can be applied to commercial cases?
The most important is that you have to pay attention to the external forces influencing your case. Hiding your head in the sand and pretending the media is not there is not a wise strategy. With social media, the impact of any story is amplified to the nth degree. You have to be keenly aware of what people are interested in. You need a strategy for how you want the media to talk about the case. Even if you're in defensive mode you want to tell your client's story in the best possible light.

Lawyers are focused on judges and negotiating clients through the courts, but especially in a high-profile case, I think you're making a mistake not to have someone on board focused on the media and helping you tell a story that gets beyond the legal issues, and creates a narrative arc in which the nitty-gritty nature of the law comes to life.

What do you think will be the next big constitutional issues?
That's a good question. Issues of income inequality are going to be enormous. The divide between the very rich and the very poor is so extreme, and that is going to get increased attention. This is something the courts have really not paid very much attention to in the last 50, 60, 70 years. It touches on a lot of different areas of society.

Are those stories going to be harder to tell than the story you told in *Windsor*?
Some of them are, not all of them. Ultimately, you have to persuade both the American public and the court that those people out there who can't pay their court fees, or who are having trouble voting, or whatever it is, are the same as you and me, and the same as the judges. It's that core, common humanity – that I think actually animates the Constitution – that is so important to get across, and the media is an important tool to get that done.

ROBERTA KAPLAN

A Partner in the New York office of law firm Paul, Weiss, Roberta Kaplan has been selected by *The National Law Journal* as one of "The 100 Most Influential Lawyers" in the US. In addition to successfully arguing in the US Supreme Court, Kaplan has represented clients that include Citibank, Columbia University and JPMorgan Chase. She is the author of the book *Then Comes Marriage: United States v. Windsor and the Defeat of DOMA*.

Paul, Weiss, Rifkind, Wharton & Garrison is a law firm that employs more than 900 lawyers around the globe. It was founded in 1875.

ELLEN MOSKOWITZ, a former practicing lawyer, is a Partner in Brunswick's New York office. As head of the firm's US Litigation practice, she has advised both public and private companies on critical, enterprise-threatening issues, including some of the largest civil, criminal and regulatory cases of the last 10 years.

BENCH MARKS

The ASSOCIATION OF CORPORATE COUNSEL examines global litigation's prevailing trends and the issues that keep chief legal officers awake at night

TWO SEPARATE REPORTS BY THE Association of Corporate Counsel, a professional organization of more than 40,000 lawyers in 85 countries, reveal that in-house counsel around the world are wrestling with similar challenges.

Increasingly, they are working on cross-border issues, struggling to stay abreast of a constantly changing regulatory landscape and the implications these changes have on risk management, intellectual property, and mergers and acquisitions. A majority of lawyers reported that complying with privacy and corruption laws, both inside and outside their jurisdictions, is especially challenging.

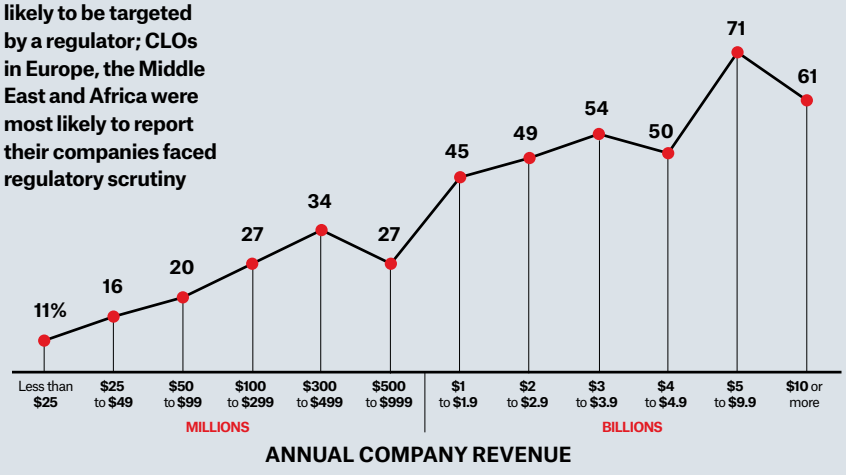
As is true for leaders in the boardroom and the C-suite, data protection and cybersecurity are high on the radar of senior legal counsel. A growing number of chief legal officers (CLOs) and general counsel expect to expand their roles to manage this risk. These senior lawyers also cited constraints relating to budget and headcount as obstacles weighing on their minds.

Asked to manage a growing volume of increasingly complex tasks, corporate lawyers are keeping pace the old-fashioned way: taking on more work themselves while also working long hours. Almost half (49 percent) of in-house counsel polled by ACC reported an increased workload over the past 12 months.

TARGETED BY REGULATORS

Companies with an annual revenue of $3 billion or more are likely to be targeted by a regulator; CLOs in Europe, the Middle East and Africa were most likely to report their companies faced regulatory scrutiny

Percentage of CLOs whose companies have been investigated by regulators in the past two years



THE CHALLENGE OF COMPLIANCE

Privacy was the most widely cited issue facing in-house counsel within their jurisdiction – it was the top concern for five out of the eight regions polled. Corruption also featured prominently. Forty-one percent of respondents from the Asia Pacific region felt complying with local corruption laws was a serious challenge, as compared with only 4 percent in the US and 8 percent in Canada

In the past year, in which of the following areas, if any, have you encountered greater challenges in complying with the laws WITHIN your jurisdiction?

	US	Canada	Europe	Middle East North Africa	Sub-Saharan Africa	Latin America	Asia Pacific -not Aus/NZ	Australia New Zealand
PRIVACY	29%	34	45	20	41	12	23	47
CORRUPTION	4%	8	13	18	21	28	41	9
CYBERSECURITY	22%	18	16	11	24	6	13	15
COMPETITION	5%	5	22	24	31	22	37	23

...OUTSIDE your jurisdiction?

PRIVACY	31%	19	37	20	28	17	30	24
CORRUPTION	11%	15	27	20	26	18	38	20

MULTINATIONAL

In-house counsel whose responsibilities involve cross-border work

Aviation/Aerospace

YES 75% NO 19%

Biotech/Life Science

YES 72% NO 23%

Finance & Banking

YES 51% NO 48%

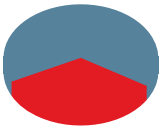
Pharma/ Medical Devices

YES 80% NO 19%

Telecommunications

YES 67% NO 30%

All other industries



YES 64% NO 33%

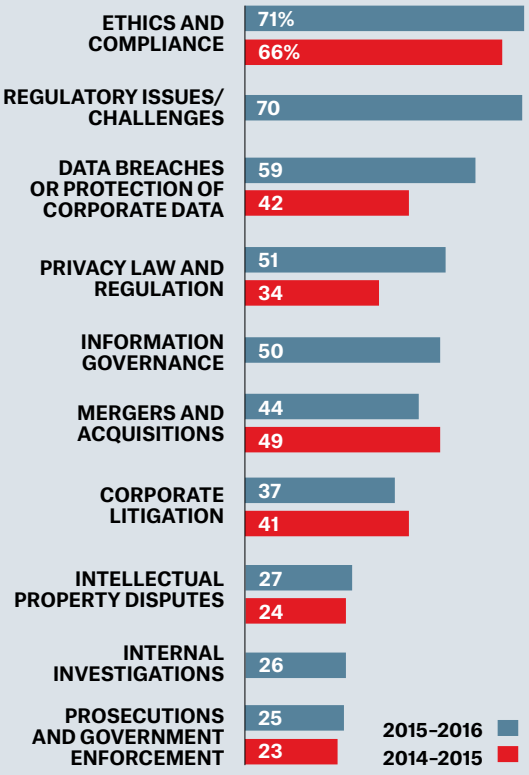
Not all figures total 100 percent as respondents were also given options "Prefer not to answer" and "Don't know"

Having cross-border responsibilities is becoming the norm for in-house counsel. Europe topped the list, with 86 percent of respondents reporting their roles involved multinational activity

THE STUFF OF NIGHTMARES

One of the fastest rising concerns among senior legal leaders is data security. The healthcare industry remained the most heavily affected, with 49 percent of healthcare CLOs reporting a breach within the last two years. CLOs were less concerned about M&A and corporate litigation than they were a year ago

Top issues keeping CLOs up at night (rated very or extremely important over the next 12 months)



In instances where there is no value for 2014–2015, questions either had not been asked in previous years, or the wording of the question had changed

RECORD M&A ACTIVITY

In-house counsel whose companies experienced M&A in the last year

OFFICE LOCATION	YES	NO
GERMANY	66%	24%
CHINA	62	32
BELGIUM	48	52
CANADA	42	56
UNITED ARAB EMIRATES	42	58
ISRAEL	40	60
SINGAPORE	40	35
SPAIN	39	58
UK	39	59
NETHERLANDS	38	54
AUSTRALIA	35	61
BRAZIL	35	62

The total value of global M&A deals in 2015 was the highest on record. Globally, 40 percent of in-house counsel worked at a company that experienced a merger or acquisition in the past year

Not all figures total 100 percent as respondents were also given options "Prefer not to answer" and "Don't know"

57 PERCENT of CLOs/general counsel expect their work in cybersecurity to increase, while only 7 PERCENT are very confident their companies' data is secure

ACC Association of Corporate Counsel

The largest global community of in-house counsel, the Association of Corporate Counsel works to promote the professional and business interests of in-house lawyers working across the private sector.

This research is drawn from two separate ACC reports: the *ACC Chief Legal Officer 2016 Survey*, which polled more than 1,300 Chief Legal Officers and General Counsel in 41 countries; and the *2015 ACC Global Census*, in which more than 5,000 in-house counsel from 73 countries participated.

Double vision

Despite real legal reforms, China's court system still appears a maze of contradictions, say Brunswick's TIM DANAHER and LE SHEN

The concept of a "rule of law" society was enshrined in China's constitution in the 1990s and has been reaffirmed repeatedly since then. Yet for many outside the Middle Kingdom – and even for many citizens – its legal system remains a puzzle of contradictions.

The progress of recent years is evident: precedent-setting cases that would previously have been denied a hearing are now going to court. Interference by outside parties and higher-ranking officials is diminishing; the government has even established a mechanism for reporting such abuses.

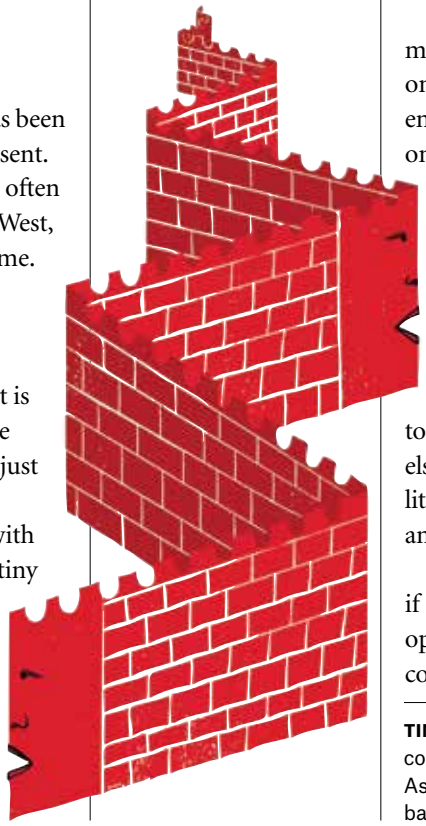
However, a company involved in a legal dispute in China is often faced with conflicting realities – whether between the central government's preferred best practices and local customs, or between the expectations of different bodies.

In developed centers, such as Beijing, Shanghai and Guangzhou, the litigation process is often more predictable and transparent. In other locations, processes can be less clear, with uncertain deadlines. In some cases involving foreign companies, one side in the dispute has been able to access the judge without the other present. In court, legal or technical arguments are not often given the attention they would receive in the West, creating loopholes that can change the outcome.

Viewing the rule of law, accessible to all, as a means to ensure stability, China's central government is no longer turning a blind eye toward such inconsistencies. The government is pushing ahead with legal reforms that include clear steps to actually curtail corruption, not just restrain its appearance.

Increasing transparency is one such step, with the higher courts more open to external scrutiny to demonstrate that justice is being served. When the Supreme People's Court of China agreed to accept a retrial brought by US basketball legend Michael Jordan against Chinese company Qiaodan Sports, for alleged naming rights infringement, it opened the case to the public and televised it on ts.chinacourt.org, an outlet dedicated to providing live public access to court hearings.

> "A company in China can control the effects on its reputation only by having a plan in place to tell its own story"



The Court heard the case on World Intellectual Property Day in April. The timing was not likely a coincidence, and reflected the Supreme Court's desire to show its commitment to IP protection and transparency. It also set a public example for lower-level, provincial and city courts to follow.

An increasing number of court proceedings are also visible on the country's growing social media outlets. National and even some provincial courts are publishing live transcripts of cases and rulings on Sina Weibo, the Chinese equivalent of Twitter.

While this trend toward transparency is positive, the Party remains the ultimate authority. In addition, a skeptic might point out that it has taken four years for the Jordan case to get as far as it has – and a verdict is yet to be delivered. Certainly, for international companies in China, litigation remains a minefield despite the ongoing reforms.

Civil disputes such as IP infringement and contract disagreements are still not usually a priority for Chinese courts, which prefer the parties to reach a negotiated settlement. As a result, foreign companies can face negative coverage fanned by Chinese opponents trying to win in the court of public opinion.

To do business in China, foreign companies must be prepared for these conflicting pressures: on the one hand, the newer culture that emphasizes transparency and the rule of law; and on the other, the still-active older culture that those reforms are designed to change. A base of relationships with relevant officials and media is critical. Once a dispute becomes public, a business entangled in litigation will find it hard to make friends or explain its case.

A company in China can control the effects on its reputation only by having a plan in place to tell its own story – as it would almost anywhere else. A foreign business must consider how its litigation, including a settlement, will be perceived and how that could be used by its opponent.

Ultimately, these preparations could decide if and how the company has to settle with its opponent, or whether it can appeal to a higher court and ultimately pursue the case to victory.

TIM DANAHER is a Partner in Brunswick advising on corporate and financial communications. **LE SHEN** is an Associate specializing in public affairs and crisis. Both are based in the firm's Beijing office.

ILLUSTRATION: HANNA BARCZYK

When Congress knocks on your door

Lawyer and former investigator MICHAEL BOPP talks to Brunswick's KEVIN BAILEY about navigating the charged Capitol Hill landscape

An air of theater surrounds US congressional committee hearings: from the Members' prepared lines and choreographed questioning to the dramatic soundbites and tense moments. But once the cameras are off and the performances ended, the legal and reputational damage for businesses and individuals involved may have only just begun.

Michael Bopp, a Partner in law firm Gibson, Dunn & Crutcher, knows the stage well. He has led major investigations in both the US Senate and House of Representatives and now helps clients navigate this complex legislative landscape.

In a recent conversation with Brunswick, Bopp stresses the importance of rigorously preparing a communications strategy from the outset, calling it "an investment that will pay huge dividends as a serious investigation unfolds."

This preparation needs to extend far beyond simply figuring out what to say or do: parties under investigation should "spend as much time planning *how* to deliver their messages as they do on developing the messages themselves," Bopp says. "Companies that don't plan ahead can leave that first part on the cutting-room floor because they run out of time."

What might people find surprising about congressional inquiries?

That they aren't all created equal. Receiving a letter from an individual member of Congress or a Senator is very different than receiving a letter from the Chair or Ranking Member of an investigative committee.

Different in what sense?

Committees hold all the investigative authority. They can compel you to testify or produce documents. Individual members hold none of that, even though you see letters with an air of authority behind them, saying things such as, "I expect you to comply..."

ILLUSTRATION: JOE CIARDIELLO

> "You're not always going to be given a chance in the hearing to tell your side of the story"

What's the first thing companies should do when they receive a letter from Congress?

It sounds obvious, but they should look at the letterhead. Understand who the letter is from and whether they have the authority to issue a subpoena or force a hearing. The calculus of who should respond (or whether to respond at all) is very different when your compliance is voluntary, as opposed to when it's mandatory.

What should happen next if a Committee investigation is involved?

Make sure you have the right team of advisers in place. Investigate internally and establish your potential exposure while you have the time to do so. Otherwise, the day before a subpoena response

is due you have someone tell you, "Oh my gosh. Look at these emails we didn't know we had."

What mistakes do companies that find themselves in this position commonly make?
One is not taking a letter or an inquiry seriously enough. They fail to appreciate who it's from or they underestimate just how much is at stake.

Another is not developing or articulating an affirmative narrative. It's easy to get caught up in the day-to-day of trying to respond to all of the Committee's requests and demands. Then you find yourself faced with a surprise report, issued by the Committee to select media outlets the day before the hearing as a sort of "curtain raiser."

If you haven't already talked to those same reporters and positioned the story from your client's point of view, you're scrambling and on the defensive.

What's the best way to avoid that?
Having your team of legal and communications advisers work together closely. When they're in sync, it helps a company find the right things to say and the best way to say them.

You're not always going to be given a chance in the hearing to tell your side of the story. Regardless of how cooperative you are or how patiently you explain your position, the Members still might not hear – or might not *want* to hear – what you're saying. That makes having the right alternative channels for messaging all the more important.

Doesn't speaking up carry its own set of risks?
It can definitely incentivize the Committee to go after you and create a little bit more of a circus atmosphere. And obviously the media tend to focus on contested, vitriolic hearings.

Of course, the ideal outcome is figuring out how to get your message out in a way that's not going to antagonize them. But I have had clients achieve better results by pushing back a bit, speaking out.

Committee investigations have been perceived as little more than political theater. Is that fair?
There's no question that there's a political overlay to many investigations and hearings. But most are more bipartisan than people realize, and they often break important ground. It's the ones where the subject matter or the people involved are polarizing that take on more theatrical aspects.

> "If your message is in an article and it's cogent, it could be enough to make a reader stop and say, "Hey, there are two sides to this story"

Are there Committees or Members who are particularly adept investigators?
The Senate Special Committee on Aging has done probing investigations in recent years, largely because the Chair and Ranking Member collaborate. The Permanent Subcommittee on Investigations in the Senate and the Committee on Oversight and Government Reform in the House both have broad power and storied histories. You would not want either of them investigating you.

Senator Elizabeth Warren from Massachusetts is unique in that she employs her own investigative team, separate from any Committee.

What does success look like when you're being investigated?
Aside from making sure the investigation runs its course as fairly as possible, it's very circumstance-dependent. Success might be avoiding testimony or not appearing in the Committee's report. Occasionally, that's doable. If, for instance, the Committee casts a wide net and investigates 20 or 30 companies, you know each one won't testify.

But in an investigation where the Committee focuses on, say, three companies, success might be remaining as uninteresting as possible.

While it can be hard to avoid criticism entirely, the right strategy can simply be taking steps to avoid being singled out in a report or at a hearing. The Committee looks at you and says, "Yeah, all right, they're just like the rest of 'em."

What about in situations you know are going to be hostile?
If you know an investigation is almost certainly going to produce a scathing report, success can be simply tempering that. At a hearing, you can look to make your points through your answers, or find ways for the report to take a more balanced view.

But you also can inject balance through your opening statement and your media relations efforts. Even though you know it's not going to be a headline, if your message is in an article and it's cogent, it could be enough to make a reader stop and say, "Hey, there are two sides to this story."

MICHAEL BOPP

A Partner in the Washington, DC office of law firm Gibson, Dunn & Crutcher, Michael Bopp chairs both the firm's Congressional Investigations Subgroup and its Public Policy Practice Group. Previously, he spent 12 years running investigations in Congress.

The law firm of Gibson, Dunn & Crutcher employs more than 1,200 lawyers in 19 offices throughout the US, Europe, the Middle East, Asia and South America.

KEVIN BAILEY, a Partner in Brunswick's Washington, DC office, focuses on litigation and crisis communications. Prior to joining Brunswick, he served as BP's head Washington lawyer.

Riding shotgun

Travelers on India's long litigation trail need a well-armed communications escort, say Brunswick's PRAGNI KAPADIA and AZHAR KHAN

Law courts are famous for eliciting raw emotions – but rarely from the top judge. Recently, however, India's Chief Justice was in tears as he begged the country's prime minister, on national television, to add more judges to a judiciary so burdened that cases routinely take a decade or more to settle.

The problems of India's judicial process remain a barrier to the nation's meaningful progression to become an economic power. Even powerful businesses get lost in its bewildering maze of delays and arcane practices. As cases drag on, they suck up company resources and precious management time that should be spent elsewhere.

In this legal headwind, the threat of litigation is a real scare for business, inflating risks and diminishing opportunity. The casualty is global capital's appetite for India.

As a counter-measure, frustrated litigants in India are developing their own brand of litigation communications, stepping up to defend their reputations more aggressively outside of court.

> "This was exactly the sort of coverage we needed to get the attention of key stakeholders"
>
> **RITESH BAWRI, Former Managing Director, Calcom Cement India**

In some ways this resembles standard public affairs work: combatants team up with influencers from government, business, trade advocacy, regulatory media, labor groups and citizenry, with the aim of putting their argument before the court of public opinion. The primary goal is to ensure the facts of litigants' cases are correctly represented and their reputations remain untarnished. In some instances, however, there is clearly a secondary goal: to attract the interest of authorities burdened by the same inefficient system.

"In today's India, regulators are often cognizant of what lies in the public domain," says Zia Mody, Founder and Managing Partner of AZB & Partners, one of India's top corporate law firms. "It is critical that the correct side of the story is told, so that the minds of the public and the regulators – who are only human – are not skewed."

ILLUSTRATION: JEAN-FRANÇOIS MARTIN

Companies and legal teams in the West have for years implemented communications plans that sit alongside, even within, legal strategy. While this has been slower to come to India, investors, lawyers and corporations active in the country are adopting the same practice, and even going a step further.

Any such litigation communications strategy requires a campaign mentality. In India, legal counsel are recognizing the benefits of working hand-in-hand with communications specialists – typically former lawyers – to plot scenarios, plan major moments and transform complex legal jargon into crisp, effective soundbites tailored for specific audiences. That requires a deep understanding of the local media and the regulatory and political climate.

Some British companies have recently mounted complex, discreet and enduring campaigns in ongoing disputes with Indian authorities over billion-dollar tax claims. Telecommunications company Vodafone is fighting a $2 billion tax bill related to its 2007 purchase of mobile operator Hutchison Essar.

Vodafone used communications to counter negative impressions of the company brought on by the proceedings. This has involved consistently pledging its long-term commitment to India, most recently declaring its intention to press ahead with a public listing of its Indian business, while informing stakeholders of its intention to remain steadfast in its defense against Indian tax claims.

In such cases, the steps companies take to present their case directly to those who matter, frequently behind the scenes, is critical and often supported by bilateral trade diplomacy at the highest levels of government.

In another case, Ritesh Bawri, former Managing Director of the family-founded manufacturer Calcom Cement India, saw his company's partnership with one of the country's largest listed cement companies turn sour soon after the parties signed a 2012 agreement.

Although Bawri won multiple court decisions, a string of appeals and counterclaims by his opponent successfully delayed a final legal resolution, and obscured the central arguments in the case. With no satisfaction in sight, Bawri decided to publicize his story, believing that private equity investors, banks, shareholders and even regulators were truly in the dark about the underlying facts.

> **"A more aggressive approach to media engagement is increasingly a tool businesses reach for as they wade through India's swamped court system"**

After assembling his legal and corporate counsel, Bawri engaged litigation communications specialists to mount a media campaign. The goal was to make the matter part of the public record and target readers among India's regulatory and markets authorities. It was a huge gamble in a country where the strength of relationships between business owners and media barons is often enough to keep uncomfortable stories off the pages.

Bawri encountered such resistance firsthand, but business journals eventually found his story compelling enough on its own merits to publish it. The articles made an impact and triggered inquiries by a national stock exchange and a regulator. "This was exactly the sort of coverage we needed to get the attention of key stakeholders," says Bawri.

Lawyers and litigants in India typically view media cooperation with suspicion and have traditionally shied away from publicity, particularly given the emergence in recent years of an opinionated and noisy Indian media. According to barrister Janak Dwarkadas, a Senior Counsel at the High Court of Bombay, taking a case into the public eye is most often viewed as counter-productive. "It's a trial by media on issues that are yet to be adjudicated – and that hinders the judicial process," he says.

But as Bawri's case shows, a more aggressive approach to media engagement is increasingly a tool businesses reach for as they wade through India's swamped court system. Frustration among those facing protracted and unpredictable legal action is creating new rules of engagement. If they sense the system has failed them, some businesses will turn to the media to help ensure that the facts are made public.

At the very least, any corporation doing business in India needs to be aware of these growing pressures. Regardless of whether their opponents are business partners or lawmakers, preparing for the possibility of public disputes will be increasingly essential for companies operating in India.

PRAGNI KAPADIA is a former lawyer with a decade of advising companies in India. She is an Associate in Brunswick's Mumbai office specializing in cross-border issues. **AZHAR KHAN** is a Director in Mumbai advising companies on critical issues involving litigation, restructuring and M&A.

ILLUSTRATION: JEAN-FRANÇOIS MARTIN

Pass the mic

The usual voice may not strike the right tone in unusual times, says Brunswick's SHAHED LARSON

Your spokesperson is your lead singer, the person you trust to put a face on the company, and to convey a complicated message to the public in a way that's crisp and compelling.

But there are moments when the company's standard spokesperson has to pass the mic. When faced with an enterprise-threatening litigation or regulatory investigation, the identity of your lead singer becomes critical.

In those cases, the CEO may be the default choice, showing stakeholders that the company recognizes the gravity of the situation and is working to maintain the public's trust. However, activating the voice of the CEO also involves risk and the careful weighing of several key considerations.

TIMING Even during a legal crisis, the CEO voice should only be deployed for the most significant inflection points, such as the filing of a complaint or the launch of a government investigation. For lesser challenges, having the CEO speak publicly could inadvertently inflate the magnitude of a problem.

ROLE Is the CEO implicated in the matter? If so "the CEO is no different from any other witness," says Morris Fodeman, a Wilson Sonsini Partner and former Assistant US Attorney. "There is the chance she could be called to testify – any public statements could potentially be held against her or the company."

BRAND When a CEO is closely identified with the brand – as Steve Jobs was for Apple or Elon Musk is for Tesla – it is more important for him or her to be seen acknowledging the issue to show it has the attention of the company's leadership.

TENURE An extended tenure gives a CEO more authority on any issue facing the company. A new CEO, with a less detailed understanding, could undermine confidence.

In cases where neither your day-to-day spokesperson nor your CEO is the right choice, a general counsel, COO, CFO, board chairman or outside adviser are possibilities.

Once a case reaches trial, the lead singer decision becomes even more delicate. While attorneys have the background to answer relevant questions, not all are adept or at ease at commenting outside the courtroom. In-house communications professionals can engage comfortably with the media, but are not always qualified to answer legal inquiries.

One solution is the appointment of a designated coordinator who can balance legal and communications priorities and ensure that the right voice is deployed depending on the specific technical, business or legal need during trial.

"In times of legal crisis, internal groups usually somewhat siloed from each other – investor relations, government affairs, HR, comms, legal – must work together so that everyone is singing from the same song sheet," says Lauren Casazza, a litigation Partner at Kirkland & Ellis who counsels corporations in crisis management and legal communications. "A dedicated liaison is critical in helping set up the right structures to make sure these teams play well in the sandbox and to bridge any gaps, so that the communications strategy is supporting and enhancing the legal strategy."

Finally, do not let the perfect be the enemy of the good. As important as the lead singer role is in a crisis, companies too often spend so much time making the decision and crafting the perfect message that they miss the critical first window to communicate and are subsequently absent from the initial wave of media coverage.

> **"When the stakes are high, the messenger can be just as important as the message itself"**

Similarly, waiting to be formally served or to engage counsel before making a statement can create a dangerous void that media savvy adversaries will fill. Companies simply cannot afford to suffer the reputational harm caused by months or years of unchecked narratives while waiting for legal proceedings to unfold.

Key stakeholders – including the media, investors and regulators – expect companies to communicate during all stages of legal proceedings. When the stakes are high, the messenger can be just as important as the message itself.

SHAHED LARSON is a Partner with Brunswick. Additional reporting by **JASON JUCEAM**, an Associate. Both are former practicing lawyers and are in the firm's New York office.

ILLUSTRATION: HANNA BARCZYK

Let's go (forum) shopping

Latham & Watkins' SIMON BUSHELL says managing public scrutiny is a crucial concern when choosing the arena for international legal battles

In recent years, London has been the venue for numerous high-profile Russian disputes fought out in the full glare of the public eye. But for the attention those cases have received in the Western media – with the public's preoccupation with Russia's big business and geopolitics – they might never have been brought. Certainly, it is impossible to imagine them ever having been brought in what you might consider the natural forum, Russia itself. Such cases highlight the importance of choice of forum when looking to engage the media.

Savvy and streetwise advisers understand how different jurisdictions and tribunals have different ground rules governing transparency and publicity around legal proceedings. So choosing a forum with a restrictive approach to media engagement can have a big impact on the tools available to them.

Often the choice of forum is determined upon signing a commercial agreement, long before any actual or particular dispute arises. Occasionally however, the choice can be made when a dispute crystallizes. If all other considerations – for example location of assets, judicial independence and relevant applicable laws – are evenly balanced, then a venue with a more media-friendly legal process could be decisive.

Generally speaking, if a dispute is heard in the ordinary courts of a particular country, the proceedings will be open to the public. On the other hand, if the dispute is being heard by way of a private arbitration process, the parties will most likely be constrained by contractual duties of confidence and the proceedings will be private.

There are nuances to these general propositions. There may be additional laws that restrict what information relating to ongoing proceedings can be published or broadcast by the media.

In the US, for example, although jury trials are commonly used in commercial disputes, the constitutional right to freedom of speech under the First Amendment is so enshrined that the press has a relatively free hand. But judges are responsible for directing jurors to refrain from paying any attention to the media; a potential juror could be disqualified if they have gained any awareness of the dispute from media coverage.

The position in the UK is different because all commercial cases are tried before a judge and, as in the US, judges are not considered to be influenced by the media (see "Order in the court," page 21). However, UK courts regulate how case documents can be used other than for the litigation itself. Briefing the media under these sorts of restrictions is a potential minefield.

SOMETIMES, MEDIA EXPOSURE IS positively in the interests of one party – usually the claimant. For them, major financial centers such as London or New York will provide an easier route to develop media interest.

Offshore jurisdictions such as the Cayman Islands, British Virgin Islands or the Isle of Man tend to be less straightforward. Media access to materials and insiders may be hard to obtain and a claim may be viewed as less interesting because the forum is obscure and far away. This, of course, could be ideal for a litigant who wants to keep off the front pages. Then again, the media's increasing suspicion of tax haven jurisdictions regarded as "sunny places for shady people" – particularly after the "Panama Papers" scandal – may actually encourage media interest. One way to elevate interest in proceedings in a far-flung location is to generate an appeal on

SIMON BUSHELL

Head of Latham & Watkins' London litigation team, Simon Bushell specializes in international disputes in the corporate, financial, commodities, private equity and banking sectors. Previously, he helped lead the London-based corporate fraud practice for Herbert Smith Freehills.

Latham & Watkins is a global law partnership with over 2,200 lawyers, specializing in complex business transactions.

ILLUSTRATIONS: JEAN-FRANÇOIS MARTIN

an interim basis. For example, many Caribbean jurisdictions have final appeals that are heard in London by the Privy Council.

In arbitration, proceedings are confidential and therefore much less likely to be the focus of media attention. But that is not always the case. While most arbitration institutions have rules that build in privacy and confidentiality, some are more rigorous (and therefore more restrictive) than others. Media pressure can be achieved by launching satellite proceedings in a court against a party who has not signed the arbitration agreement. Later appeals or enforcement of arbitration awards in ordinary courts may bring previously confidential material into the public domain.

INVESTMENT TREATY ARBITRATIONS have become an increasingly popular mode of dispute resolution if an investor feels that their interests have been unlawfully interfered with or prejudiced by a host state. These disputes are generally of considerable interest to the media, but parties are discouraged from briefing the media. There is, however, a view that such investment treaty cases should be made more transparent. It is worth noting that the largest award in legal history (to the best of my knowledge) arose out of an Energy Charter arbitration in The Hague involving Yukos – the $50 billion award was subsequently set aside by the public courts in The Hague, but until that point the case had been largely confidential.

> **"If all other considerations ... are evenly balanced, then a venue with a more media-friendly legal process could be decisive"**

In an effort to mirror the attractiveness of perceived confidentiality, some public courts have sought to adopt a "behind closed doors" approach. For example, in proceedings before the Singapore International Commercial Court – increasingly a hub for Southeast Asian (and more recently, Russian) disputes – parties can collectively agree to have the case heard entirely in private (see "London on the Singapore Strait?" below). But even this approach, and the more robust arbitration rules, are unlikely to be watertight.

While no jurisdiction can guarantee a perfect situation, the variables within a company's communications calculus will be materially affected by where the case is heard.

Simon Bushell spoke to **JONATHAN GLASS**, a Partner in Brunswick's London office.

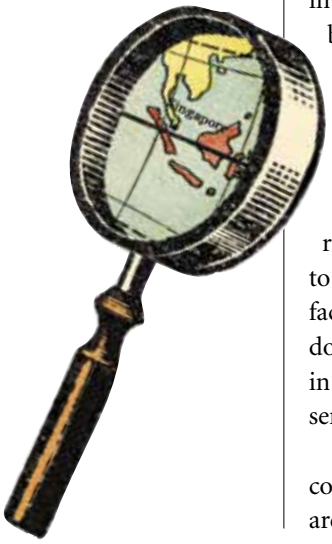
London on the Singapore Strait?

Leading lawyer LUCIEN WONG says Singapore's rise as a dispute resolution hub is no accident

IT IS WIDELY ACCEPTED TODAY THAT Singapore is a hub for international business disputes. The city-state's reputation as an international dispute resolution center has grown steadily, particularly in the last 20 years.

Today most businesses know that when they choose Singapore, they will get a fair trial, or a quick, even-handed private arbitration.

We didn't get here by accident. It was an achievement born of a deliberate, critical strategy involving the reform of laws and regulations, the development of infrastructure, the cultivation of legal talent and a dedicated effort to inform the world's businesses.



Singapore is one of the world's leading ports. It sits at an important juncture for trade and shipping to China, East Asia and the West. Geography worked to our advantage; Singapore developed as London did, offering all the services around shipping, international trade and finance.

Today in Singapore you find everything that London has to offer – for example, companies involved in shipping, trading and insurance, banks, brokers and agents, and international law firms.

We built that up piece by piece. Singapore grew to become a regional trade and finance center. As more foreign investments came to the region, Singapore also became a regional business center. But previously if there was a regional business dispute, the parties would go to London, engage high-cost lawyers and pay for facilities there. So we asked, why do they need to do that? If it's an Asian dispute it can be resolved in Asia. We set about making that high quality of services available in Singapore.

Regionally, our advantages are that we are common-law based; we are English speaking; we are independent politically; and our rule of law

– including an independent judiciary – is held in high regard.

Singapore is adaptable, nimble, flexible and accustomed to actively designing its future. We recognized our natural strengths, set up a deliberate plan and implemented important changes. First we adopted a worldwide standard for law practice to serve as our template for international litigation and arbitration. Then we made it easier and more attractive for legal talent to come here. And we established or developed courts and institutions to handle the work.

At every step, we looked at our goal and asked, what are the missing pieces? What do we still need to do to become the dispute resolution hub for the region? And we worked to plug those gaps.

ONE IMPORTANT MOVE was the establishment of the Singapore International Arbitration Centre (SIAC), which recently celebrated its 25th anniversary. It has grown tremendously, particularly in the last five or six years. In the first year we had fewer than 10 cases. By 2005 we were doing 74 new cases a year and that number has climbed since then. In 2015 it was 271, a 22 percent jump over the previous year, with parties coming from 55 jurisdictions.

By early 2015, both the Singapore International Commercial Court (SICC) and Singapore International Mediation Centre (SIMC) had been set up. SIMC already has had more cases than SIAC had in its first year. The aim for SICC is to create international panels with foreign judges to hear cross-border disputes – not just in accordance with Singapore law, but also English law, French law, Swiss law, whatever is applicable.

LUCIEN WONG

The Chairman and Senior Partner of Allen & Gledhill, Lucien Wong is also Chairman of the Maritime and Port Authority of Singapore and the Chairman of the Board of Directors of the Singapore International Arbitration Centre.

Allen & Gledhill was founded in Singapore in 1902 and is one of the nation's largest law firms.

To promote those institutions, we participate in conferences, and organize seminars and roadshows at both regional and international levels. For SICC, for instance, we presented at The Balestier Series for AmCham in Singapore; the International Business Association's Annual Litigation Forum in San Francisco; and the St. Petersburg International Legal Forum in Russia. We've sent representatives to India, Moscow, Tokyo and Seoul, arranging client roundtables and direct meetings with major law firms. The SICC also hosts foreign delegations in governmental, judicial and academic communities. TV, print news and websites naturally play an important part.

The next area is corporate restructuring. The first committee meetings are being held to discuss what needs to be done. What laws need to be changed? What kind of infrastructure and judicial expertise do we need? If we have the appropriate reforms and effort from all stakeholders, we are confident there will be considerable growth. Perhaps we can see the same level of growth as with the SIAC.

For the future, we're considering third-party arbitration funding, where an investor might fund a case on behalf of a client and expect to take some of the award. This is a controversial practice, but other dispute centers have rules that permit it. Singapore is considering a review of some of its laws to allow certain types of dispute funding.

That's the future we want: whatever any other city can offer that is relevant and material, Singapore can offer.

Lucien Wong spoke to **WILL CARNWATH**, a Partner in Brunswick's Singapore office.

COMMERCIAL LITIGATION: THE WORLD TOUR

In any conversation about international dispute resolution, certain locations are always mentioned as preferred venues. **LONDON** has long been considered the world's leading commercial litigation hub. Its court rulings are widely enforceable and its judiciary is seen as strictly impartial. **PARIS** is popular for similar reasons and its French-speaking courts and close relations with countries around the Mediterranean add appeal for some businesses. In Northern Europe, **GENEVA** and **STOCKHOLM** are favorite venues. In Asia, **HONG KONG** serves as a thriving gateway for China and operates under common law. Reforms in 2011 have improved its arbitration practices. Meanwhile, **SINGAPORE** has emerged as a leader not just regionally, but globally. In 2015, Singapore's International Arbitration Centre reported it had 271 new cases; that same year, the London Court of International Arbitration opened 326. In the US, **NEW YORK** is recognized as the nation's leading dispute resolution seat, but cities such as **MIAMI** and **HOUSTON** have taken steps to build their own credentials. All this activity points to the fact that, increasingly, companies have no shortage of options as to where they settle their cases – and cities are vying for this valuable business.

Order in the court

England's former LORD CHIEF JUSTICE talks to Brunswick's CHARLIE POTTER and CAROLINE DANIEL about justice in the age of digital communications

IGOR JUDGE, THE FORMER HEAD OF THE judiciary in England and Wales, is a passionate student of history. An avid collector of medieval seals and documents, he recalls how he intended to study law at Cambridge University until his director of studies made him think again: "He told me, 'Read history,'" Lord Judge says. "'It'll give you a hobby for life.' It was among the most valuable pieces of advice ever given to me."

Historical perspective has proved invaluable to a man who would later become Lord Chief Justice, a post with roots dating back to the 13th century. Lord Judge served as Lord Chief Justice from 2008 to 2013. At his retirement ceremony, he was lauded for having led the judiciary "during a period of unprecedented difficulties and challenges."

During his tenure, Lord Judge administered a court system that was dramatically expanding as a global hub for litigation – by 2013, the UK market for international commercial dispute resolution had grown to £23 billion ($36 billion), according to the *Financial Times*. Under rising pressure for greater transparency and public scrutiny of the legal process, the courts were also opening up to the use of social media and the introduction of video cameras. Lord Judge himself needed to become more accessible to the media as well as serve as an effective advocate for judicial independence to successive governments.

In a conversation recently over breakfast in his apartment, beneath an example of Queen Elizabeth I's Great Seal from the late 16th century, Lord Judge discussed the changes that the rise of technology has created for law and life in general.

In general, how do you rate the standard of media coverage of court proceedings?

The media doesn't attend court very often now. That's a serious problem that I think is a public disadvantage. It's a very good thing for the judicial system that the press keeps an eye on what judges are doing. In high-profile media cases, the place is packed for the morning. By lunchtime, the number of people has diminished significantly. By the second day, there's hardly anybody there. People go in to get the first story and that's what's printed. By the third day, there's no reporting of it. You might not even know the other side has actually got a point. The defendant may be triumphantly acquitted and his story is never told. But we really cannot have judges telling the press what they should report. How they set about their business is for them.

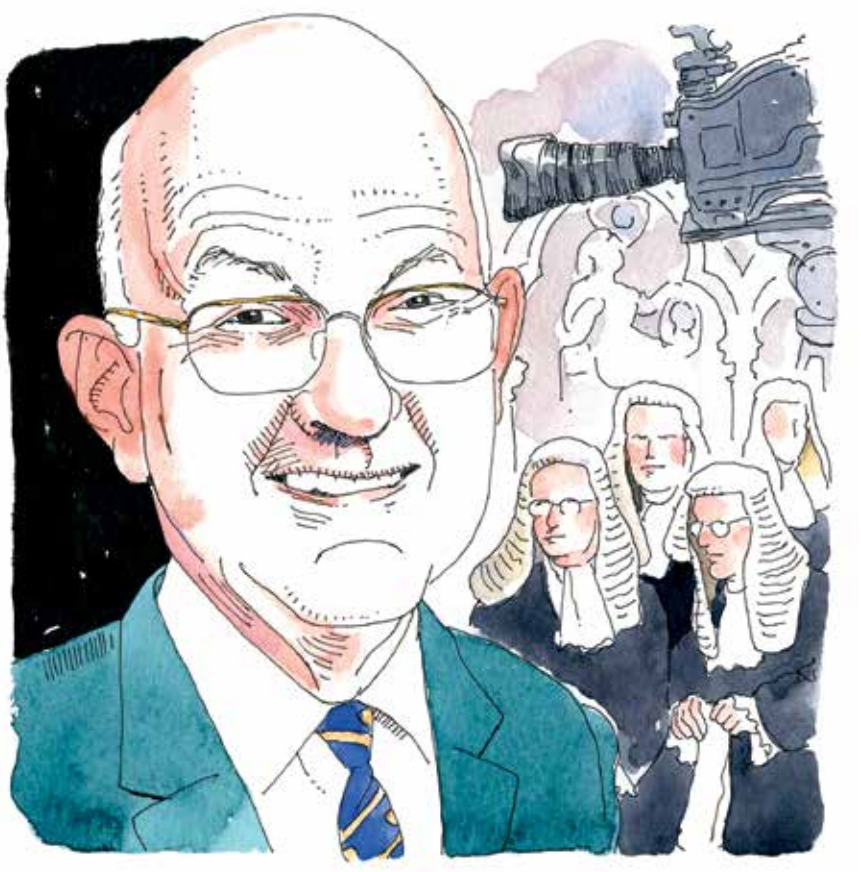


ILLUSTRATION: JOE CIARDIELLO

> "The media doesn't attend court very often now. That's a serious problem"

Is the increasing use of television cameras in court a positive development?

Judges very quickly get used to cameras and being recorded. But I am against them in criminal trials. Witnesses may play to the gallery and start to behave differently. And some who have very good evidence to give will be too frightened to give it. Civil cases, on the other hand, will rarely be filmed. I mean, who is really interested? It's crime people want to watch – for example, murder

and high-profile defendants. A civil case is a very slow-moving process. But to say people won't be interested isn't a good answer; the question is whether it can be filmed. I would not be too troubled about this, provided the judge has discretion to say, "I'm sorry, this part is sensitive."

What about social media in court?
I'm strongly in favor of technology in court, as long as it doesn't undermine the actual production of justice. Twitter has caused no problems at all, that I'm aware of. You have genuine court reporters doing no more than using Twitter as they once used their pens. To be able to report contemporaneously and immediately is an advantage.

There are limits of course. It would be very foolish for a judge to be on Facebook, for instance; I can see nothing to be gained by it. And in general, the way we as a society control things like Google or Facebook is open to very serious question. But that's a societal question for Parliament to decide.

Do judges receive media training? Should they?
I went off with a group one time – this is now 20 years ago – to be shown how to do television interviews. You know, "Don't sit forward too much. Don't sit backward. Never answer the question." What I now see on television is people who have been to the training, who are doing that.

The problem with television is how you look matters more than what you say. What we're anxious to get across is what we think, why we think it. But the conversation on the train next morning will be, "Did you see that judge? He looked a complete idiot." How you look on television is frighteningly important.

But I don't think many judges go on television. So that doesn't worry me.

Where do judges tend to get their news? Do they use digital outlets as well as print?
It's a personal decision. I watch the television news every morning at 7, and I always did.

In the days before digital news, when I went to judicial training courses, I would see the newspapers outside the judges' bedrooms, and it was a very mixed bunch: *The Times*, *Daily Mail*, *The Guardian*, *The Independent, The Telegraph*.

Judges don't go hunting for news, I don't think, although obviously if you're a senior administrative judge, you do worry about what on earth is coming up the next day, what asinine or allegedly asinine remark has been made by a member of the judiciary. Is there going to be a storm about it?

Has court advocacy changed at all over recent decades?
It's far less flowery. The best advocates explain in simple language, even to a very highly intellectual judge. Jurors don't like being spoken down to and that's how they regard pompous advocacy. But simpler is, in a way, harder.

When legal advocates publicly lobby on behalf of clients, does that have an effect on judges?
No, not in the slightest. Sometimes you get both sides commenting, neither entirely accurately. And sometimes you'll get both sides commenting accurately. But it makes no difference – at least in civil cases [where only a judge decides the case].

WHY THE WIG?

WIGS first appeared in British courtrooms in the 17th century. The reason? It was the fashion of the time, especially the upper echelons of society. When wigs went out of fashion, they endured in courtrooms because they conferred a sense of history, dignity and anonymity – hiding the color of the wearer's hair.

Countries founded on British common law, including Malaysia, Canada, Australia, Pakistan, India and New Zealand, adopted the wig-wearing practice.

Today, white horse-hair wigs remain a symbol of the courtroom, though in most countries outside of the UK, they are largely reserved for ceremonial occasions. Within the UK, wigs remain in use, but to varying degrees.

Not all have mourned the wig's departure. Some complained of their cost. The price tag for a shoulder-length judge's wig today is around £1,900 ($2,500) while shorter wigs (pictured), typically worn by barristers (courtroom advocates), cost about £500 ($650).

And there was no shortage of complaints that the wigs were uncomfortable. In 2006, lawyer John Baldwin argued for their removal: "Some people think it gives them more authority, but most of us just think they're itchy."

PHOTOGRAPH: BLOOMBERG, GETTY

I would have very strong objection to it in a criminal case because the jury must be left to make their judgment exclusively on the basis of the evidence they hear in court.

There's pressure on judges to be more directly accessible and accountable to the public through the media. How far should that go?
The judiciary has made itself more available, and that's simply recognizing that we live in a new world. We have to be in a position occasionally to explain what we do, how we reach our decisions and, in the case of the most senior judiciary, to be available for a press conference where we can be asked questions about what's going on.

But what judges shouldn't try to do is elaborate on or seek to further explain their judicial decisions outside the courtroom. I feel very strongly that you have to say what you think, and why you think it, in court, where the people who are actually involved in the case can hear and understand it. They may disagree, of course. The losing side tends to. But that's what you have to address.

The wider issue of how the public will take it is a separate question – you have to use language that enables the public to understand why you've decided what you have. It's no good when the newspaper or television attacks a judge, for the judge to say, "Ah, but what I meant here and here was this." If you haven't made it clear in your judgment, then you're stuck. You've done it. That's it. If every judge went on television every night to justify his or her decision, that would cause damage.

Generally speaking, do judges think they're fairly represented by the media?
If a judge becomes the story, then he or she is just as subject to being the story as any other individual. And I suspect many people who have become the story don't feel they've been treated fairly by the press. But a free press is absolutely crucial – one of the fundamental pillars, like an independent judiciary.

An independent press doesn't just exist in a vacuum. It exists in a society where it's allowed to exist because people buy it. Most judges value the independence of the press, and I can't think of any judge who doesn't value the right of freedom of speech. The two aren't quite the same, but they're very closely linked.

> "If you haven't made it clear in your judgment, then you're stuck. You've done it. That's it. If every judge went on television every night to justify his or her decision, that would cause damage"

Are judges effective advocates for their own interests?
Yes, within certain self-imposed but necessary limitations. Judges don't go off and do PR as such. They don't have spokespeople. There's a judicial communications office which does things like warn the Lord Chief Justice if a newspaper's got a very hostile article about a certain judge or inform the newspapers that there is going to be a judgment on a certain case they're very interested in. And all that works smoothly.

Do you welcome the UK's development as a hub for international commercial litigation?
Yes. A significant percentage of the UK's GDP is a result of London being a commercial center – for court and for arbitration, with all the knock-on effects.

It's a wonderful compliment to our system and not an accident that it's become a hub. It's because of the high quality of our judges, our process and our legal profession. If that quality declines, then there are plenty of other places that would like to take over the work, like Singapore and Hong Kong and a number of courts in the Middle East.

It's a very competitive market, and it will only continue to come to London while litigants from abroad believe that they'll get the best form of justice here. So it's very important that we maintain the standard, in particular of judicial appointments to our own commercial court.

In that regard, there is a potential problem of retired judges here going to work in a foreign court. If the commercial court here declines because of a better, homegrown quality of judiciary abroad, that's fine. The litigants choose. We can't compel them to stay here. But I'm not sure that I'd be quite so sanguine if that perception of a higher quality was based on the fact that the foreign jurisdiction simply used retired judges from here.

LORD JUDGE

Appointed in 2008, Igor Judge served as Lord Chief Justice of England and Wales until retiring in 2013. He studied history and law at Cambridge and was called to the Bar in 1963. In 1988, he was appointed a Justice of the High Court and awarded a knighthood. He remains a member of the House of Lords and sits on the Constitution Committee. A collection of his lectures, speeches and essays as Lord Chief Justice, *The Safest Shield*, is published by Hart Publishing.

CHARLIE POTTER is a former lawyer and a Partner at Brunswick, specializing in litigation, crisis and regulatory disputes. **CAROLINE DANIEL**, a former *Financial Times* senior editor, is a Partner advising on media and technology. Both are in the firm's London office.

Courting reputation

Companies navigating Europe's regulatory landscape should aim for more than just a legal victory, say Brunswick's PHILIPPE BLANCHARD and LINUS TURNER

No industry, it seems, is beyond the reach of European regulators. Many of the high-profile regulatory cases emerging from the EU stem from its competition policies – an area covered by more than 1,300 pages of legislation governing cartels, antitrust, state aid (including taxation) and mergers.

By their nature, these competition cases tend to involve some of the world's largest and most recognizable organizations. These names alone attract plenty of attention. But so does the public manner in which the European Commission, the executive body of the European Union, enforces its decisions. The Commission posts press releases in multiple languages on its website, and tweets links to them to its 600,000-plus followers.

And then there are the headline-grabbing punishments. Between 1990 and mid-2016, cartel investigations – only one of the categories of competition law – had resulted in more than €25.8 billion ($28.9 billion) in fines. A number of mergers have been blocked, including airline carrier Ryanair's attempt to buy rival Aer Lingus, while other mergers have been cleared only when significant divestments have been agreed.

Companies have even had to change their products: in the long-running cases against Microsoft, the company was forced to release versions of its Windows operating system without Windows Media Player installed and offer consumers a choice of internet browsers, as the Commission claimed the software was stifling competition. Other cases have affected how soccer fans watch the English Premier League, German Bundesliga and UEFA Champions League.

> "One rule holds true for dealing with almost all authorities: be firm, but be transparent"
>
> **FALK SCHÖNING**
> **Partner,**
> **Hogan Lovells**

IN THIS ENVIRONMENT, companies that find themselves in the crosshairs of regulators have to manage the inevitable exposure. Businesses that explain their position clearly and defend their actions are able to tell their side of the story to regulators, investors, employees and customers.

"Communications is crucial in any high-visibility competition matter, whether merger control, cartel, dominance or state aid," says Antoine Winckler, a Partner in the Brussels office of law firm Cleary Gottlieb Steen & Hamilton. "Specialist advisers – financial, legal or economic – tend to lose sight of the big picture. A communications strategy can help companies unify their tactics."

Even the most effective communications strategy is unlikely to alter the substance of a ruling, but it will shape how a business fares in the court of public opinion, while also laying the groundwork for a company to move forward once an investigation is concluded.

This is true even for corporations confident that regulatory proceedings will bring a favorable outcome; those that focus solely on the courtroom may win the case, but lose the trust of their stakeholders in the process.

Mergers and acquisitions highlight just how complicated the landscape can be. Once the Commission has been notified about a proposed deal, the two-phase approval process can drag on for as long as seven months.

ILLUSTRATION: HANNA BARCZYK

To help satisfy regulators' antitrust concerns – and speed up the approval process – businesses may offer voluntary concessions, such as a divestment. The Commission itself can also impose concessions on the company: UPS's $6.9 billion bid for TNT Express and the proposed NYSE Euronext and Deutsche Börse merger were abandoned because of the prospect of value-destroying conditions.

When working to get regulatory approval, businesses should consider how all stakeholders – not simply regulators – will react. Winckler says that "in complex mergers, regulatory investigations affect a wide range of players: stock markets, management, trade unions, civil service, customers and competitors." Each will have their own set of questions and concerns. Investors will want to know how concessions affect the deal; employees may fear for their jobs.

Most mergers today have an international element, adding to the complexity. Falk Schöning, Partner at law firm Hogan Lovells, says, "It is rare for large merger control proceedings to only have one regulator in charge. And these regulators regularly exchange their views on a case." Companies need to communicate with discipline and caution, understanding that "any statement they make in one market can affect an investigation in a different part of the world."

> "Cases can quickly become defined in the public sphere by moral questions, as opposed to legal ones"

COMPANIES MAY BE WARY of saying anything at all, especially to regulators. While silence may be an option, it is seldom a good one according to Schöning. "One rule holds true for dealing with almost all authorities: be firm, but be transparent. Regulators need to hear directly from the parties before learning from the press."

In regulatory proceedings, businesses often find themselves at a disadvantage from the outset. Outlining the legality of their tax structure or explaining the nuances of their business model are certainly important, but they make a much less compelling narrative than the one with which regulators are armed: standing up for the rights of individuals and consumers. Cases can quickly become defined in the public sphere by moral questions, as opposed to legal ones.

Companies need to be prepared and on the front foot. It may take the European Commission years to arrive at a verdict – their recent investigation into collusion among truck manufacturers, which resulted in a record fine of €2.9 billion ($3.2 billion), went on for more than five and a half years – but employees, customers and investors are likely to make up their minds much sooner.

PHILIPPE BLANCHARD is a Managing Partner specializing in strategic communications and public affairs. **LINUS TURNER**, a Partner, advises on international public affairs and policy. Both are in Brunswick's Brussels office.

HOW BAD IS IT REALLY?

There's a disconnect between perception and reality in regulatory proceedings, according to Norton Rose Fulbright's *2016 Litigation Trends Annual Survey*. Speaking with corporate counsel across North America, Europe and Asia, Norton Rose Fulbright found no increase in the number of regulatory proceedings among the companies they surveyed. Yet 97 percent of respondents felt regulators had become increasingly interventionist over the last 12 months. And this perception had real consequences: 25 percent of lawyers said they were spending more time on regulatory matters than a year ago.

There are a number of plausible explanations for this gap. Given the media coverage that regulatory cases garner, respondents may be succumbing to the "availability heuristic." According to psychologists Amos Tversky and Daniel Kahneman, this is where we "judge the frequency of events in the world by the ease with which examples come to mind." Giving a different example of the availability heuristic, Kahneman cited a study where "deaths by accidents were judged to be more than 300 times more likely than deaths by diabetes," when in reality, diabetes was four times more likely to be a cause of death.

97 PERCENT
Respondents who perceived regulators to be more interventionist in last 12 months

0 PERCENT
Increase in regulatory proceedings brought against respondents' companies

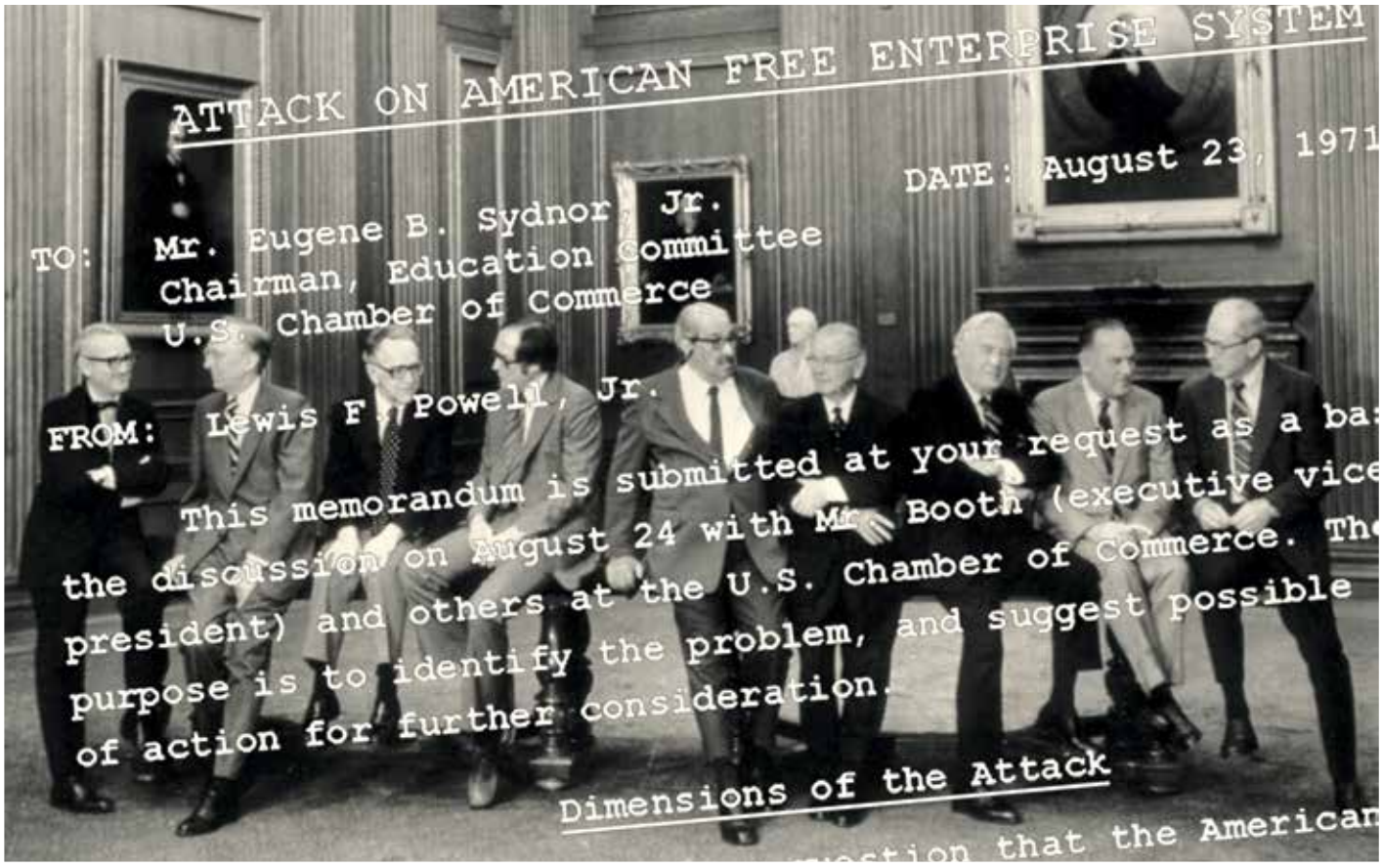
Another explanation could be the increasing complexity of regulatory proceedings, especially for multinational businesses. A lawyer's regulatory caseload may not be increasing, but the work needed to prepare for regulators, or avoid them altogether, very well might be – especially given how high the stakes are. In the same 2016 survey, corporate counsel agreed that their greatest concern with regulation was the potential impact on their company's reputation.

This is not to suggest corporate counsel around the world view regulation through the same lens, or that they all face the same pressures. Regulatory activity differs by region. Still, a clear trend is emerging: regulatory actions are occupying a larger part of corporate lawyers' minds – and their working days.

Critical moment

The legacy of the Powell Memorandum

AUGUST 23 1971



TWO MONTHS BEFORE HE WAS NOMINATED to the US Supreme Court in 1971, Lewis F. Powell Jr wrote a confidential memo to the US Chamber of Commerce that ultimately changed the course of business litigation for decades. Then a Partner at law firm Hunton & Williams, Powell encouraged a sweeping advocacy campaign in defense of capitalism's reputation – a call being sounded again today with equal urgency.

The Powell Memorandum, as it became known, is an example of sharp legal thinking applied to a complex public relations challenge. In the stormy Vietnam War era, American opinion of business had soured, driven in part by left-leaning politicians, but also, more troubling to Powell, by mainstream media and thinkers. The solutions he identified were simple: weighing in on important court cases through friend-of-the-court briefs and working to achieve equal air time for pro-business messages in the media and in schools. But what these steps required was *not* so simple: a coordinated effort on a large scale by leaders at the highest levels of corporations of all sizes.

US SUPREME COURT

Almost six years after his appointment to the US Supreme Court, Lewis F. Powell Jr posed with the eight other justices for what is considered to be the first-ever informal portrait of the entire court. The photograph appeared in the January 1977 issue of *Smithsonian Magazine*.

Left to right: John Paul Stevens, Powell, Henry Blackburn, William Rehnquist, Thurgood Marshall, William Brennan, Chief Justice Warren Burger, Potter Stewart and Byron White

In the years after the Memorandum, the advocacy of individual companies and interest groups such as the Chamber became much more sophisticated. Powell's prodding helped fuel the tort reform movement. Over many years, a coalition that included the Chamber's Institute for Legal Reform, the American Tort Reform Association and many individual companies applied consistent pressure to legislatures, regulators and courts to successfully stem the tide of class action lawsuits, curb massive damages awards and raise the bar for tort filings. These efforts have undeniably gained businesses a degree of protection from frivolous (and sometimes not so frivolous) litigation.

Where they have been less successful is in addressing the perception problem. As American businesses face an increasingly skeptical public, they must find an effective way to defend the philosophy underpinning Powell's memo – a fervent belief in the ability of business as a force for good in society.

EMMA SCHULTZ is a Director in Brunswick's Washington, DC office, advising on crisis and litigation.

PHOTOGRAPH: BETTMANN, GETTY

Read on.

www.brunswickgroup.com/review

To download and share
Brunswick Review stories go to
www.brunswickgroup.com/review

You can follow us on Twitter
@BrunswickReview

Highlights from this and previous issues
are also available on LinkedIn

Brunswick Group offices

ABU DHABI
Office 506
Park Rotana Office Complex
Twofour54
PO Box 77800
Abu Dhabi
United Arab Emirates
T: +971 2 234 4600
uaeoffice@brunswickgroup.com

BEIJING
2605 Twin Towers (East)
B12 Jianguomenwai Avenue
Beijing, 100022
People's Republic of China
T: +86 10 5960 8600
beijingoffice@brunswickgroup.com

BERLIN
Taubenstraße 20-22
10117 Berlin
Germany
T: +49 30 2067 3360
F: +49 30 2067 3366
berlinoffice@brunswickgroup.com

BRUSSELS
Avenue des Arts 27
1040 Brussels
Belgium
T: +32 2 235 6510
F: +32 2 235 6522
brusselsoffice@brunswickgroup.com

DALLAS
200 Crescent Court
Suite 225
Dallas, TX 75201
USA
T: +1 214 254 3790
F: +1 214 254 3791
dallasoffice@brunswickgroup.com

DUBAI
Level 5
Gate Village Building 10
PO Box 506691
Dubai International
Financial Centre
Dubai
United Arab Emirates
T: +971 4 446 6270
F: +971 4 436 4160
uaeoffice@brunswickgroup.com

FRANKFURT
Thurn-und-Taxis-Platz 6
60313 Frankfurt am Main
Germany
T: +49 69 2400 5510
F: +49 69 2400 5555
frankfurtoffice@brunswickgroup.com

HONG KONG
12/F Dina House
11 Duddell Street, Central
Hong Kong SAR
T: +852 3512 5000
F: +852 2259 9008
hongkongoffice@brunswickgroup.com

JOHANNESBURG
23 Fricker Road
Illovo Boulevard, Illovo
Johannesburg
South Africa
T: +27 11 502 7300
F: +27 11 268 5747
johannesburgoffice
@brunswickgroup.co.za

LONDON
16 Lincoln's Inn Fields
London WC2A 3ED
United Kingdom
T: +44 20 7404 5959
F: +44 20 7831 2823
londonoffice@brunswickgroup.com

MILAN
Via Solferino, 7
20121 Milan
Italy
T: +39 02 9288 6200
F: +39 02 9288 6214
milanoffice@brunswickgroup.com

MUMBAI
The Capital
814, 8th Floor
C-70, G Block, Bandra Kurla Complex
Bandra East
Mumbai 400 051
Maharashtra
India
T: +91 22 61358500
mumbaioffice@brunswickgroup.com

MUNICH
Widenmayerstraße 16
80538 Munich
Germany
T: +49 89 809 90 250
F: +49 89 809 90 2555
munichoffice@brunswickgroup.com

NEW YORK
245 Park Avenue
14th Floor
New York, NY 10167
USA
T: +1 212 333 3810
F: +1 212 333 3811
newyorkoffice@brunswickgroup.com

PARIS
69 Boulevard Haussmann, 6th Floor
75008 Paris
France
T: +33 1 53 96 83 83
F: +33 1 53 96 83 96
parisoffice@brunswickgroup.com

ROME
Piazza del Popolo, 18
00187 Rome
Italy
T: +39 06 36712806
F: +39 348 7098590
romeoffice@brunswickgroup.com

SAN FRANCISCO
One Bush Street
Suite 1400
San Francisco, CA 94104
USA
T: +1 415 671 7676
F: +1 415 671 7677
sanfranciscooffice
@brunswickgroup.com

SÃO PAULO
Avenida Dr. Cardoso de Melo
1.340 - Sala 42
Vila Olimpia
São Paulo SP
Brasil 04548-004
T: +55 11 3076 7620
saopaulooffice@brunswickgroup.com

SHANGHAI
Room 2907,
United Plaza
1468 Nan Jing Road West
Jing'an District
Shanghai 200040
People's Republic of China
T: +86 21 6039 6388
shanghaioffice@brunswickgroup.com

SINGAPORE
6 Battery Road
#15-05 Singapore 049909
T: +65 6426 8188
F: +65 6426 8199
singaporeoffice@brunswickgroup.com

STOCKHOLM
Fourth Floor
Birger Jarlsgatan 15
111 45 Stockholm
Sweden
T: +46 8 410 32 180
F: +46 8 611 00 56
stockholmoffice@brunswickgroup.com

VIENNA
Concordia Haus
Bankgasse 8
1010 Vienna
Austria
T: +43 1 907 65 10
F: +43 1 907 65 10 40
viennaoffice@brunswickgroup.com

WASHINGTON, DC
1099 New York Avenue, NW
Suite 300
Washington, DC 20001
USA
T: +1 202 393 7337
F: +1 202 898 1588
washingtonoffice@brunswickgroup.com

Brunswick Group companies

BRUNSWICK ARTS
16 Lincoln's Inn Fields
London WC2A 3ED
United Kingdom
T: +44 20 7936 1290
F: +44 20 7936 1299
bartsinfo@brunswickgroup.com
www.brunswickarts.com

MERCHANTCANTOS
20 Lincoln's Inn Fields
London WC2A 3ED
United Kingdom
T: +44 20 7242 1336
F: +44 20 7936 7788
office@merchantcantos.com
www.merchantcantos.com

THE LINCOLN CENTRE
18 Lincoln's Inn Fields
London WC2A 3ED
United Kingdom
T: +44 20 7936 1300
F: +44 20 7396 3535
info@thelincolncentre.co.uk
www.thelincolncentre.co.uk

BRUNSWICK GROUP LLP

www.brunswickgroup.com/review