

Crisis Management for In-House Counsel

Our cross-practice Crisis Management team is well placed to help you with the full lifecycle of crisis management planning. We'll advise on the creation of proactive measures, such as an effective IP strategy and risk mitigation when entering commercial agreements. Our expert team is also ready to support GCs from the first signs of a crisis, advising on employment issues, managing the response in a live situation and dealing with resultant litigation and regulatory action.



Here are our top 10 tips for effective crisis preparation and response:

1. Undertake clearance searches before using a brand name for your company, product or service. Apply for and maintain registered trade mark protection.
2. Consider the potential pitfalls of associating your brand with an individual, and think about how you could mitigate risks in the contract in case their attitude misaligns with your values.
3. Put in place contractual terms and policies that set standards for social media use, email and internet use, as well as data security. Train your staff, including on 'speaking up', and ensure your culture and corporate conduct reflect good practice.
4. Keep an up-to-date risk register. Most companies tend to go through a near miss before a register is properly scoped out.
5. Have a crisis plan and dedicated crisis team in place. The team should consist of a chairperson (with executive rights in decision making), a legal person (usually a GC) and a comms specialist (whether internal or external).
6. As soon as a crisis happens, take a breath. Consider who needs to be involved and to what extent; and define your process and approval process.
7. Remember the importance of legal privilege. Be alive to who is copied in to communications and do not include unnecessary recipients.
8. Consider carefully how you document everything. Assume all communications may be disclosable in any subsequent litigation process and via DSARs; and all communications with staff may go public.
9. Consider what you're legally obliged to do and what doing the right thing looks like. You can earn a lot of goodwill by doing the right thing.
10. Don't overlook your staff: your internal reputation is vital.

Timeline of a crisis

What to consider and when



HOWARD KENNEDY

Key contacts

Shortlisted for Crisis Management
Team of the Year at the British Legal
Awards 2022



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Specialising in international, appellate and complex litigation, Mark has undertaken some of the highest profile cases in the UK and abroad.

His expertise includes reputation management, defamation, data protection and privacy, freedom of information, media and regulatory work, human rights, art and cultural property, and IP disputes.

Liz is a dispute resolution solicitor with a broad practice spanning international, commercial, media and human rights matters.

She regularly acts for clients on high profile defamation and privacy actions. Her practice also covers reputation and brand-related issues, including contentious intellectual property matters, as well as data protection and regulatory matters.



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Robert is an intellectual property, data protection, and commercial contracts specialist with over 20 years of experience.

He works closely with creative industries in particular on intellectual property matters, including copyright, trade marks, design rights, database rights, and domain names. He also advises on commercial contracts such as franchise agreements and IT contracts, and with related commercial work including advising on advertising and sales promotions.

Jane provides strategic and pragmatic advice in all areas of employment law and partnership disputes.

Working closely with business leaders, including HR directors and senior executives, she provides commercial legal input into business critical issues. She advises on discrimination prevention and litigation, as well as investigations into harassment allegations and complex grievance complaints.