



## 201 Crisis Management: What to Do When a Company/Brand-threatening Event Occurs

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## Faculty Biographies

### **Orijit Das**

Orijit Das is the senior legal counsel and vice president of Genpact based out of Londona. He is responsible for his company's legal health in Europe. His main responsibility is to carry out client contracts involving technology related and outsourcing / offshoring contracts.

Prior to joining Genpact Mr. Das headed the legal team for Convergys in EMEA and also looked after its India operations. He has also worked for international law firms like Kirkpatrick, Nicholson Graham and Bird & Bird. Mr. Das also has consulting experience in Arthur Andersen and PriceWaterhouseCoopers.

He has also practised as a Trade Mark Attorney and as a Patent Agent. The Eurolegal Guide to World's finest Technology, Telecom and IP lawyers has held him to be a leading lawyer in the UK.

### **Ulrich Eisenring**

*Corporate Counsel*

Basilea Pharmaceutica AG

### **Paul Smith**

*Partner*

Eversheds LLP

# *A Crisis*

## *Dramatis Personae*

*By Paul Smith, Partner, Eversheds LLP  
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*The Spokesperson*

*The CEO*

*The Board*

*The General Counsel*

*The Flag Bearer*

*The Customers*

*The Soothsayer*

*The Insurer*

*The Trade Unionist*

*The Scapegoat*

*The Politicians*

*The Experts*

*The Neighbours*

*The Journalists*

*The Regulators*

*The Investors*

*The Plaintiff Lawyer*

*A Chorus of Victims*



# **Crisis Management: What to Do When a Company/Brand-threatening Event Occurs**

**Paul Smith, Eversheds**

**Orijit Das, Genpact**

**Ulrich Eisenring, Basilea Pharmaceutica Ltd.**

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## Agenda

### 1. Crisis Management Planning

- Introduction
- Model
- Consider sources – internal, regulators, public information
- Procedures to consider
  - Internal expectations, with board / audit committee
- Resources available to assist
  - Legal staff, PR agency, outside counsel / accountants, etc
- Lessons learned



## **Crisis Management Planning**

### ● Introduction

- Definition: Avoiding a crisis versus crisis management  
Avoiding a crisis or crisis prevention is risk management. Crisis management is lessen the damage for the Company and try to control the situation after crisis occurred
- Crisis prevention should be daily business
- Crisis management is organizing and making as many decisions as possible before a crisis occurs



## **Crisis Management Planning**

### ● **Model**

- Incident driven
  - Geographic (local/regional/global)
  - Business driven
- ⇒ Choose the one which fits for your organization



## Crisis Management Planning

- Consider sources
  - Internal
    - Internal Expertise
    - Special groups (e.g. Drug Safety Board)
    - Decision makers
    - Existing processes (SOP etc.)
    - Investors relations
    - Internal Crisis Team (e.g. core team defined based on the incident other people included)
    - Reception desk/switch board (1st contact!)
  - Regulators
    - Stock exchange
    - Regulatory authorities
  - Public Information
    - Media
    - Scientific journals
    - Database





## Crisis Management Planning

- Procedure to consider
  - Internal expectations
    - Board / audit committee
    - Investors relations
    - Management
    - Internal experts
  - Define responsibilities
  - Internal investigation
  - Communication procedure
    - Internal
      - how, who must be informed
      - Information to the employees
    - External
  - Decision making process
  - Confidentiality (insider/ad hoc publicity rules of stock exchange)
  - Training (management/ reception desk)



## **Crisis Management Planning**

### ● Resources available to assist

- PR agency
- Key opinion leader
- Law firm
- Tax advisors
- Auditors
- Others? (White Knights)

=> Evaluation of the resources should be done prior to a crisis



## Lessons Learned

- Get broad input to make sure you consider all elements
- Not every threat can be anticipated – be flexible
- Try to get to a common understanding what a crisis is
- Know your business and the industry (watch what is going on)
- Train and raise awareness of the management – some don't want to see or ignore potential crisis
- Don't forget the local people – they deal with the customers on a daily basis
- Proper risk evaluation of crisis by operational units & departments