



Fanning Harper Martinson Brandt & Kutchin

# Strategies and Pitfalls for Cities Involved in High-Profile Litigation

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# FOCUS

1. Focus on the CASE;
2. Focus on the CLIENT;
3. Focus on the COMMUNICATION

# Have a Strategy

- **Goal: Victory in Litigation**
  - as early as possible
- **Goal: Preserve/Rehabilitate Reputation**
  - of city and city personnel

# Have a Strategy

- **Litigation**
- **Public Relations**
- **City Personnel**

# Litigation

## Strategy

- **Dispositive Motions**
  - Possible quick victory
- **Immunity**
  - Possible quick victory
- **Deliberate Indifference**
  - Possible victory

## Pitfalls

- **Dispositive Motions**
  - Misperception of legal standard
- **Immunity**
  - Negative perception
- **Deliberate Indifference**
  - Negative impression

# Public Relations

## Strategy

- **Message**
  - PR professional?
- **Media**
  - Spokesperson
  - No comment?
  - News cycle
- **Social Media**
  - Battle for public opinion

## Pitfalls

- **Message**
  - Impact on litigation
- **Media**
  - Knowledge/preparation
  - Plaintiff will comment
  - City as villain
- **Social Media**
  - Employee rights
  - Impact on litigation

# City Personnel

## Strategy

- **Training**
  - Anticipate issues
  - Recognize issues
  - Respond to issues
- **Supervision**
  - Prohibit conduct
  - Prohibit comment

## Pitfalls

- **Different Focus**
  - Lack of awareness
  - Lack of understanding
- **Elected Officials**
  - Lack of supervision
- **Different Motivations**
  - Oppose official position
  - Play to public perception

If you have any questions...**Contact us!**

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