

Role of In-House Counsel in a Crisis: Crisis Management Essentials

Date: Wednesday, February 4, 2015 | 1:30 pm – 4:50 pm

Location: Westin Harbour Castle Conference Centre,
2 Harbour Square, Toronto, ON

Program Chairs: **Rodger Brennan**, Senior Managing Counsel, Canada Post
Lori Swartz, TitlePLUS® Legal Counsel,
Lawyers' Professional Indemnity Company

Speakers: **Todd J. Burke**, National Leader, Crisis Management Practice Group, Gowling Lafleur Henderson LLP
Jane Burton, Legal Counsel, City of Brampton
Major-General Blaise Cathcart, Judge Advocate General, Canadian Armed Forces
Brian Gomes, Chief Executive Officer, BMS Canada Risk Services (BMS Group) (Ottawa)
Linda Plumpton, Partner, Torys LLP
John Ratchford, Principal and General Counsel, Navigator Ltd.
Lawrence E. Ritchie, Partner, Osler, Hoskin & Harcourt LLP
Amee Sandhu, Compliance Officer, Power Group, SNC-Lavalin



This program contains 0.75 Professionalism Hours
This program is eligible for up to 2.5 Substantive Hours

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Upper Canada.

With special remarks from **Julia Shin Doi**, General Counsel & Secretary, Ryerson University and Chair, CCCA Ontario Chapter.

A crisis can occur at any time, in any form and it is often accompanied by paralyzing fear and uncertainty. Crisis management is a critical organizational function and each unique crisis requires a tailored response. Evaluate key components of in-house counsel's role in a crisis situation, including, proactively responding to operational and legal issues, seamlessly managing internal and external stakeholders, and confidently communicating to help move your organization forward. Hear from our expert panel about their lessons learned in managing crises and how to guide your legal team and organization through a challenging time. Learn how to turn risk into an opportunity to showcase your leadership and management skills.

1:30 pm Welcome and Opening Remarks

1:33 pm **In-House Counsel's Role in Crisis Management Preparation in Advance of a Crisis**

- Crisis management planning and role of counsel, including statutory or other requirements
- Need for practice drills and executive buy-in
- Value of due diligence processes, including environmental management systems
- Having the right team in place including external resources
- Key considerations for reputational risk insurance

2:00 pm **What to Do When a Crisis Actually Hits**

- Addressing executive expectations and delivering value during a challenging time
- Imperative first three phone calls to make when a crisis hits
- Transparency versus confidentiality – seeking a balance
- Respect your ethical obligations and maintain professionalism while keeping in-line with corporate direction
- Key factors to discuss with your insurer and insurer's counsel
- Reassure the executive by immediately communicating a detailed action plan

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2:30 pm Networking Break

2:50 pm **What to Do When a Crisis Hits - Investigations**

- Essential Elements of Responding to External Investigation Requests
 - How to appropriately respond to requests by stakeholders in an external investigation
 - When is it necessary to involve external counsel?
 - How to identify and contain legal exposure and expenses
 - Assessing the validity of a search warrant
- Conducting Internal Investigations Required In Response to an External Crisis
 - Litigation holds: How to create and implement processes to properly preserve information
 - When is it necessary to involve external counsel?
 - Balancing conflicting internal and external disclosure demands, and employee/labour relations considerations

3:20 pm **Crisis Communication in the Age of Social Media**

- How to control social media risks to reduce the likelihood of a crisis
- Key considerations when implementing the organizations' public relations strategy, including how to obtain and record executives' expectations and clear social media protocol in advance
- Counsel's role in the supporting the use of social media to communicate during a crisis
- Overview of "apologies" legislation

3:50 pm **Case Study #1: Real World Application of a Crisis**

- What happened and how they handled it
- Lessons learned on the frontlines

Case study #2: What Happens When It's No Longer Front-Page News?

- How to best mitigate concerns about issues resurrecting themselves
- Higher external and internal standards that will apply after you've gone through a crisis
- How to use the crisis as a lesson in leadership

4:30 pm Questions and Closing Remarks

4:50 pm Program Concludes

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