



The most precious asset

Reputation will become increasingly key for GCs managing risks and crafting litigation strategies.

General Counsel across all industry sectors now cite reputational concerns as central in their approach to risk and disputes. “At a macro level, the strategy of litigation will be increasingly impacted by reputation risk,” argues KPMG’s UK GC Jeremy Barton. “That risk has over the last five years become a much heavier factor in legal strategising and that will just increase.”

Uber’s EMEA and APAC legal head Matt Wilson picks up the theme: “It’s no longer just about whether you are right on the law – you need to be seen doing the right thing. Taking a case which is controversial from a reputational point of view is no longer something that stays in the court room – especially for high-profile organisations.”

The factors behind this shift are myriad: the pervasive role of social media in modern communication, the impact of tougher regulation, and changing consumer expectations. This trend has already been evident for a decade and is expected to continue to develop. It is also one of the major drivers for companies to push for arbitration or early settlement of disputes, rather than risk embarrassing disclosures or heavy-handed legal tactics that backfire in the public consciousness. HFW partner Damian Honey observes: “GCs are so aware of share price. Even the smallest matter in terms of money could have such an impact in terms of reputation that it is materially share price-affecting and that is what drives them.”

With companies putting image and brand issues before legal liability, GCs and legal teams will shift to more fluid strategies to resolve issues, drawing increasingly on professionals in public policy and communications to secure a pragmatic result.

This is an excerpt from an HFW report on the future of dispute resolution. To read the rest of the report, which includes a series of 30 interviews with senior in-house counsel and other leading figures from across the global disputes industry, as well as insights from our expert litigators, visit: www.hfw.com/litigation

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