

# Chambers

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**How lawyers are ranked**

Every year we carry out thousands of in-depth interviews with clients in order to assess the reputations and expertise of business lawyers worldwide. The qualities we look for (and which determine rankings) include technical legal ability, professional conduct, client service, commercial awareness/astuteness, diligence, commitment, and other qualities most valued by the client.

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**Business Intelligence & Investigations**

<b>Business Intelligence &amp; Investigations</b>
<b>Leading Firms</b>
<b>Band 1</b>
Nardello & Co. *
<b>Band 2</b>
Berkeley Research Group, LLC *
K2 Integrity *
Kroll, a division of Duff & Phelps
Mintz Group *
<b>Band 3</b>
Charles River Associates *
FTI Consulting, Inc *
The Risk Advisory Group
Wallbrook
<b>Leading Individuals</b>
<b>Band 1</b>
Kelkar Patrick <i>Quinlan (ORL)</i> ◇
Mintz Jim <i>Mintz Group</i> *
Nardello Daniel <i>Nardello &amp; Co.</i> *
<b>Band 2</b>
Cramer Jeffrey <i>Berkeley Research Group, LLC</i>
Feeney Thomas <i>Nardello &amp; Co.</i> *
Gebauer Snezana <i>K2 Integrity</i> *
Maroney Tyler <i>QRI (ORL)</i> ◇
Nolan Peter <i>Charles River Associates</i>
* Indicates firm / individual with profile.
◇ (ORL) = Other Ranked Lawyer.
Alphabetical order within each band. Band 1 is highest.

market insider concurs: “The firm is pre-eminent when it comes to understanding what is required in gathering evidence that is admissible in court. It doesn’t hurt them that they’re staffed with a bunch of former lawyers, so they’re experienced with trial practice too.”

**Work highlights** For several principals of an enterprise accused of offering non-regulated financial services outside the jurisdiction of a host country, Nardello & Co. is conducting interviews of a statistical sample of the customer base to disprove the allegations. In addition to providing litigation support research and services throughout the world, Nardello & Co. is also conducting a background investigation on a rogue employee whose actions may have sparked the enforcement action.

**Notable practitioners**

**Daniel Nardello** (see p.113) is the founding partner of the firm, serving as chair and the chief executive officer. He is an experienced former federal prosecutor who now assists both US and foreign-based clients in business intelligence and investigations in support of complex litigation. “Dan is an ex-prosecutor who is honest and consistent with the firm’s motto: he finds out,” says a leading lawyer. “He’s hugely experienced,” adds another interviewee; “Dan quickly gets to the heart of the issue and the strategic objectives. He’s quite simply the best there is.” “Dan’s the guy you put in front of a judge,” says a client; “that’s a big part of his expertise. If you need someone to present to a court Dan would be your man. There’s no one like him in the US for that.” One market source says Nardello is “the gold standard” for private investigators. **Thomas Feeney** (see p.112) is a senior managing director and member of Nardello & Co.’s litigation and arbitration support practice and its anti-corruption and fraud investigations practice. Feeney is based in New York, where he assists clients by leading investigations regarding white-collar crime matters, multi-state mobile surveillance operations and the coordination of witness interviews around the world. “Tom is outstanding,” says an interviewee; “he is the master of surveillance. He’s just incredible, unbelievably smart, with excellent judgement and very much under the radar in how he operates. His instincts are unparalleled.” A hugely impressed lawyer adds: “Tom Feeney is one of the best investigators with whom I have ever worked. I’ve known him since his days in federal law enforcement and, among other things, his ability to obtain critical information from sources is unparalleled.”

**Band 2**

**Berkeley Research Group, LLC**

**See profile on p.117**

**What the team is known for** Headquartered in California and with 25 other US offices, Berkeley Research Group has one of the largest nationwide presences of any private investigatory agency. The firm provides clients with bespoke intelligence gathering in support of litigation or arbitration, alongside a suite of other services such as forensic accounting, supply chain due diligence and political risk analysis.

**Strengths** “I have relied on BRG to help our team on various FCPA and other white-collar matters and have been extremely satisfied with their work product and customer service. BRG provide excellent results in their financial analytical work, document production assistance, and background investigative findings for both corporations and individuals of interest. They are our go-to team to assist us with these complicated matters that many times span the globe.”

“I have clients who turn to BRG as authorities in the areas of surveillance, helping to prepare class action defences, providing witness identification and gathering admissible evidence for a case.”

**Work highlights** BRG is assisting counsel, on behalf of its client, by forensically collecting, cleaning and analysing selected data sets, as well as providing technical expertise and expert consulting services regarding the underlying data storage systems. BRG’s advice includes evaluating the availability and access rights to data stored within multiple systems that collectively form critical components of the client’s enterprise resource planning system.

**Notable practitioners**

**Jeffrey Cramer** is a highly experienced investigator and a managing director of BRG out of its Chicago office. His consulting practice spans matters involving the FCPA, embezzlement, fraud, cyber breaches, proxy fights, security, corporate governance and background investigations. “Jeff is top notch,” says one source; “he is communicative, diligent and made sure the work product that I got in the end was exactly what I needed.” A satisfied client adds: “Jeff is very savvy and understands corporations, private equity funds and investors. He also knows the different standards or expectations that are applicable to different industries and can calibrate his advice and recommendations accordingly.”

**Band 1**

**Nardello & Co.**

**See profile on p.131**

**What the team is known for** Operating out of New York and Washington DC, Nardello & Co is a highly regarded investigations firm that regularly works with the world’s leading law firms, financial institutions, corporations and governments. The firm is particularly capable in handling matters relating to anti-corruption, fraud, and civil and white-collar criminal litigation.

**Strengths** A variety of sources praise Nardello as a market-leading practice. One interviewee says: “Nardello & Co. is top drawer. I’ve worked with every other major investigative firm and Nardello is clearly the most sophisticated, skilled and responsive of any I’ve ever worked with.” “I find that to be above reproach at the highest level is paramount, and Nardello is bar none in the industry,” reports a lawyer; “the team operates with no exceptions in their ethics and there’s never any surprise or unwanted reverberations at the end of an instruction. That’s more important than results.” Another

## K2 Integrity

See profile on p.126

**What the team is known for** K2 Integrity is a leading investigative, compliance and cyber defence firm with offices in Washington DC, Los Angeles and Chicago and headquarters in New York City. The DC branch is the result of an expansion of the firm's financial crimes and compliance capabilities through its acquisition of a local strategic advisory firm, Financial Integrity Network.

**Strengths** "I have investigative colleagues here who came from K2 Integrity initially, and I think they're extremely talented and very good people. The firm is a great training ground for proper investigators."

"For pure investigations K2 is quite good. They're keenly focused on what changing role technology plays in this field and what technological advances can do to enhance and drive investigations. K2 is pushing the boat out in that respect."

**Work highlights** K2 Integrity is conducting a multi-year integrity monitoring assignment as part of the Chicago O'Hare Airport expansion, an USD8.5 billion project. As part of this engagement, its team of construction and real estate professionals is appointed as one of the monitors to prevent fraud, waste and abuse issues throughout the life of the project.

### Notable practitioners

**Snezana Gebauer** (see p.112) is the executive managing director and head of the firm's investigations and risk advisory practice across the Americas. Gebauer is regularly called upon to oversee complex cross-border investigations into corruption, fraud, embezzlement and misconduct for corporations, investment funds and government entities. "Snezana is fantastic," says a market insider; "she leads K2 Integrity in the continent and is a solid choice for prospective clients."

## Kroll, a division of Duff & Phelps

**What the team is known for** Kroll, a division of Duff & Phelps, is equipped to provide an unmatched breadth of business intelligence and investigatory services. The firm's services in supporting litigious matters arises out of its broad capabilities in related areas, including due diligence, cryptosecurity, forensic accounting and many more.

**Strengths** "Kroll is where everyone came out of. It's still a very strong brand name; the joke of no one getting fired for having hired Kroll still holds true. The firm still has the scale and opportunities to be working on some of the most interesting and complex cases and they most often hold on to their clients after the fact - which means they've done well." "I think the firm is better for the merger, and it'll be a very serious contender for one of the best intelligence shops around once the dust has settled. They'll be a formidable competitor."

### Notable practitioners

Julian Grijns is a managing director of the firm's business intelligence and investigations practice, and is based in New York. He is a key contact.

## Mintz Group

See profile on p.130

**What the team is known for** Headquartered in New York, Mintz Group is a well-recognised and longstanding practitioner in the North American intelligence and investigations market. The firm has significant capabilities in finding admissible evidence to support litigators in court or during

settlements, particularly in the areas of intellectual property, white-collar defence and commercial litigation.

**Strengths** "Mintz are a guiding star for this field; there aren't many firms that have the investigative DNA that Mintz do."

"When you think of firms with real integrity who've never had a real problem in how they've conducted themselves ethically, I think of Mintz."

### Notable practitioners

**Jim Mintz** (see p.112) is the founder and CEO of Mintz Group. He is also a founding member and director of the International Association of Independent Private Sector Inspectors General. Mintz is revealed by sources to be "an absolutely brilliant guy who is a genius who demystified this industry" and "one of the early pioneers in this industry." Other interviewees add that Mintz "built a great company" and is "extremely good" at investigations.

## Band 3

### Charles River Associates

See profile on p.118

**What the team is known for** Charles River Associates is a global consulting firm that advises major international law firms, corporations, accounting firms and governments on subjects of economy, finance and strategy. CRA's forensic services practice focuses primarily on forensic accounting, cyber crime and digital forensic investigations and is increasingly utilised in support of litigation on behalf of its clients.

**Strengths** "CRA provides a boutique personal attention and is like the Tiffany of forensic shops. They're a step above and very white-shoe; CRA are very service-oriented, and that's part of their hallmark."

"CRA is at the high end of an industry populated with many firms who purport to provide the level of services that CRA provides. CRA is excellent and I recommend the firm to clients and colleagues for sophisticated forensic review matters without any reservation whatsoever."

**Work highlights** CRA supported an independent futures brokerage firm based in the USA with its investigation, leveraging both US-based resources and on-the-ground colleagues in the Middle East.

### Notable practitioners

**Peter Nolan** is a vice president and co-leader of the firm's risk, investigations and analytics practice. Nolan is fluent in Mandarin Chinese and is deeply experienced in investigations regarding South-East Asia. Nolan has advised on anti-money laundering/Bank Secrecy Act investigations and internal investigations regarding fraud, FCPA and Office of Foreign Assets Control investigations. An impressed peer says: "Peter is fabulous, he's really great at investigations. He's a great professional who's really focused on business intelligence with regards to China and other Asian parts of the world." "I've heard really good things about Peter," affirms another interviewee.

### FTI Consulting, Inc

See profile on p.121

**What the team is known for** Global business advisory firm FTI Consulting provides investigatory and business intelligence solutions through its global risk and investigations, and forensic and

litigation consulting practices. The firm is well regarded for its capabilities in larger, complex internal or external investigations.

**Strengths** "I haven't had an instance where I've had a consultant and an investigative team so integrated like FTI that they're almost part of the team. We meet regularly to work on trial preparation, expert reports, expert testimony, intelligence gathering - whatever the task is."

"FTI is part of the upper echelons of providers of these services. They go that extra mile and are better than most when it comes to connecting the dots and building a factual record."

### Notable practitioners

Andrew Rosini is a senior managing director at FTI and leads the firm's global risk and investigations practice. He is based in New York and is a key contact.

## The Risk Advisory Group

**What the team is known for** The Risk Advisory Group is headquartered in London but has a growing presence in both New York City and Washington DC, among other global offices. The firm is deeply experienced in gathering evidence and intelligence in support of litigation and arbitration proceedings, while leading global law firms regularly use the firm for its investigative capabilities.

**Strengths** "I have, at times, used most of the vendors who provide such services on the market, and consistently come back to Risk Advisory Group for their level of sophistication and professionalism. Simply put, they speak my legal language, and that makes them a valuable partner."

"Risk Advisory is a firm that started in the UK and has a smaller but growing footprint in the US. They're targeted at higher-end investigations more than anything."

### Notable practitioners

Thomas Smith is head of the firm's business intelligence practice in North America and is a key contact.

## Wallbrook

**What the team is known for** Wallbrook is a global investigations and due diligence firm with an office in New York and a growing presence in the litigation support market. The firm holds a private investigator's licence in New York State, and oversees cases centred or touching on the USA or Canada, as well as supporting overseas colleagues with in-country research needs in the Americas. The firm regularly advises on complex, multidisciplinary investigative matters such as court-appointed monitorships or high-value frauds.

**Strengths** "I've been impressed by their recent growth."

"I know the folks there from when they were briefly at Stroz Friedberg, and at Billiter before that. Credit to them for their recent successes, they're young guys who we've heard good things about."

### Notable practitioners

Jake Lipton is a partner of the firm and head of Wallbrook's New York office. He is a key contact.

## Other Ranked Lawyers

**Patrick Kelkar** is a recent addition to Quinlan from a leading competitor. Kelkar is vastly experienced in misconduct, fraud and corruption inves-

tigations, as well as being highly competent in bespoke intelligence gathering for the purposes of litigation. "When I work with Patrick I know I can trust the process will be done in a credible way, with no stone unturned, and the results will be reliable," notes a market insider. "He's gone to Quinlan to do high-level work specifically in disputes and investigations," adds another interviewee. One client is

particularly effusive in their praise, saying: "Patrick Kelkar is my go-to person. He has decades of experience, has seen every difficult situation play out and is a steady hand in times of crisis. His sophistication and accessibility make him a partner rather than a service provider."

**Tyler Maroney** is co-founder and manager at QRI. His practice involves supporting white-collar

criminal defence attorneys, in-house counsel and commercial litigators with bespoke intelligence gathering to resolve complex disputes.

## eDiscovery

eDiscovery	
Leading Firms	
Band 1	
EY	
FTI Consulting *	
H5 *	
Band 2	
BDO USA LLP	
Deloitte	
iDiscovery Solutions, Inc. *	
KPMG	
Stroz Friedberg	
Band 3	
AlixPartners *	
Consilio	
Driven	
HaystackID *	
Lighthouse	
Meta-e Discovery LLC	
PwC	
Band 4	
Epiq	
Forensic Risk Alliance	
KLDDiscovery	
NightOwl Discovery	
TransPerfect Legal Solutions	
Leading Individuals	
Band 1	
Regard Daniel iDiscovery Solutions, Inc. *	
Schwarz Eric EY	
Band 2	
Emory Tara S. Driven	
Favro Philip Driven	
McVoy Paul Meta-e Discovery LLC	
Prasad Ashish HaystackID	
Socha George Reveal-Brainspace (ORL) ◇	
Band 3	
Cohen Matthew AlixPartners *	
Kruse II Warren G Consilio	
* Indicates firm / individual with profile.	
◇ (ORL) = Other Ranked Lawyer.	
Alphabetical order within each band. Band 1 is highest.	

### Band 1

#### EY

**What the team is known for** EY has a multifaceted eDiscovery practice with the ability to find solutions in different scenarios and a wide range of litigation needs. With sophisticated cloud solutions and data privacy expertise, the firm is able to provide a market-leading comprehensive service to large institutional clients looking for a managed eDiscovery solution. The firm has deep technical capability, through which it can apply analytics

and AI technologies to eDiscovery engagement, providing increased efficiencies and delivering valuable insights.

**Strengths** "EY does excellent forensic work."

#### Notable practitioners

Described by sources as "very knowledgeable in his field" and with nearly 30 years of experience, **Eric Schwarz** is widely recognised as a leader in the eDiscovery space. A regular at the Sedona Conference, he is now a retired partner/principal at EY.

#### FTI Consulting

**See profile on p.121**

**What the team is known for** Global services provider FTI is described as a "hybrid between large-scale and customised providers." They have the manpower to deal with the largest cases and the expertise to solve the most complex. They are known to have a very strong team with the ability to provide numerous supporting services through the global FTI network.

#### H5

**See profile on p.123**

**What the team is known for** H5 is the premier consulting firm at the forefront of TAR and technological solutions in the eDiscovery space. They combine a linguistic staffing approach, deep data processing, machine learning and natural language processing to create a powerful and comprehensive eDiscovery tool for clients.

**Strengths** "They are highly sophisticated when it comes to technology, and subject matter experts if you need to do highly customised work, such as if you need to bring in a data scientist on the project to do custom coding and scripting."

### Band 2

#### BDO USA LLP

**What the team is known for** BDO is an auditing and accounting firm with a global network of affiliated firms. This international scale and the deep experience of its US personnel combine to form one of the most well-respected eDiscovery teams. With strong technology and mobile solutions, BDO is able to craft bespoke solutions to a wide range of eDiscovery challenges.

#### Deloitte

**What the team is known for** As one of the Big Four, Deloitte has the capacity to address global corporates' eDiscovery challenges, providing seamless solutions across jurisdictions. With its

scale and the ability to provide a holistic service package to clients, Deloitte is one of the premier solutions providers in this market.

#### iDiscovery Solutions, Inc.

**See profile on p.125**

**What the team is known for** iDiscovery Solutions creates innovative and creative solutions to issues surrounding data collections, forensics and data analysis, among others. The firm is particularly well regarded for its expertise in structured data solutions and has crafted numerous tools to help extract key insights for clients.

**Strengths** "They do provide a good level of resources."

#### Notable practitioners

The president and CEO of iDiscovery, **Daniel Regard** (see p.113) boasts expertise in both law and computer science as well as two decades of consulting experience, much of it in the eDiscovery space. One source says: "I would give him my highest recommendation; particularly for cases that are really thorny and need creativity, and top credentials."

#### KPMG

**What the team is known for** KPMG uses its global network and strong professional service offerings to provide a complete package to firms seeking eDiscovery solutions. Their ability to combine market-leading forensic, eDiscovery and investigations practices with their global scope makes them a strong option for multinational firms.

#### Stroz Friedberg

**What the team is known for** Cybersecurity expertise combines with digital forensic capabilities to make Stroz Friedberg a powerhouse consulting firm in the space of eDiscovery. They support their eDiscovery work with enforcement and investigative expertise to present an integrated and targeted eDiscovery service.

### Band 3

#### AlixPartners

**See profile on p.115**

**What the team is known for** With offices across the globe, AlixPartners is well suited to handle complex cross-border eDiscovery work complementing the firm's industry-leading restructuring services. They have a deep familiarity with regulatory issues and are well suited to handling complex data sets with tailored consulting solutions.

**Strengths** "AlixPartners have a considerable

amount of eDiscovery work in bankruptcies, very document-intensive, using TAR tools. A bespoke service for a particular investigation and client.”

#### Notable practitioners

**Matthew Cohen** (see p.112) is the managing director of AlixPartners, and boasts a broad array of experience in advising companies across the tech, FMCG, medical device, insurance and financial services markets.

#### Consilio

**What the team is known for** With a large global team and the ability to handle even the largest eDiscovery matters, Consilio provides solutions to clients efficiently and quickly. The firm has merged with and taken over a number of eDiscovery firms over the years to build a large arsenal of eDiscovery tools and solutions to serve clients anywhere across the globe.

#### Notable practitioners

Noted for his experience handling matters for law enforcement, **Warren Kruse** is the Vice President Cyber Investigations at Consilio and a respected eDiscovery practitioner.

#### Driven

**What the team is known for** Driven is a company known both for its consulting services and for its technical prowess. The combination of a stable of individuals very experienced in giving testimony in court with the firm’s own proprietary software makes Driven a notable practice in the eDiscovery space.

**Strengths** “The leaders are excellent and the team as a whole is very professional.”

#### Notable practitioners

**Tara Emory** is a highly experienced eDiscovery professional and Director of Consulting at Driven. She is also a regular at the Sedona Conference. One source says: “She has a pretty incredible ability to analyse large amounts of data and give advice on how to manage and review it and incorporate the evidence that we are looking for.” With previous experience as a special master under a federal judge, **Philip Favro** is known for his technical aptitude and legal expertise. One source says: “He’s very smart and technologically savvy.”

#### HaystackID

See profile on p.124

**What the team is known for** HaystackID is a specialised eDiscovery service provider with the ability to craft innovative solutions to challenging eDiscovery problems. They provide market-leading document review software along with innovative data analytics and predictive coding solutions.

**Strengths** “HaystackID is one of the companies that are really the development and engineering groups of the industry. They are homing in on

finding more targeted and non-traditional ways of dealing with data.”

#### Notable practitioners

**Ashish Prasad** is the vice president and general counsel of HaystackID, and founder of its corporate consulting practice. A highly respected practitioner, sources describe him as “widely recognised as one of the top experts in the field.”

#### Lighthouse

**What the team is known for** Operating for 25 years, Lighthouse combines strong project management and data hosting capabilities with cutting-edge advisory services. The firm is also praised for the strength of its project management team, ensuring projects, workflows and data sets are managed efficiently.

**Strengths** “Lighthouse are really strong on eDiscovery services and litigation support. They have done a good job of investing in their business and invest time in improving their technology.”

#### Meta-e Discovery LLC

**What the team is known for** Focused on the plaintiff side, Meta-e Discovery offers innovative and technically sound solutions to firms of all sizes. People appreciate the firm’s ability to come in at very early stages and help craft and direct the right eDiscovery approach for the case at hand.

#### Notable practitioners

**Paul McVoy** is the founder and CEO of Meta-e Discovery, and a well-established and respected practitioner in the space. Sources in particular praise his ability to bring a plaintiff’s perspective to cases and to understand how plaintiff attorneys work.

#### PwC

**What the team is known for** PwC handles matters of international scale for clients such as Fortune 500 companies and leading global law firms. The firm combines its strong personnel with a keen emphasis on digital forensic tools and technology to help provide creative and efficient solutions for clients’ eDiscovery needs.

#### Band 4

#### Epiq

**What the team is known for** One of the most well-known providers of eDiscovery solutions, Epiq is a powerhouse in the space. The firm is able to handle large amounts of data quickly and efficiently and package that in a cost-effective solution for law firms and multinational corporations.

**Strengths** “Epiq are a classic one-stop-shop eDiscovery solution provider, you can go to them for anything. Document review, testifying, data collection—the lot.”

#### Forensic Risk Alliance

**What the team is known for** Forensic Risk Alliance is a professional services firm with expertise in conducting large multi-jurisdictional regulatory and internal investigations. They have innovative forensic eDiscovery solutions with mobile technological solutions that can be deployed across borders to provide effective data collection and governance.

**Strengths** “They’re very responsive, technologically sound and competent. I would highly recommend them to other firms, and have.”

#### KLDiscovery

**What the team is known for** KLDiscovery combines expertise in eDiscovery with the ability to complement its services with a well-regarded business intelligence offering. The firm has built its own tools for data processing and eDiscovery that have won the respect of the market, and also offers Relativity as a solution.

**Strengths** “KLDiscovery has a real ability to manage and manipulate even the largest data sets and provide key support through the process to clients.”

#### NightOwl Discovery

**What the team is known for** Based in Minnesota, NightOwl Discovery helps provide leading enterprise data solutions for litigation and compliance matters. With in-house tools built to help manage workflows and data analytics, the firm is able to provide a bespoke consulting approach to solve complex data problems.

**Strengths** “Very process-oriented. The firm is growing quickly and has an impressive offering. Handling innovative matters.”

#### TransPerfect Legal Solutions

**What the team is known for** Transperfect Legal Solutions boasts a global reach spanning the US, Canada, the UK, Europe, China, India and Australia. A frequent go-to for law firms, the company regularly handles complex volume-intensive forensic analysis on a mix of contentious matters. The firm also hosts some linguistic expertise, and translation services.

**Strengths** “They are responsive and have given us good pricing.”

#### Other Ranked Lawyers

Currently the Senior Vice President of Brand Awareness at Reveal-Brainspace, **George Socha** is a highly respected and established eDiscovery practitioner who co-founded the Electronic Discovery Reference Model.

## USA: An Introduction to Litigation Funding

Contributed by Longford Capital Management

### Litigation Finance Can Drive Business Development, Too

*As the pandemic recedes, law firms must compete for litigation work in an environment forever changed by the stresses of the last year. Used the right way, litigation finance can provide a competitive advantage, bolstering business development efforts and client relations by opening new avenues for helping existing and prospective clients.*

Awareness, acceptance, and use of litigation funding has exploded in recent years. In the first evolution of this innovative application of third-party capital to support legal positions, lawyers and clients looked to litigation finance to cover the legal fees and out-of-pocket expenses incurred in commercial litigation. Litigation finance continues to be used for that purpose.

But today, progressive lawyers and law firms also see the billions of dollars of capital amassing for investment into the litigation industry as a tool for business development and enhanced client service.

In other words, many attorneys are changing their perspective of litigation funding from a *reactive* solution to a particular problem (e.g., paying for litigation) to a *proactive* tool able to bring value to existing clients and generate new business.

As the business of law emerges from the pandemic into a transformed legal market, there is no time like the present to consider how litigation finance can drive business development.

### The Why: Corporate Legal Departments are Expected to Do More with Less

Wendy Benero, Global Chief Marketing Officer of Baker McKenzie, told *The American Lawyer* late last year, “We believe client expectations, buying behaviors, and service preferences have been forever changed.”

Reuters’ 2021 Report on the State of the Legal Market concurs, arguing that the pandemic further solidified a new legal market years in the making – one in which clients seek “more efficient, more predictable, and more cost-effective” services. The reasons for this are largely economic, as corporate legal departments face more budgetary pressure and more substantial workloads.

The pandemic accelerated these trends: while law firms saw demand decrease, 79% of in-house counsel “reported an increase in workload due to the pandemic.” Unsurprisingly, amid ongoing budget shortfalls, it follows that 89 percent of in-house lawyers also identified controlling outside counsel costs as a high priority. Meanwhile, cost-cutting measures, delayed trials, and the shift to remote work have too often drawn attention and resources away from law firms’ business development efforts.

Yet these recent challenges have also created opportunities. For example, 45% of respondents in a recent survey of in-house counsel indicated that they expect legal disputes to increase in 2021, perhaps due in part to filings that were delayed by the pandemic. These statistics suggest a backlog of potentially meritorious claims that could benefit from litigation finance and entrepreneurial attorneys willing to shift their understanding about what litigation finance can bring to the table. The key is understanding how to leverage litigation funding from a client-service/business development perspective to help clients maximize the value of those dormant claims.

### The How: Add Value Through Litigation Funding

More than ever before, prospective and existing clients view

flexibility, efficiency, and predictability in litigation budgets as prerequisites for potential outside counsel rather than innovative and distinctive advantages. To win business, attorneys need more than the usual arsenal of discounted hourly rates, fixed-fee budgets, so-called contingent arrangements, and their respective variations.

Litigation finance offers flexible, customized solutions to meet client needs, putting more tools in lawyers’ hands and supercharging the ones they already have, thereby positioning lawyers to develop more creative, practical, and client-centric solutions.

For instance, by partnering with a litigation funder, attorneys can offer financial solutions that they would not be able to offer alone – including non-recourse cash paid to the client immediately. In addition to alleviating cash flow issues and lessening financial pressures or budgetary constraints, litigation funding allows attorneys to offer clients risk-free capital to support core business operations or growth.

Some of these direct-to-client payments include:

• *Claims monetization (immediate cash infusion):* This involves the funder making a lump-sum payment (or series of payments) directly to the client in exchange for a portion of the client’s future litigation recovery. Besides enabling the client to book a recovery immediately, this has the added benefit of guaranteeing a financial return even if the case is ultimately unsuccessful.

• *Catch-up payments (for previously incurred fees and expenses):* This comes into play where the funder becomes involved mid-litigation and the client has paid attorneys’ fees and expenses incurred so far. The funder often will make a lump-sum catch-up payment to make the client whole. Relatedly, catch-up payments can also be made directly to law firms for any unpaid bills.

• *Operating expense payments (ongoing payment of non-litigation business expenses):* This involves the funder paying certain client operating expenses on a periodic basis. This mechanism is typically used along with other types of funding arrangements (for example, where the funder is also paying attorneys’ fees and expenses to pursue a litigation).

• *Post-judgment monetization (to hedge risk while an appeal is pending):* This is where the funder purchases a portion of a favorable judgment or arbitration award while the case is on appeal or enforcement efforts are ongoing. This allows clients to take money off the table and accelerate realization – while retaining an upside stake – rather than waiting months or years for potential payout or even risking reversal.

As is evident, even if the client has no interest in traditional litigation financing (i.e., having a third party pay its attorneys’ fees and expenses), claims monetization offers a new way to generate opportunities and differentiate oneself.

Further, these options can be combined with other funding structures to provide tailor-made solutions to meet the client’s needs. For instance, by combining funding of fees and expenses with a direct-to-client payment, attorneys can reduce their client’s legal budget and provide an infusion of working capital.

Increasingly, firms are partnering with litigation funders on portfolios of multiple cases as well, building collaborative long-term relationships to smooth the risk associated with firms’ significant investment of time and resources. These partnerships are expected to continue; again according to Reuters, 59% of large firm business leaders indicated that their firms either have or plan

to implement opportunities to collaborate with companies outside the traditional law firm structure.

### The Importance of Due Diligence and Collaboration

Successful litigation finance firms rely on experienced litigators to scrutinize the merits of opportunities before investing. This due diligence is especially crucial today, with financiers managing ever-shifting risks and market volatility, and with more and more companies in need of access to the civil justice system.

The best firms generally follow a three-pronged approach to assessing and managing a potential investment, including an initial review, due diligence (in-house and/or via independent advisors), and consistent monitoring of the investment.

At Longford Capital, we employ a two-phased due diligence process before investing to ensure quality and objectivity. As such, when a law firm, claim owner, or university contacts us about a potential funding opportunity, we take the following steps:

1. *First phase of due diligence – internal review.* During this phase, Longford's team – composed of experienced litigators, IP professionals, investment strategists, and business leaders – performs an in-depth case assessment and damages analysis. This involves researching the facts and applicable law, and relevant background documentation (e.g. publicly available court filings and select public financial information). We also request a comprehensive case budget and litigation management plan. Some criteria Longford and other funders consider when assessing the viability of a potential investment include the substantive merits of the case, provable damages, jurisdictional considerations, quality of counsel, and the capital requested.

2. *Execute letter of intent.* The letter of intent details the terms of the contemplated financing (e.g., how attorneys' fees/expenses will be paid) and how proceeds will be distributed.

3. *Second phase of due diligence – external review.* During this phase, we look to independent advisors – including recognized legal scholars, a former Federal Circuit Court judge, and other experienced litigators – and engage outside counsel with subject-matter expertise to evaluate the legal and technical merits of the case and any other information relevant to the proposal.

4. *Execute funding agreement.* If we decide to proceed with an investment, Longford prepares and negotiates a customized funding agreement for the investment, which is approved by our Investment Committee before being finalized.

5. *Funding begins – as does case monitoring.* Once the funding agreement has been signed, we monitor the case as it moves forward. We remain a strategic resource for claim owners and counsel as they press ahead with the opportunity.

The length of the underwriting process depends on several factors, such as the stage of the case (e.g., appeals have fewer unknowns than matters yet to be filed), the type of case, the amount of effort and development of the opportunity already undertaken, and the responsiveness of law firms and claim owners involved. Typically, however, commercial matters take roughly four to six weeks from initial review to investment.

Regardless of form, the due diligence process should be an opportunity to collaborate with an unbiased, experienced litigator looking at the case with fresh eyes and creative ideas to set it up for success. At Longford, there is near-unanimous agreement among the attorneys we work with that cases emerge from our due diligence process significantly stronger than they were beforehand. The same can be said for case monitoring, which pro-

vides opportunities to preview strategies and ideas before deploying them in litigation.

### What to Look for in a Litigation Finance Firm

Selecting the right litigation finance firm can be difficult. Many claim owners and law firms may be testing the litigation finance waters for the first time, and the stakes can be high. And in recent years, several new players have entered the space.

Below are some key factors to keep in mind when choosing a litigation funding firm:

#### *A professional, knowledgeable team*

Litigation finance is a highly specialized industry, which means that the firm must comprise both experienced trial lawyers and investment specialists. In short, whether you are an attorney at a law firm or the general counsel of a corporation, you should want to work with people who have been in your shoes – and succeeded.

#### *Firm experience and track record*

Given the increasing number of new entrants in the space, the complexity of litigation finance, and the high stakes of litigation, experience and a successful track record are vital factors. You should ask: How many investment opportunities has this firm evaluated? What is their success rate? Have they funded a case like mine before?

#### *Size and specialization*

Size is another indicator. For instance: Can I trust that this firm will have capital on hand when I need it? Can they finance litigation at scale? And relatedly: What size and type of case does the firm take on?

#### *Investment discipline and process*

This pertains to the due diligence points discussed in the previous section; in other words, a firm should have a standardized and thorough process to evaluate and select only the most meritorious litigation finance opportunities.

But it also entails a focus on capital protection and operational strength. For example: Are service providers selected based on stability, reputation, expertise in the asset class, and precision? Is there a clear control environment maintained through segregating and defining roles and responsibilities? Does the firm's technology environment and those of its strategic partners ensure business continuity, security and disaster recovery?

#### *Client service*

Your litigation finance firm should possess sufficient skill and capitalization to provide flexibility in structuring investments in ways that are tailor-made to the matter at hand. Of course, they should be highly responsive in their level of service, while abiding by the highest ethical standards.

At the end of the day, your litigation finance firm should feel like a true partner. At Longford, we look to provide value beyond the capital by drawing on a diverse team of experts, ensuring a thorough, dual-phased due diligence process, and delivering the highest level of professionalism and institutional strength – all of which our clients have come to expect from a long-established, well-capitalized industry pioneer.

### At the Forefront of Litigation Finance

In the decade since its founding in 2011, Longford Capital has been a pioneer and pacesetter in the funding industry. As the industry continues to grow and evolve, we are proud to be at the forefront of new developments that will carry litigation finance forward – including with respect to business development.

For attorneys seeking to maximize opportunities to help their clients and generate business, the key is understanding that litigation finance is a powerful business development resource that allows savvy attorneys to stand out in a competitive landscape. As noted above, creative constructs such as monetization, capital for operating expenses, and catch-up payments provide concrete value for clients. In certain cases, litigation funders may also provide direct financial support for attorneys with case ideas in the development stage, including defraying the cost of investigations and expert analyses.

These innovations are just the beginning, as Longford's second decade promises to bring more changes to the litigation finance industry—from the rise of defense-side funding, to the use of AI and predictive analytics, to novel funding structures.

At Longford, we embrace our role as a leading innovator in the space, and we are excited about the future and the many ways we can partner with law firms, companies, investors, and universities to help them achieve their goals.

## Litigation Funding

Litigation Funding
<b>Leading Firms</b>
<b>Band 1</b>
Burford Capital
Omni Bridgeway
<b>Band 2</b>
Longford Capital Management *
Therium Capital Management *
<b>Band 3</b>
GLS Capital *
Lake Whillans Capital Partners LLC *
Parabellum Capital
Validity Finance LLC *
<b>Band 4</b>
Bench Walk Advisors *
Curiam Capital LLC
Woodsford Litigation Funding
<b>Band 5</b>
LexShares
Veridis Management
<b>Leading Individuals</b>
<b>Band 1</b>
Bogart Christopher Burford Capital
<b>Band 2</b>
Blinderman Eric Therium Capital Management
Chock Allison K Omni Bridgeway
Gill Adam GLS Capital *
Will Aviva Burford Capital
<b>Band 3</b>
Nicolas Michael A. Longford Capital Management *
Shams Howard Parabellum Capital
Sutton Ralph Validity Finance LLC
Weinstein Boaz Lake Whillans Capital Partners LLC
<small>* Indicates firm / individual with profile.</small>
<small>Alphabetical order within each band. Band 1 is highest.</small>

The editorial is in alphabetical order by firm name.

### Bench Walk Advisors

See profile on p.70

**What the team is known for** Bench Walk Advisors is a well-established litigation funder operating in the US out of New York and Wilmington. The firm is committed to making fast decisions and operating flexibly, usually advising on whether it will proceed with a funding application within one week.

**Strengths** "The team has the combination of legal brilliance and commercial smarts."

"Many at the firm have a finance background, so they can prove to be very innovative in their funding

Litigation Funding: Brokers
<b>Leading Firms</b>
<b>Band 1</b>
Red Bridges Advisors
Westfleet Advisors *
<b>Band 2</b>
Rockmond Litigation Funding Advisors
<b>Leading Individuals</b>
Agee Charles M Westfleet Advisors *
Langhoff Andrew Red Bridges Advisors

solutions. I'd describe the team as resourceful and able to think outside of the box."

**Work highlights** Bench Walk Advisors is funding an investor-state arbitration case against Peru. The case will be heard at ICSID in Washington.

#### Notable practitioners

Stuart Grant is a founder and managing director of Bench Walk Advisors and is a key contact.

### Burford Capital

**What the team is known for** Burford Capital is the largest legal finance company in the world. The firm has pioneered several creative solutions within the funding space and remains at the forefront of innovation in the industry. Burford provides a plethora of financing options to the legal sector, such as large portfolio deals, monetising a claimant's settlement and other associated legal receivables.

**Strengths** "They are open to anything from our perspective that we bring to them, and will engage with all our suggestions. They're happy to have discussions about cases that don't even fit their profile; they're flexible enough to talk about anything with you. We are very candid in discussing issues with Burford. We'll admit, they're a great funding partner and it's a company full of good people. For us, the relationship is working. They are flexible, interested, challenging and creative – it's become a truly great relationship which we hope will continue for years to come."

"I think clients are impressed with Burford and the firm's sophistication. Moreover, the sophisticated clients have a preference for Burford. The team there is very involved in the cases, very smart, and they have a great ability to evaluate cases. I'd say the team is a cut above the rest in terms of their sophistication and legal acumen."

#### Notable practitioners

**Christopher Bogart** is a co-founder and chief executive officer of Burford Capital. He is one of the pioneers of the litigation funding industry in

Litigation Funding: Intellectual Property
<b>Leading Firms</b>
<b>Band 1</b>
GLS Capital *
Longford Capital Management *
<b>Band 2</b>
Burford Capital
Omni Bridgeway
<b>Band 3</b>
Curiam Capital LLC
Parabellum Capital
Validity Finance LLC *
Woodsford Litigation Funding

the USA and has been described by sources as "a savant when it comes to funding." A lawyer commented: "I regard him as an extremely bright, quick, knowledgeable expert of the law and funding generally. You could describe him as a lawyer's delight to work with. Very strategic and practical – that is not a combination that funders typically have." **Aviva Will** is the co-chief operating officer at Burford Capital and one of the leading figures in the litigation funding industry. At Burford she launched the Equity Project, an initiative designed to address gender imbalances in law by providing a USD50 million fund for financing matters led by women. "She is great, really wonderful. Very savvy and experienced," says a market source, "she is very client-focused, involved in the details and knows all the issues. A great operational person – which is what you need in someone running cases."

### Curiam Capital LLC

**What the team is known for** Curiam Capital is a private investment firm providing innovative and cutting-edge financial structuring to clients in the litigation finance industry. The firm is highlighted by market peers and its own clients for being able to decisively fund high-value litigation, while offering some of the most competitive rates available.

**Strengths** "I've definitely recommended them to my own clients. The due diligence process they have is very smooth, they have a good set-up. They stick to their timing and are quick to tell you if they are interested or not. It's helpful they have a reputation for sticking to their guns. They are a little better than most in the IP space – they'll know everything that is going on and can make decisions super quickly."

#### Notable practitioners

Owen Cyrulnik is a managing principal and



co-funded the company. He is head of its investment policies and is responsible for overseeing the firm's underwriting, due diligence and case funding. He is a key contact.

### GLS Capital

#### See profile on p.122

**What the team is known for** Founded by former Gerchen Keller executives, GLS Capital is a streamlined and efficient funder. It provides funding solutions for commercial litigation, arbitration and complex intellectual property cases.

**Strengths** *"The people at GLS come from a litigation background with great experience. They're extremely sharp, talented lawyers as well as businesspeople. When it comes to understanding the economics of a case, GLS stands out from its peers the most. The firm's ability to find creative solutions, incentivise companies to make a deal, and structure their deals in a way that suits companies is what makes the firm really attractive."*

#### Notable practitioners

**Adam Gill** (see p.112) is the founder and managing director at GLS Capital. Gill draws on substantial experience from his former positions at Gerchen Keller and Burford Capital in the execution of his role at GLS Capital. *"He is great on intellectual property matters,"* says an interviewee. *"My impression of him tells me that he is very creative in how he thinks about deals. He thinks outside the box and looks for different and unique ways to structure deals. Some things we have worked on with him were financing at their core but essentially were structured as business financing deals or taking cuts of licensing. Ultimately, Adam structures deals in an optimal way to the benefit of his clients."*

### Lake Whillans Capital Partners LLC

#### See profile on p.127

**What the team is known for** Lake Whillans is a relatively small and highly focused funder with a solid track record in crafting the best solutions for clients' funding needs. Its flexible and collaborative in-house team, with significant trial experience, is able to work effectively across a range of cases and jurisdictions.

**Strengths** *"Some of the people in this industry are very sales-oriented and not substantively strong in their practice. Lots of them over-promise and then under-deliver. They'll say they approve cases but then later tell you the investment committee needs to approve it. Often there are funders behind funders, some act as intermediaries. With Lake Whillans that is not the case. If they green-light it, the money is there. I think that is somewhat unusual. I'd also suggest that Lake Whillans is a more accessible firm than others in the industry."*

**Work highlights** Lake Whillans invested in a portfolio of antitrust cases being prosecuted on a contingent fee basis by a boutique law firm. The investment successfully concluded in 2020, when the lead case in the portfolio settled in the run-up to trial.

#### Notable practitioners

**Boaz Weinstein** is the co-founder and a managing director at Lake Whillans. His legal expertise is widely recognised and he has been funding matters successfully for several years. One client commented: *"I find Boaz to be very smart and reasonable. There is no playing games. He's happy to say when he can fund a case or when it may be too expensive for all parties involved. You feel like you*

*are dealing with someone who is on your side. I think that he is someone who would calmly and patiently take a call and even recommend others who might suit us better. I really have a good relationship with him, and really respect him. He's interested in your outcome, not just his commission. In the world of litigation funding, I think that Boaz and Lake Whillans are in a category by themselves."*

### LexShares

**What the team is known for** Based in Boston and New York, LexShares continues to be one of the most active commercial litigation finance firms in the industry. Critical to the firm's expedience in decision making is its technology-enabled origination strategy, the Diamond Mine platform, sourcing more than 4,000 new opportunities per day and indexing nearly one million cases for outreach.

**Strengths** *"It was just very easy dealing with LexShares. You could describe it as very uncomplicated, which was great for us and our client."*

*"I think it's a smart group there. I respect what they're building, and they've quickly become a funder of choice for us."*

**Work highlights** LexShares provided a USD750,000 investment to a defrauded plaintiff, a professional athlete, so he could retain a high-calibre commercial litigation boutique on a hybrid contingency arrangement.

#### Notable practitioners

Max Volsky is a co-founder at LexShares and its chief investment officer. He is a key contact.

### Longford Capital Management

#### See profile on p.129

**What the team is known for** Longford Capital is an experienced and well-capitalised funder known in particular for its intellectual property expertise. With a longstanding reputation, Longford has been a fixture of the US funding market for over ten years.

**Strengths** *"They continue to be very professional. They're expert in terms of understanding litigation and the particular intricacies of the funding space. They're at the leading edge of the funding world, for sure. The firm brings expertise to our matters and they are great to work with. The team there is always interested to lend their input where they see value, as well as always being willing to listen. It's a very professional and enjoyable relationship."*

*"IP is a real focus of what they do. The team fully appreciates the nuances involved. I remember having a conversation with them, and they crossed all the t's and dotted the i's. Once they make a commitment they will back it fully. Longford is at the absolute top of IP."*

**Work highlights** In July 2019, Longford Capital announced that it is funding a patent enforcement campaign for University of California, Santa Barbara related to UCSB's groundbreaking filament LED technology. Longford Capital will fund the attorneys' fees and expenses related to UCSB's enforcement campaign in exchange for an agreed-upon portion of the proceeds generated from the campaign.

#### Notable practitioners

**Michael Nicolas** (see p.113) is the co-founder and a managing director at Longford Capital. He oversees the investment selection and underwriting processes at the firm. Sources say: *"Mike is extremely well versed in litigation, as well as funding. He is a fantastic partner at every step of*

*the process. On more than one occasion, Mike has provided invaluable insight about a court decision or a strategy that comes from his deep experience funding cases for other major law firms. He would be fantastic to have as a partner on a case – even if he wasn't providing the financing."*

### Omni Bridgeway

**What the team is known for** Formerly known as Bentham IMF, Omni Bridgeway is one of the longest-standing and most highly capitalised legal funders in the world. Its US offices include New York, Los Angeles, San Francisco and Houston.

**Strengths** *"The one I have confidence in and see as a firm of real professionals in the legal financing market is Omni Bridgeway."*

*"Omni Bridgeway has hired more and more sophisticated folks to take on IP matters. They're constantly going out, hiring and organising teams to underwrite large patent opportunities. They are doing a lot of IP cases and have some very competent patent-focused litigators."*

#### Notable practitioners

**Allison Chock** is the chief investment officer for the USA team at Omni Bridgeway. Praised for her legal acumen and financial savvy, she is a respected operator in the litigation funding market.

### Parabellum Capital

**What the team is known for** Based in New York, Parabellum Capital is one of the most experienced litigation funders in operation. With a lauded and experienced team, the firm is well capitalised and can work nimbly and quickly to meet and exceed clients' expectations.

**Strengths** *"I have known Parabellum for a long time. The firm has gotten better and smarter institutionally, and added a lot more heft over the years. They have stayed very flexible. They will do all sorts of structures, and work to what the client needs. When I talk to people about working with different funders, I say that Parabellum are one of the firms to consider for innovative structures, they create a lot of value that way. A very good partner."*

#### Notable practitioners

**Howard Shams** co-founded Parabellum Capital and serves as its chief executive officer. He is a strategic leader at the firm and a member of its investment committee. Shams is regarded as one of the most well-respected funders operating in the market and is considered by peers and clients alike to be one of the pioneers of the industry from his time at Credit Suisse, where he helped create the investment bank's legal risk and finance business.

### Red Bridges Advisors

**What the team is known for** Operating out of New York, Red Bridges has facilitated litigation financing transactions totalling more than USD100 million. The firm's deals has included the funding of cases and expenses, monetising claims, de-risking law firm portfolios and accelerating legal fees.

The firm leverages its experience to help clients identify the right funder for their case and helps with gathering information, initial financing, and closing the deal.

**Strengths** *"Red Bridges is excellent. The firm has a great understanding for the market. There are very few firms who have shared its storied background in the funding space. The team there can really put*

together a solid deal. I would think Red Bridges has some of the best brokers in the funding space.”

#### Notable practitioners

**Andrew Langhoff** is the managing director and founder of Red Bridges Advisors. He brings his experience from previous positions in two of the largest litigation funders, Burford Capital and Gerchen Keller Capital, to help find the right financial solution for his clients. *“Definitely the top when I think about brokers, no doubt. He understands deals, clients, and how funders operate. I think he is a real class act. Everything you get communicated to you through him is very well thought out. I would always look just a little bit closer at Andrew’s opportunities.”*

#### Rockmond Litigation Funding Advisors

**What the team is known for** Rockmond Litigation Funding Advisors is based out of Madrid and London, but is a hugely prominent brokerage presence in the USA. The firm brings its wealth of experience in the legal, finance, restructuring and insolvency sectors to the benefit of its clients. Rockmond has a proven track record in securing legal funding for its clients, either in commercial litigation or in international arbitration.

**Strengths** *“They’re a very active firm on the brokerage market and they often have interesting opportunities on their plate. They’re good fellows, doing good work. Despite being present most often in Spain, we’ve seen them aplenty on UK and US matters as well.”*

#### Notable practitioners

Armando Betancor co-founded the firm and serves as its managing partner. He is a key contact.

#### Therium Capital Management

##### See profile on p.95

**What the team is known for** Headquartered in the UK, Therium Capital Management has built a stellar reputation in the US market. The firm engenders great praise for its out-of-the-box solutions and its clear and transparent methods. Therium’s efficient underwriting processes and international arbitration expertise are especially singled out amongst clients and market peers.

**Strengths** *“Therium is terrific, I like them the best. Extraordinarily professional, thorough, thoughtful, and a true partner throughout the litigation with us. They really get into the details with us. They value law firms and view us as partners. I would 100% recommend them and work with them again. I’d describe them as my go-to litigation funders. Therium are very competitive on pricing, beat all their competitors, and are by far the most responsive. In my view they are the best funder and I have dealt with quite a few. I give them the highest rating – I think the world of those guys.”*

#### Notable practitioners

**Eric Blinderman** is the chief executive officer at Therium. Clients praise his attitude, international legal experience and acumen. Blinderman is himself an experienced commercial litigator, having represented governmental and private entities internationally in his previous role at Proskauer Rose in complex litigation and commercial arbitration. One client says: *“I like Blinderman, he is a smart guy. I think his character drives the firm in the US. He picks up things quickly, and he is interested in different things. He’s always available. You can call him at 10pm and he will still be on top of the situation. You can bank on his word even before the documents are all signed.”*

#### Validity Finance LLC

##### See profile on p.139

**What the team is known for** Validity Finance seeks to move the industry forward with a holistic approach to funding that is appreciated by numerous stakeholders. The firm is focused on building long-term relationships with clients and prefers repeat business. Its ability to craft tailored solutions is praised by various market sources, along with its highly rated client service and customer-centric financing solutions.

**Strengths** *“Very highly respected firm by both the funding industry at large and, more specifically, the IP market. The team is very strong at selecting cases and doing their due diligence properly. A very secure market position Validity has built for itself, and it’s now able to distinguish between strong cases and not so strong cases.”*

#### Notable practitioners

**Ralph Sutton** is the founding partner and chief executive officer at Validity Finance. Bringing deep expertise from his time at Credit Suisse and Bentham IMF, Sutton is an industry thought leader who is well regarded for his ability to find the right financing solutions for his clients.

#### Veridis Management

**What the team is known for** Veridis Management is based in Tampa, Florida, and has funded litigation in jurisdictions across the breadth of the US. The firm invests in US state courts, federal courts and alternative dispute resolution forums. The firm has experience in litigation funding, across intellectual property disputes, tax disputes, breach of contract cases and other forms of commercial litigation.

**Strengths** *“They pride themselves on giving answers quickly, and they’re honest. I’d rank the firm extremely highly in terms of client service, and they’ve consistently demonstrated their ability to be successful.”*

*“I think very highly of them, they’re experienced in the legal finance industry. I use Veridis for important cases where we need a funder we can trust.”*

**Work highlights** Veridis funded legal fees and expenses to four claimants pursuing professional negligence claims. Veridis assisted in the development of the claimants’ legal strategy, and as a result the claimants secured a rapid settlement that returned a 3.6x Multiple of Invested Capital and 1335.8% Internal Rate of Return to Veridis.

#### Notable practitioners

Maximilian Amster is the CEO and founder of Veridis. He is a key contact.

#### Westfleet Advisors

##### See profile on p.96

**What the team is known for** Westfleet Advisors is widely recognised as a premier firm in assisting clients to manage the process of raising, evaluating and funding options for their cases. The firm offers structuring advice, alongside brokerage services, comparative analysis and feasibility analysis for clients who have already secured funding, or who are simply investigating the possibility. Westfleet Advisors is also highly involved in thought leadership and publishes a number of articles and market surveys relating to the US litigation funding market.

**Strengths** *“Head and shoulders above the rest, and a real value-add to any case that Westfleet is funding.”*

*“Westfleet is a big operation with more people than most firms. It’s a respected outfit and does a lot of thought leadership in this market.”*

#### Notable practitioners

**Charles Agee** (see p.112) is the CEO of Westfleet Advisors. In a previous role, he helped develop funding solutions at the hedge fund Augusta Capital. He is recognised by his peers in the market as a sophisticated broker who adds value through his experience and personal touch.

#### Woodsford Litigation Funding

**What the team is known for** Offering a wide range of funding solutions, Woodsford Litigation Funding services its clients by integrating expertise from both its US and UK offices. The firm works collaboratively with clients and is praised by the market for having a deep understanding of how litigation works.

**Strengths** *“An outfit that is organised, experienced, and can make complex decisions in a timely manner. They are professional and work hard towards achieving a funding agreement for their client. The go-to firm for us: professional, creative, consistent, and timely. Over our relationship they have always been that way. If a client called me tomorrow and said they wanted litigation funding, Woodsford is the firm I would recommend.”*

#### Notable practitioners

Robin Davis is an experienced US litigator and Woodsford’s chief investment officer. She is a key contact.

## USA: An Introduction to PR & Communications

Contributed by PRCG Haggerty

Litigation Communications: Overview and Trends

### Litigation Public Relations and Litigation Communications in a New Age of Technology and Transparency

Just as technology, the Internet and social media have changed most aspects of our personal and professional lives, so too has it changed the practice of litigation communications (or litigation public relations, as it is also known). Response must be faster yet more strategic, while the reputational consequences of each legal move are magnified and amplified far beyond the courtroom walls. Planning, preparation and rapid response are all critical elements to ensure a litigation communications program that effectively supports high-profile, high-stakes legal matters.

In my book *In the Court of Public Opinion: Winning Strategies for Litigation Communications* (ABA Books, 2019), litigation communications is defined as:

**Managing the communications process during litigation or other adjudicatory proceedings so as to affect the outcome or its impact on the client's overall reputation.**

To some, this might mean simply writing a press release or media statement in response to an incendiary legal filing lodged by an aggressive plaintiffs' lawyer. Others might envision a press conference on the courthouse steps to announce the filing of a lawsuit. Still others a late-night shoutfest on cable news over the latest U.S. Supreme Court ruling or global financial or criminal case.

In truth, however, while each of these events may occur during the course of a legal dispute, litigation communications is much more than this. For litigators, corporate counsel and senior executives, litigation communications should be considered a broader strategic discipline, one that is often a critical element in effective litigation management. In high-profile cases, it can be as important to the client's ultimate success as effective electronic discovery document management, or the retention of the right experts. This is particularly true in the age of social media, as Twitter, Facebook and other platforms have come to dominate not just news dissemination, but social and group interactions as a whole.

Moreover, in an age in which concepts such as Environmental, Social, and Governance (ESG) principles and Corporate Social Responsibility (CSR) have taken root within the corporate environment, it is no longer enough to be right on the law or the facts. Your client's public posture must be in line with modern social mores and contemporary concepts of acceptable organizational behaviour. To think otherwise runs the risk of winning the battle on the legal front but losing the reputational war.

Finally, and importantly — particularly for defendants — litigation communications is often *not* about making the loudest noise in response to pending or current litigation. Rather, proper litigation PR is an exercise in *risk mitigation*: ensuring that the legal issues facing an organization or high-profile individual do the least reputational damage possible as court proceedings. Planning and proper resources are key.

### Why Litigation PR Is Important

Why is communicating properly during litigation so important? One reason is that most cases will never see the inside of the courtroom — at least not for trial. In the US it is estimated that more than 95% of legal actions settle before trial or other formal adjudication. Thus, the court of public opinion is often the only

forum where guilt or innocence (or, in the civil sense, liability) is ultimately assigned.

More than this, however, the way a case is managed publicly can have a significant impact on the perspectives and negotiating position of the parties when they eventually reach the settlement table. For example, if a defendant in civil litigation in the US has been publicly battered in media and social media for months, that party's settlement posture will be far different than if such public condemnation had been avoided. Alternately, if a defendant can show plaintiffs' lawyers that their skill and ability at handling the communications aspects of litigation will make it harder to try the case in the media, the plaintiff's posture throughout the litigation — and the level of resources opposing lawyers devote to a particular case — can change dramatically. Put simply: without the prospect of a quick and easy payoff, plaintiffs' lawyers lose interest. For both plaintiffs and defendants in litigation, therefore, managing the process effectively can have a considerable impact on its ultimate resolution.

### Lawyer and Client Resistance to Litigation Communications

The above no doubt makes sense, but in many circumstances, the public aspects of legal disputes are waved away as mere window-dressing, or left until after the "real" legal strategy has been completed. Having worked with lawyers and their clients in high-profile litigation for decades, I can firmly assert that this approach is short-sighted and often disastrous. Lawsuits of all types and sizes are becoming big news in business, trade, and general-interest media. To quote a federal district court judge in New York: "advocacy of a client's case in the public forum will be important to the client's ability to achieve a fair and just result in pending or threatened litigation" and "dealing with media in a high-profile case is not a matter for amateurs."

In truth, even the best litigators can be remarkably tone deaf to public perceptions of litigation. Good litigation communications consultants look to overcome this deficit by taking a holistic approach to this critical aspect of modern litigation, including by monitoring media and social media coverage, fostering productive interactions with key audiences, framing issues in the minds of media and the public before litigation is underway, and otherwise ensuring that their clients' "narrative" or "storyline" is presented correctly throughout the dispute. It is this strategic overlay to the management of perception during litigation that is essential to success, but often overlooked in the heat of an adversarial legal battle.

### Framing the Story

*"Just send the media the briefs and exhibits. After the reporters read all that, they'll understand."*

This, too, is a dangerous attitude, and for a simple reason: no media outlet or social media commenter is going to thoroughly read all the legal documents in a case before deciding what the "story" is. If you send over a 100-page complaint or a 50-page brief, your audience is going to form perceptions based on the first two or three pages. Therefore, distilling the essence of your client's case so that the storyline is instantly understood by outside audiences is often the only way to ensure the strengths of your argument and your client's position are understood. In effective litigation communications, you want the right narrative firm-

ly cemented in the minds of the stakeholders who will influence perceptions regarding the legal dispute. You want it repeated; you want it understood. It becomes the shorthand through which public audiences understand what is happening and the client's position. We often call this establishing the "mantra of the case."

#### Search Engine Optimization (SEO), Case Websites, and other Internet-based Strategies

Given the rise of social media and the Internet as a primary driver of public opinion, **Search Engine Optimization (SEO)** is now integral to the practice of litigation communications. SEO is a complicated technical process through which news stories and websites achieve better ranking over time on Google and other search engines. Algorithms that determine which websites appear on the first page of Google search results are complicated and ever-changing, and ensuring that positives rise and negatives are pushed down can be complex and tedious work involving the selection of keywords, incoming and outgoing links to the website, the updating of stale content on the site, and a host of other factors. Over time, proper SEO can be a critical element in addressing untruths and distortions in public perception. Litigation communications consultants need to have the tools and technical skills to ensure the right narrative is represented—one that advances both the client's overall reputation and their position in the case.

Similarly, a trend in recent years has been the creation of stand-alone **case-related websites**—or the creation of a microsite or dedicated section within a broader website—to deliver key information directly to the audiences interested in your case. Working with the right litigation communications consultant, the legal team can set up a site for case documents, statements of the parties, press releases, fact sheets, and all the other information that helps audiences form proper perceptions about a particular legal action. Over time, a well-executed case-related website becomes a key resource for media and other stakeholders who want to gain a full understanding of the facts, legal issues and client's position. In addition, such a site can provide the raw materials for social media posts that will help drive the conversation regarding your case in the right direction while positively impacting SEO. Indeed, for media and other key public audiences, the absence of such well-managed information about the case or controversy can be the cyber-equivalent of a curt "No comment."

Finally, effective **media and social media monitoring** can ensure that the client and legal team understand how a case is being perceived and, therefore, the best manner of response. Unfortunately, most media and social media monitoring in corporations is designed to measure brand impact and other broad marketing metrics, and not the impact of public perceptions of litigation and legal issues. For a litigation public relations program to be effective, media and social media monitoring must be tailored to the elements and narrative most important to managing the case. This often involves a human touch to monitoring, rather than passively allowing software to deluge legal and communications teams with a proverbial firehose of monitoring data.

#### Conclusion

The practice of harnessing the power of media to target specific audiences can influence public perception of a legal issue. This practice, litigation communications, is a relatively new field, having appeared only within the last 30 years, and—quite naturally—coinciding with the explosion of media and information over the same time period. Indeed, recent changes in media have greatly altered the practice of litigation communications. As more and more crises involve legal issues, litigation and crisis communications are converging. Digital and social media have also changed the speed at which news is released, increasing the need for rapid communication of core messages. Finally, the rise of trade publications has opened a new path towards reaching target audiences. Both parties and their legal counsel should understand the manner in which public attention has changed the way litigation is both perceived and managed, and take all the necessary steps to ensure the proper impact on the case, as well as overall reputation.

#### About the Author

James F. Haggerty, President and CEO, PRCG | Haggerty LLC, New York

James F. ("Jim") Haggerty, an attorney, communications consultant and author, is considered one of the global pioneers of Litigation Public Relations (or Litigation Communications, as it is also known). With more than 30 years of experience counselling corporate, nonprofit and individual clients in diverse industries, he has consulted on some of the largest cases of their kind in history—including the largest global criminal fraud case, the largest intellectual property case, several of the largest antitrust matters, and the largest case ever filed against the United States government.

His firm, PRCG | Haggerty LLC, has particular expertise in healthcare and pharmaceutical cases, technology, financial issues, intellectual property and environmental litigation. In 2019, PRCG formed PRCG | Sports, a sports public relations brand that has experience in investigations, regulation, legal issues related to governing bodies, and litigation public relations and communications.

In 2017, PR News named Jim one of the "50 Game Changers of PR" for his work as a pioneer in the field of litigation communications. He is also among the leading authors in the field. His seminal 2003 book, *In the Court of Public Opinion: Winning Strategies for Litigation Communications*, was called "the perfect handbook for this age of show trials" by the Financial Times, and was recently published in a revised Third Edition by the American Bar Association (2019). He is also the author of *Chief Crisis Officer: Structure and Leadership for Effective Communications Response* (ABA Books, 2017), which has been featured in the Harvard Business Review, Fortune and Entrepreneur. A paperback edition of *Chief Crisis Officer* was published in 2019 with a new Introduction from the author.

## PR & Communications

PR & Communications
<b>Leading Firms</b>
<b>Band 1</b>
Brunswick Group *
Sard Verbinnen & Co *
Trident DMG
<b>Band 2</b>
Finsbury Glover Hering *
FTI Consulting *
Ripp Media *
<b>Band 3</b>
Edelman
Infinite Global
The Levinson Group *
PRCG Haggerty *
Reevemark *
Sitrick and Company *
<b>Band 4</b>
Abernathy MacGregor *
Joele Frank Wilkinson Brimmer Katcher
Poston Communications *
Risa Heller Communications
<b>Senior Statespeople</b>
<b>Senior Statespeople:</b> distinguished older partners
Davis Lanny Trident DMG
Sitrick Michael Sitrick and Company
<b>Leading Individuals</b>
<b>Band 1</b>
Moskowitz Ellen Brunswick Group *
<b>Band 2</b>
Holmes Paul Finsbury Glover Hering
Ripp Allan Ripp Media
Sard George Sard Verbinnen & Co
<b>Band 3</b>
Bergman Brandy Reevemark
Diaferia Jamie Infinite Global
Haggerty James F PRCG Haggerty *
Heller Risa Risa Heller Communications
Larson Shahed Brunswick Group *
Levinson Molly The Levinson Group
<b>Band 4</b>
Davis Ellen Sard Verbinnen & Co
Galper Joshua P. Trident DMG
Goldberg Adam Trident DMG
Marlin Myron FTI Consulting, Inc
* Indicates firm / individual with profile.
Alphabetical order within each band. Band 1 is highest.

### Band 1

#### Brunswick Group

See profile on p.71

**What the team is known for** Brunswick Group is an internationally recognised public relations and communications advisory firm with a market-leading presence in the USA. Its litigation communications team can assist clients in navigating high-stakes public disputes by supporting a company's legal position while protecting its reputation.

**Strengths** "They are particularly good at distilling complex issues into digestible statements useful for customers and others. They are an exceptional team. We use them for our most pressing and high-profile matters."

"Brunswick's teams consistently deliver high-quality work product. Their junior team members tend to be conscientious, hard-working and talented at executing."

"They stand out because they are more solutions-oriented."

**Work highlights** Provided communications support to database management company Oracle in regard to the company's US Supreme Court case Google v Oracle America.

#### Notable practitioners

Described by a client as "the best litigation and crisis comms practitioner I have ever worked with," **Ellen Moskowitz** (see p.113) leads Brunswick's US crisis and litigation communications offering. Operating out of the firm's New York office, she advises public and private companies on critical enterprise-threatening issues. One co-counsel remarks: "Ellen has the experience to be a conduit for the client, the legal team and the media. In that nexus, she's invaluable as she speaks the language of each of those areas. She's extraordinarily responsive and devoted, and great to work with when something is of urgency. She's always available and she's a very good manager." A former practising lawyer, **Shahed Larson** (see p.112) is a central member of Brunswick's litigation communications offering as part of her broader practice advising on a range of business-critical issues. Described by a market expert as a "top operator," Larson boasts particular experience in the consumer products and financial services sectors. One interviewee states: "She understands her clients and supports them fully," while another attests: "It is clear that she knows what it is like to be in my position as a lawyer serving the client, which makes her even more effective in advising me. Shahed is fearless and has the rare combination of grit and gravitas."

#### Sard Verbinnen & Co

See profile on p.136

**What the team is known for** Sard Verbinnen is an international legal and financial public relations firm with a comprehensive litigation support offering out of its US offices in New York, Boston, Chicago, Houston, Los Angeles, San Francisco and Washington DC. The agency has extensive experience in advising clients that are subject to enforcement actions by government entities, as well as on private litigation such as matters of sexual harassment and employee misconduct. Its staff consists of former attorneys, journalists and, in some cases, practitioners from both industries. **Strengths** "You get the senior partners' time and attention, but the wider team is also extremely strong. Work products and materials are fast, efficient and well written, in the sense that they understand the legal risks, that one word can trigger a whole new risk, especially in an unfolding situation. They understand the risks of saying too much."

"They have a global footprint and a great reputation among the editorial boards of major top-tier media. When clients want to have access to that, it's necessary to have conversations at the highest levels of, say, the New York Times or the Wall Street Journal, and they have the relationships to facilitate that."

#### Notable practitioners

**George Sard** is the chair and co-CEO at the agency. Sard is highly attuned to the required communications responses necessary to handle high-profile litigation or other sensitive legal and regulatory matters. He is commended by various market insiders as "terrific," "a big name" in crisis

and litigation PR, and "operating at the highest level of corporate communications." Recommended for her "really strong reputation" and her "litigation savvy," **Ellen Davis** is a managing director at the agency and has professional experience both as an attorney and as a journalist. Citing this diverse professional background, interviewees state that "she brings a nuanced sensibility that's extremely helpful" and "has that double dimension, which is incredibly important."

#### Trident DMG

**What the team is known for** Trident DMG is a Washington, DC-based boutique, serving clients on the communications aspects of a wide range of areas of the law in disputes ranging from bankruptcy to congressional and regulatory investigations. The agency is staffed by advisers with practical experience in senior governmental positions, including acting for the White House during previous presidential administrations.

**Strengths** "They excel across the board, but they are particularly effective in navigating communications strategies adjacent to litigation. Josh and Adam's legal background and broad experience really gives them an edge in terms of having a deep understanding of strategy."

"They were passionate advocates. They really embraced the interests we were representing in the case, never minded jumping on planes, and worked really hard."

**Work highlights** Represented the Official Committee of Tort Claimants in the bankruptcy proceedings of PG&E Corporation and Pacific Gas and Electric Company that began after the 2017 and 2018 Californian wildfires.

#### Notable practitioners

**Lanny Davis** was the former Special Counsel to President Bill Clinton in the White House and managed communications and controversies during his administration. He co-founded Trident DMG and handles a comprehensive portfolio of high-profile clients undergoing media scrutiny and legal proceedings. As one market commentator remarks, "there's no one like him. So politically connected and a lot of what he does you'll never see. A brilliant tactician, he's superb." Praised as "the ultimate professional," **Joshua Galper** is a former attorney who has worked on various US presidential campaigns, including that of Barack Obama in 2008. Galper has a focus on public policy and government relations, privacy and cybersecurity. One client reports: "He is an excellent strategist. What's especially great is his ability to help analyse a problem quickly from multiple dimensions and distil that into a course of action. He's extremely effective in that way and experienced in the legal, political and media arenas. He brings really sound judgement in navigating the issues." **Adam Goldberg** has experience advising both the DND and President Clinton, assisting with communications strategies for impeachment and other investigations. Since co-founding Trident DMG, Goldberg has advised individuals and corporations undergoing strenuous investigatory scrutiny. A client says of him: "He was very dedicated and completely understood the subject matter of the litigation, meaning he was able to craft a really effective media strategy. He really understood what it was about."

## Band 2

**Finsbury Glover Hering**

See profile on p.120

**What the team is known for** Finsbury Glover Hering is a global player in the strategic communications market, with a significant presence in North America. The firm provides support to clients enduring highly contentious situations, government inquiries, investigations and litigation proceedings. Its staff includes former journalists, lawyers, bankers and corporate communications executives.

**Strengths** "Finsbury Glover Hering has great media relationships, but backs that up with actual, usable advice."

"I've worked with them hand in glove on litigation-related communications for ten years, and I cannot think of a single error or misstep. Their advice is measured, sharp and usually dead on. I also deeply appreciate that they typically offer a ranked menu of options for any particular situation. This gives the legal team (my chief concern) the tools to weigh pros and cons and make litigation decisions that are informed by (but not necessarily limited by) input from the corporate communications professionals. This user-friendly approach sets Finsbury apart."

**Work highlights** Finsbury Glover Hering supported a major retail company as it commenced an in-court Chapter 11 restructuring in preparing communications materials for all internal and external audiences to reassure stakeholders that the company was in control of the process.

**Notable practitioners**

**Paul Holmes** is the CEO of Finsbury Glover Hering's North American business and manages an active caseload of clients seeking assistance through civil and criminal litigation proceedings at a state and federal level. One legal co-counsel observes: "His contacts are excellent. He has great experience and a sense of the media, and he has a great sense also with European market as well as the US. But more than all that, he has a nuanced way of thinking; we talk the same language, and there's a very good strategic dimension to his input and advice."

**FTI Consulting**

See profile on p.121

**What the team is known for** FTI Consulting is a multinational professional services firm with a highly regarded presence in the North American communications market. From its 40 US offices, the agency can offer unmatched coverage in supporting clients and law firms through investigations and civil and administrative proceedings brought by regulatory bodies. The firm's strengths in other fields, such as expert witness testimony or business intelligence, enhance its capabilities in the legal PR field.

**Strengths** "The entire team was outstanding. This was my first time working with consultants, and FTI left a very good impression on me. We selected them for their particular judicial expertise and they showcased that experience throughout the contract."

"I was very impressed. They were very responsive, produced great materials – and these were very tricky issues. They can also leverage their global platform very effectively."

**Notable practitioners**

Hailed by one market expert as a "very impres-

sive operator," **Myron Marlin** is a senior managing director in the strategic communications division at FTI Consulting and leads the firm's crisis and litigation practice in the Americas. An impressed interviewee reports: "He is thorough and thoughtful. He's really good at anticipating what's around the corner and addressing it before you get there. That's what I value the most. He brings the most relevant people along and is very good at listening and adjusting to what the client needs."

**Ripp Media**

See profile on p.135

**What the team is known for** Based in New York, Ripp Media is a boutique editorial-focused press relations firm. It is deeply experienced in litigation PR, which remains a principal area of the agency's concentration. White-collar crime, securities class actions, patent lawsuits and corporate governance issues are some of the types of legal proceedings that the agency is intimately familiar with guiding clients through.

**Strengths** "Excellent. Their communication style, attention to detail, rapid response and experience distinguish them from other businesses in this field."

"I have truly enjoyed working with Ripp Media. I have seen their professionalism at all levels. They are responsive, organised and skilled communicators."

**Work highlights** Worked closely with the boutique trial law firm Berg & Androphy in crafting a media strategy to maximise coverage of a pending class action suit against the New York City Housing Authority on behalf of NYCHA residents, regarding the standard for living conditions at low-income rental apartment units in New York.

**Notable practitioners**

**Allan Ripp** is the principal and practice leader at the agency. He has many years of proven success in legal press relations, representing leading law firms and handling communications strategies during difficult, complex trials. A satisfied client relates that "Allan immediately recognises the risks to firms and their stakeholders in any given situation, providing external scenarios and responses that help the client determine the best course of action for matters of the highest stakes. He has a keen eye for how media will treat events, and a respect for how different firms/stakeholders may perceive certain media."

## Band 3

**Edelman**

**What the team is known for** A behemoth of the public relations industry, Edelman has a significant presence across the USA and is universally recognised for its capabilities in litigation public relations. The agency offers a wide range of communications services in proceedings relating to regulatory investigations, shareholder lawsuits and class actions, among others.

**Notable practitioners**

Global litigation chair Charles Bakaly is a key contact.

**Infinite Global**

**What the team is known for** Infinite Global is a transatlantic agency with a US presence based in New York, San Francisco and Chicago. The firm built its reputation upon its role in sexual

harassment litigation and in securities fraud-related cases, in which it advised some of America's most prominent law firms. The agency is also experienced in counselling its clients to proactively avoid litigation, and to prepare strategies to enable quick responses to various contingencies, including crises.

**Strengths** "Infinite Global continues to demonstrate superior experience, knowledge and service, and they bring a collaborative team approach."

"They have the resources and the scalability, and they have people who are also really competitive – they know legal."

**Work highlights** Retained by Nixon Peabody to devise a litigation PR campaign on behalf of the University of California, Santa Barbara as it sought to enforce its filament LED light bulb patents against retailers including Amazon, Bed Bath & Beyond, IKEA, Target and Walmart.

**Notable practitioners**

**Jamie Diaferia** assists clients out of Infinite Global's New York office. He is the agency's founder and CEO. "Jamie continues to impress with his extraordinary responsiveness as well as his insight and acumen," reports one interviewee. "Whether the issue is simple or complex, he is an excellent collaborator and strategist. Without a doubt, he is a go-to resource and trusted colleague."

**The Levinson Group**

See profile on p.128

**What the team is known for** From its offices in Washington DC and New York, The Levinson Group provides strategic advice, crisis and issues management for corporations and individuals. The agency has a proven track record of partnering with leading law firms who are acting counsel, or guiding clients directly through high-stakes contentious situations.

**Strengths** "Our experience was excellent. Molly and her team are smart, savvy, experienced and knowledgeable."

**Work highlights** The firm serves as the lead communications advisers for EarthLink, an American internet service provider, on its contract dispute with Charter Communications.

**Notable practitioners**

**Molly Levinson** founded TLG and remains the CEO of the agency. She is an expert in handling reputations and providing strategic advice to clients during difficult trials, investigations or crises. One source states: "Molly impressed me tremendously – she has great contacts in the press and on the Hill, gets info others can't, is very intelligent and insightful, picks up all the sensitive issues and turns them into whatever they need to be for clients." Another adds: "She is expert in dealing with external communications relating to litigation. She understands the litigation issues and is active in crafting external strategies."

**PRCG Haggerty**

See profile on p.133

**What the team is known for** PRCG Haggerty is a specialist communications consultancy with offices in New York, Washington DC and Los Angeles. The agency offers tailored counsel and bespoke PR responses to contingencies arising from longstanding, ongoing legal disputes. PRCG is also a member of the Crisis Protection Network, an association of professionals in the fields of crisis management and brand protection.

**Notable practitioners**

**James Haggerty** (see p.112) is president and CEO of the agency and is a qualified attorney expert in providing counsel to clients undergoing complex communications issues. A client remarks: *"He has a great depth of understanding in litigation and legal matters, and we trust him to sort through it all. He has a superb sense of public relations and is extremely experienced in this kind of work."* Others describe him as *"highly collaborative"* and *"the consummate professional,"* one adding: *"I wouldn't want to be in any significant high-profile matter and not have the benefit of his counsel."*

### Reevemark

See profile on p.134

**What the team is known for** Based in New York City, Reevemark is a specialist boutique agency that focuses on guiding public and private companies through challenging, high-stakes litigation and reputational crises. Its staff consists of senior practitioners with vast experience in providing communications support through SEC, DOJ and state AG investigations, civil litigation, shareholder lawsuits and complex commercial disputes.

**Strengths** *"Their partners are incredibly impressive. They have the legal background, which is really valuable to us. I reach out to them a lot for matters that don't need a huge army but need smart, tactical people; that's what they are."*

*"I found Reevemark to be an extremely able and important member of the litigation effort. They were recommended with highest praise by a member of our team who had worked extensively with the principals when she was in-house at a large Fortune 100 company. Reevemark lived up to all of her accolades. They were efficient but attentive and helped focus not only our press efforts but the framing of our litigation claims as well."*

**Work highlights** Developed the messaging and communications strategy for multiple internal and external constituencies for Chesapeake Energy in its 2020 bankruptcy filing.

### Notable practitioners

**Brandy Bergman** is a founding partner of Reevemark and the CEO. Bergman has extensive experience in media and investor relations surrounding special situations, such as FCPA and other regulatory investigations, cyber attacks, earnings warnings and product recalls. One interviewee states: *"I turn to her for sophisticated litigation support,"* while another observes: *"She's extremely bright, her legal background is a huge recommendation, she has great contacts at top-tier media, and there's a level of trust with her that she will handle the matter thoughtfully and effectively and just really well."*

### Sitrick and Company

See profile on p.138

**What the team is known for** From its offices in Los Angeles, San Francisco, New York, Boston and Washington DC, Sitrick and Company supports

clients undergoing litigation across the spectrum of possible allegations. It has proven experience in advising clients on their communications strategy in relation to stock manipulation allegations, contract disputes and alleged antitrust violations, among others.

**Strengths** *"They know exactly how to manage the press, they know exactly what's needed. Always the same truth, but put across in exactly the right way."* *"The quality of work they produce is impeccable – their products are wonderful. People think you can just pay a PR firm and get a story killed, but they shape things, they get perspective."*

### Notable practitioners

Senior statesman **Michael Sitrick** is founder, chair and CEO of the firm. He carries extensive experience in assisting clients through difficult reputational crises and complex disputes. Sitrick has acted in a wide range of cases, from patent infringement to sexual harassment, having served as trusted communications counsel to countless high-profile, high net worth or business clients.

## Band 4

### Abernathy MacGregor

See profile on p.114

**What the team is known for** Abernathy MacGregor is a strategic communications advisory firm with offices across the country in New York, Houston, Los Angeles, San Francisco and Washington, DC. The firm is comfortable guiding a client across the litigation life-cycle and is experienced in IP litigation, material contract disputes and discrimination allegations, among others.

**Strengths** *"Their work was professional and extremely timely, they listened to everyone involved (which was not easy), and the transition went very smoothly."*

*"Calm, thoughtful, always on point and very knowledgeable on key aspects of our work, especially dealing with the press."*

**Work highlights** Worked closely with Mozilla leading up to and following a US Department of Justice antitrust lawsuit against Google regarding anti-competitive practices, in which Mozilla's search agreement with Google was referenced and its critical business partnership with the company threatened.

### Notable practitioners

Nazan Riahei and Carl Folta are key contacts.

### Joele Frank Wilkinson Brimmer Katcher

**What the team is known for** Joele Frank is a strategic communications agency based in New York and San Francisco. The agency acts as advocates for its clients during high-stakes legal disputes. A range of sources commend the firm for its expertise in financial services or transactional disputes.

**Strengths** *"We have worked very comfortably with Joele Frank. We respect them, and clients feel com-*

*fortable trusting them."*

*"A real focus on activism and secondarily on bankruptcy. They have a great reputation."*

### Notable practitioners

Managing partner Joele Frank is a key contact.

### Poston Communications

See profile on p.132

**What the team is known for** Poston Communications is a public relations agency led by former attorneys and communications experts. The firm is deeply experienced in handling active shooter response, corporate governance, cybersecurity, fraud and regulatory investigations. The agency is often asked by clients to handle the public aspects of sensitive litigation, well before proceedings begin.

**Strengths** *"I quickly appreciated the value of a team that does this well. Everyone we worked with was professional, on the ball, proactive, not overbearing, and just generally incredibly helpful. They knew when to help out, and equally importantly when to hold off and not do unnecessary work or have unnecessary meetings, so I never worried that hiring them was overkill."*

*"They were instrumental in handling the press piece. They were incredibly competent, very capable. In the diverse press relations, they proactively used the press to help the client."*

### Notable practitioners

Dave Poston and Monica Smith are key contacts.

### Risa Heller Communications

**What the team is known for** Risa Heller Communications is based in New York and brings a highly reputed communications practice focused on corporate and crisis communications, with litigation support often taking centre stage. The firm offers particular strengths in the real estate sector, assisting a number of high-profile clients in this area with various legal, operational and regulatory challenges.

**Strengths** *"Considered THE corporate firm for contested boardroom issues, proxy and shareholder battles."*

*"If we are conflicted and it's a New York-related matter especially, they're my go-to."*

**Work highlights** Provided strategic counsel and media relations services to WeWork, coordinating closely with the company's legal team and outside counsel to handle crisis communications relating to numerous diverse litigation proceedings.

### Notable practitioners

The *"terrific"* **Risa Heller** is CEO of her firm and is often the first port of call for companies needing PR support in reputationally critical litigation. *"People really respect her,"* one market insider attests; *"her name is Tiffany-plated."* A fellow practitioner says: *"We hold her in very high regard. She comes from politics and she's very savvy."* Another recommends her along similar lines: *"Very sharp, very smart, easy to work with."*

## Leaders' Profiles in USA – Nationwide

### AGEE, Charles M

Westfleet Advisors, Brentwood  
(615) 312-8255  
cagee@westfleetadvisors.com

*Featured in Litigation Funding (USA – Nationwide)*

**Practice Areas:** Charles Agee is the founder and managing partner of Westfleet Advisors, the first US-based litigation finance advisory services firm launched in 2013. Mr. Agee is a pioneer of the litigation finance industry and has been active in the market since 1998. He co-founded one of the first private funds to provide litigation financing where he oversaw the origination, investment diligence, and deal structuring for more than 1,000 complex litigation and arbitration matters. He also supervised the legal and ethical compliance initiatives for the fund. In 2013, Mr. Agee recognized the need for expertise on the other side of litigation finance transactions and launched Westfleet Advisors to serve lawyers and their clients who were exploring funding. Since that time, Mr. Agee has advised on approximately 100 litigation finance transactions ranging in size from less than \$1 million to in excess of \$50 million, involving virtually every funder in the US market. In addition to his transactional work, Mr. Agee is regularly retained to provide expert testimony in litigation and to provide formal opinions in connection with litigation finance to both private and publicly-listed companies. Mr. Agee is a Phi Beta Kappa graduate of Rhodes College with a B.A. in Economics.

### COHEN, Matthew

AlixPartners, New York

*Featured in eDiscovery (USA – Nationwide)*

**Career:** Matthew specializes in eDiscovery and computer forensics in litigation and investigations. He has extensive experience assisting corporations in the technology, defense, consumer products, life sciences, insurance, transportation, mining, media, financial services, and hospitality/gaming sectors in preparing for and responding to discovery demands in litigation and regulatory/enforcement matters. He works on litigation and investigations that involve nascent, cutting-edge technology, and complex cross-border or data security/privacy requirements. Matthew is a long-standing member/contributor to the Sedona Conference and member of the Advisory Board for the Georgetown Law School Advanced E-Discovery Institute. Matthew was responsible for the preservation, collection, and forensic data analysis in connection with the Securities Investor Protection Corporation's liquidation of Bernard L. Madoff Investment Securities and the reconstruction of books and records in connection with the claims and restitution process. He ultimately testified on behalf of the U.S. Attorney's Office in the related criminal trial. In connection with a government investigation into allegations of phone hacking by reporters working for News Corp. subsidiaries, Matthew led teams responsible for the eDiscovery and

computer forensics aspects of the company's response. He also led the collection, preservation, and data analysis for MGM Resorts International in connection with the 2017 mass shooting in Las Vegas.

### FEENEY, Thomas

Nardello & Co., New York  
tfeeney@nardelloandco.com

*Featured in Business Intelligence & Investigations (USA – Nationwide)*

**Practice Areas:** Thomas Feeney is a Partner and Senior Managing Director based in Nardello & Co.'s New York office. Tom has directed investigations of white-collar crime matters, led multistate mobile surveillance operations, and conducted hundreds of witness interviews around the world. He previously worked at an international law firm where he led and participated in numerous investigations in support of litigation or involving bribery, fraud, embezzlement, and alleged violations of the US Foreign Corrupt Practices Act. He served for a decade as a US postal inspector in New York. He was case agent for the investigation and prosecution of US vs. John J. Rigas, et al., in which the former CEO and former CFO of Adelphia Communications Corporation were convicted of numerous securities and bank fraud charges following a seven-month trial. Tom also served on the Joint Terrorism Task Force in New York and was a representative to FINRA's White Collar Crime roundtable. He has spoken on white-collar crime at the FBI's Corporate Fraud Training Conference and has lectured at both New York University and Villanova law schools. He also contributed to Building a World-Class Compliance Program: Best Practices and Strategies for Success, by Martin T. Biegelman (Wiley, 2008).

### GEBAUER, Snezana

K2 Integrity, New York

*Featured in Business Intelligence & Investigations (USA – Nationwide)*

**Practice Areas:** Snezana Gebauer is executive managing director and head of the Investigations and Risk Advisory practice for the Americas at K2 Integrity. Snezana advises clients on risk management and investigations and is recognized for her experience in anti-corruption and investigative matters in Latin America, Eastern Europe, the Middle East, and Asia. Corporations in high-stakes business disputes and crises rely on Snezana to arm them with critical intelligence and risk mitigation strategies. She leads international asset tracing and recovery endeavors, assisting clients with judgment enforcements or repatriating assets embezzled by corrupt government officials. As a practice leader, Snezana oversees complex cross-border investigations into corruption, fraud, embezzlement, and misconduct for leading corporations, investment funds, and government entities. She also supervises integrity monitoring, independent assessments, and risk advisory, business intelligence, and litigation support assignments. Over the course of her career, Snezana has

lived and worked in New York, London, Washington, D.C., and São Paulo, Brazil, holding leadership positions, overseeing global teams of consultants, and assisting clients with issues in developing countries and often challenging regions. She has conducted investigations in more than 65 countries and across a range of industries, including the energy, mining, pharmaceutical, financial services, manufacturing, infrastructure, technology, services, and telecommunications sectors.

### GILL, Adam

GLS Capital, Chicago

+1 312 900 0161

agill@glscap.com

*Featured in Litigation Funding (USA – Nationwide)*

**Practice Areas:** Adam Gill is a founder and Managing Director at GLS Capital and leads its patent-related investments. Adam has evaluated hundreds of patent opportunities and has underwritten and managed hundreds of millions of dollars of litigation finance investments. He has led cases and investments resulting in more than \$700 million in settlements and verdicts. Combined with his with unparalleled relationships in the intellectual property market, including with law firms, technology companies, licensing firms, and merchant banks, Adam has assisted scores of inventors in protecting their IP. Adam began his litigation finance career in 2013, when he led the patent investing team for a private litigation finance fund that grew to be the world's largest. Prior to litigation finance, Adam was a partner in the patent litigation group of Kirkland & Ellis in Chicago, representing leading technology companies like Samsung, Intel, Boeing, Honeywell and Motorola in some of their most important patent litigations. Adam holds a J.D. from the University of California-Hastings College of the Law and a B.A. from the University of South Carolina.

### HAGGERTY, James F

PRCG Haggerty, New York

+1 212 683 8100

jhaggerty@prcg.com

*Featured in PR & Communications (USA – Nationwide)*

**Practice Areas:** Litigation Communications Litigation Public Relations Crisis Communications Sports Public Relations Thought Leadership Reputation Management Writing and Editorial Services Social Media and SEO  
**Career:** President and CEO, PRCG | Haggerty LLC and PRCG | Sports, 1993 –present. Public Affairs Manager, New York City Economic Development Corporation, 1990 Special Assistant, U.S. Senator Daniel Patrick Moynihan, 1988 –1990. Board Member, Crisis Protection Network, 2015–present  
**Professional Memberships:** Jim is an attorney admitted to practice in New York and Florida. He is also admitted to practice before the Second Circuit Court of Appeals and the United States Supreme Court.  
**Publications:** In the Court of Public Opinion: Winning Strategies for Liti-

gation Communications, Third Edition (American Bar Association, 2019). Among other accolades, In the Court of Public Opinion has been called "the perfect handbook for this age..." by Financial Times. Chief Crisis Officer: Structure and Leadership for Effective Crisis Communications Response (American Bar Association, paperback edition, 2019). Chief Crisis Officer has been featured in the Harvard Business Review, Entrepreneur and Fortune magazines. Columnist, Corporate Counsel Magazine, 2011 to 2015 -- twice nominated for a Neal Award for Business Journalism -- the only full-time public relations professional to ever be so honored.

### LARSON, Shahed

Brunswick Group, New York

+1 (917) 325-1939

slarson@brunswickgroup.com

*Featured in PR & Communications (USA – Nationwide)*

**Practice Areas:** Shahed Fakhari Larson specializes in advising clients on crisis and reputation challenges, including enterprise-threatening litigation, regulatory matters, management transitions, supply-chain issues and corporate governance matters. Shahed leads Brunswick's Workplace Conduct offer and has expertise helping companies and boards of directors navigate risks and make progress on issues related to workplace culture, including harassment, discrimination and equity. Shahed is also a member of the firm's global litigation communications and crisis practices, advising companies on how to navigate complex legal actions affecting a multitude of stakeholders, including employment litigation, trademark disputes, shareholder litigation, class action matters, as well as regulatory investigations and settlements. She has experience advising companies across a range of sectors and stages -- from pre-IPO to Fortune 500 -- with deep experience in the technology, consumer and financial services sectors. Shahed began her career as an attorney in the Mergers & Acquisitions group at Skadden, Arps, Slate, Meagher & Flom. She graduated from University of California, Los Angeles and received a J.D. from Georgetown University Law Center.

### MINTZ, Jim

Mintz Group, New York

*Featured in Business Intelligence & Investigations (USA – Nationwide)*

**Practice Areas:** Jim Mintz, founder of Mintz Group, has spent more than thirty years conducting investigations all over the world, primarily for law firms and general counsel. In the 1970s he helped pioneer the use of sophisticated resources as an in-house investigator at the Washington, D.C. law firm of Wald, Harkrader & Ross. In 1980, Newsweek said about the firm's unique in-house group: "What sets [them] apart -- and a few others around the nation -- is their ability to take comprehensive looks at complicated situations and make sense out of them." After co-founding The Investigative Group, Inc. (IGI) in 1984, Jim served as its president and co-owner



for a decade. During that period, IGI became one of the leading investigative firms in the country and was cited by The New York Times as “the gold standard for financial private detection.” Jim founded the James Mintz Group in 1994. Jim is a founding member and director of the International Association of Independent Private Sector Inspectors General. He served as one of the first IPSIGs when the New York State Organized Crime Task Force selected his firm to monitor a financial-services company.

#### **MOSKOWITZ, Ellen**

Brunswick Group, New York  
+1 (212) 706-7897  
emoskowitz@brunswickgroup.com  
*Featured in PR & Communications (USA – Nationwide)*

**Career:** Ellen co-leads Brunswick’s global litigation communications and crisis practices. In that capacity, she has counselled both public and private companies on critical enterprise-threatening issues, including some of the largest civil, criminal and regulatory cases of the last ten years. Ellen joined Brunswick in 2007 and was formerly a Managing Director at Clark & Weinstock, a boutique communications and lobbying firm. Previously, she was a litigation partner in the New York office of Kirkland & Ellis specialising in antitrust, securities, products liability, regulatory, and other complex commercial matters. From 1989 to 1994, Ellen was a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison. Ellen graduated magna cum laude from Princeton University and received a J.D. cum laude from Harvard Law School.

#### **NARDELLO, Daniel**

Nardello & Co., New York  
212 537 5300  
dnardello@nardelloandco.com  
*Featured in Business Intelligence & Investigations (USA – Nationwide)*

**Practice Areas:** Daniel Nardello is the Chairman and CEO of Nardello & Co. and oversees the firm’s global commitments, lending his experience as a lawyer and former prosecutor to complex litigation, activist defense, and crisis management matters. His public engagements include his appointment by the government of Abu Dhabi as the independent investigator of allegations of abusive labor practices during the

construction of NYU’s Abu Dhabi campus. Dan was also named as the independent investigator to resolve conflicts arising from the settlement agreement between the State of New York and leading tobacco manufacturers. Prior to founding Nardello & Co. in 2003, Dan worked in private practice at Patterson, Belknap, Webb & Tyler, then served as a federal prosecutor in the US Attorney’s Office for the Southern District of New York, where he tried over 20 jury trials. He is an alumnus of that Office’s Securities and Commodities Fraud Task Force. During this time, Dan was also an adjunct professor at Columbia Law School, where he taught trial advocacy. Dan created and teaches a CLE course on ethical considerations and concerns in retaining private investigators. A graduate of Columbia College, Dan received his JD from New York University. He is fluent in Italian.

#### **NICOLAS, Michael A.**

Longford Capital Management,  
Chicago  
(312) 212-8240  
mnicolas@longfordcapital.com  
*Featured in Litigation Funding (USA – Nationwide)*

**Practice Areas:** Michael A. Nicolas is a co-founder and managing director of Longford Capital. Michael is responsible for portfolio management, including underwriting, investment selection, and overseeing the efforts of independent attorneys and other professionals as part of the due diligence process. Clients and peers recognize Michael as an industry leader in litigation finance. In Chambers and Partners, he is described by past commentators as “super smart,” “very principled,” “he does things the right way,” and “he understands both the financial and the litigation side of the business.” Michael is also a thought leader, speaking regularly at conferences and authoring numerous articles on issues pertinent to the industry. With Longford director Russel Genet, Michael spearheads Longford’s University Initiative. As universities often struggle to generate meaningful revenue from their valuable intellectual property rights – revenue that could be used to advance their educational objectives – Longford provides financial assistance to help universities realize the full value of their research

and development activities, without burdening their budgets. Longford Capital is proud to be funding a patent enforcement campaign for University of California, Santa Barbara related to UCSB’s groundbreaking filament LED technology, which to date has resulted in more than 20 licensing agreements for UCSB.

**Career:** Michael is an accomplished attorney with 15 years of experience representing corporate clients involved in complex litigation, including trial experience in the commercial litigation departments of Neal, Gerber & Eisenberg LLP and Drinker, Biddle & Reath LLP. There he represented clients involved in sophisticated litigation matters in federal and state courts and successfully prosecuted and defended claims involving breach of contract, fiduciary duty, joint venture and partnership agreements, fraud and other business torts, claims involving intellectual property, product liability, real estate, real estate taxation, health care, employment discrimination, First Amendment, defamation, consumer fraud, RICO, class actions, and securities and insurance litigation. Before co-founding Longford Capital in 2012, Michael was a key member of the trial team in a five-week jury trial in federal district court involving claims of fraud, breach of contract, breach of fiduciary duty, and defamation with more than \$575 million in controversy. Michael served as outside general counsel to clients, providing advice concerning litigation strategy, litigation finance, case management, claim valuation, risk assessment and mitigation, alternative dispute resolution, insurance coverage, settlement negotiations, contracts, and other issues. He earned his J.D. with highest honors at Chicago-Kent College of Law and B.S. cum laude at Northern Illinois University.

**Professional Memberships:** Longford Capital is one of six founding members of the International Litigation Finance Association. Mike is admitted to practice before the U.S. Supreme Court, Supreme Court of Illinois, U.S. Court of Appeals for the Seventh Circuit, U.S. District Court for the Northern District of Illinois (Trial Bar), U.S. District Court for the Southern District of Illinois, U.S. District Court for the Eastern District of

Wisconsin, and the U.S. District Court for the Western District of Michigan.

**Publications:** •The Role of Litigation Finance During Difficult Times, Chambers and Partners, June 2020 •Michael Nicolas on Longford’s Litigation Finance Focus on Universities, Lawdragon, October 2019 •Protecting the American Inventor, National Law Journal, March 2019 •As Revenue Pressures Increase, Tech Transfer Offices Must Evolve, Global University Venturing, September 2018 •Counter Measures – How Startups Can Fight Pirates Without Burning Cash, Intellectual Property Watch, March 2018 •How a Savvy IP Strategy Helps Startups Focus on Growth, Corporate Counsel, June 2018 •Not Just Funding: Litigation Finance Helps Build Consensus, Reuters, June 2018

**Personal:** IAM Strategy 300 recognized Michael among the World’s Leading IP Strategists in 2015, 2016, and 2020. Lawdragon named him to its 100 Leading Legal Consultants and Strategists list in 2018, 2019, and 2020. And Chambers & Partners ranked Longford among the world’s top litigation finance firms in 2018 (the inaugural ranking for litigation finance), 2019 and 2020. Michael lives in the Chicago area with his family. He loves baseball, football and hockey.

#### **REGARD, Daniel**

iDiscovery Solutions, Inc., Washington, DC  
202.249.7877  
dregard@idsinc.com

*Featured in eDiscovery (USA – Nationwide)*

**Practice Areas:** Compliance Cybersecurity Information Governance Privacy Digital Forensics Discovery & Disclosure (eDiscovery) Structured Data & Analytics Data Neutral Expert Testimony

**Professional Memberships:** Mr. Regard is a member of The Sedona Conference WG1: Electronic Document Retention and Production, and WG6: International Electronic Information Management, Discovery and Disclosure. He is a board member of Georgetown Law’s Advanced eDiscovery Institute, one of the original four founders of the Electronic Discovery Institute (EDI), and a founding member of the The Master’s Conference Cabinet. Mr. Regard is the founder of b-Discovery, a monthly eDiscovery networking group that meets throughout the United States.

# ABERNATHY MACGREGOR

www.abmac.com **tel:** (213) 630-6550

**Chairman:** Tom Johnson

Number of employees: 90

Languages: *English*

**Overview & History:**

Abernathy MacGregor is a strategic communications firm specialising in advising clients on effective stakeholder communications, engagement and advocacy initiatives in today’s highly complex, dynamic and interconnected world.

Companies today face multifaceted and rapidly evolving challenges as business, political and social issues converge. Effective communications have never been more important to producing results. The firm has a 35-year track record of advising clients—and their lawyers—through high-stakes disputes, complex litigations, high-profile M&A, contentious governance and shareholder activism battles, public affairs and bet-the-business crises. Abernathy MacGregor helps clients bridge stakeholder concerns from Wall Street to Main Street to Washington and beyond.

With offices in New York, Houston, Los Angeles, San Francisco and Washington D.C., Abernathy MacGregor is structured to provide strategic and logistical support around the clock and around the globe. The firm’s deep relationships, experience, expertise and client base extend across a wide range of sectors, including aerospace and defense, consumer, energy, financial services (including banking, insurance, hedge funds, mutual funds and private equity), food and beverage, industrials, media, natural resources, real estate, technology, travel and hospitality, and utilities.

**Services:**

**Litigation Support**

Abernathy MacGregor helps clients leverage communications to achieve their desired litigation outcomes while reducing potential reputational damage or business disruption. The firm works in close coordination with clients and their counsel to develop creative, bespoke communications strategies for both plaintiffs and defendants to support their litigation and business goals, which may include:

- Avoiding litigation
- Promoting settlement
- Minimizing business disruption
- Mitigating reputational damage
- Preserving valuation
- Enhancing stakeholder confidence
- Influencing key decision makers

Abernathy MacGregor supports clients across the litigation timeline – from before a complaint is filed through the appeals process. The firm’s work includes:

- **Stepping in before a demand letter is sent or complaint filed** – crafting messaging and developing a communications strategy.
- **Supporting a client throughout the pre-trial process** – scenario-planning and preparing communications to capitalise on or respond to key milestones, including new motions, critical hearings and pivotal procedural decisions.
- **Providing live on-site trial support** – managing the news media in the courtroom and refining messaging in real time to reflect trial developments.
- **Providing ongoing support through the conclusion** – managing media relations and stakeholder communications around settlement or the appeals process to help instill confidence in a client’s legal and business strategy.

Abernathy MacGregor’s litigation work spans across the full spectrum, including IP litigation, material contract disputes, workplace-related issues, product liability, and much more. The firm’s experienced professionals, including former practicing attorneys and journalists, are experts in successfully managing sophisticated situations with critical legal and business outcomes. When a legal issue intersects with a crisis, transaction, activist situation or public affairs issue, Abernathy MacGregor’s expertise across these high-stakes and complementary practice areas becomes invaluable to providing nuanced and effective counsel to litigation clients.

**Key Clients:** Mozilla, Shure, T-Mobile, Penny-Mac, Entertainment Partners

**Contact Name:** Nazan Riahei, Senior Vice President, Head of Litigation Practice

**Tel:** (213) 219-0599

**Email:** nkr@abmac.com

**OFFICES**

**USA**

**NEW YORK:** 277 Park Avenue, 39th Floor, NY 10172

Tel: (212) 371-5999

Email: tbj@abmac.com / ccd@abmac.com

**HOUSTON:** 1800 West Loop South, Suite 1120, TX 77027

Tel: (713) 343-0427

Email: sri@abmac.com

**LOS ANGELES:** 707 Wilshire Boulevard, Suite 3950, CA 90017

Tel: (213) 630-6550

Email: nkr@abmac.com

**SAN FRANCISCO:** 100 Montgomery Street, Suite 1750, CA 94104

Tel: (415) 926-7961

Email: sbe@abmac.com

**WASHINGTON D.C.:** 1441 L Street, NW, Suite 640, D.C. 2000

Tel: (202) 774-5600

Email: sfk@abmac.com

**SERVICES**

- Litigation Support
- Crisis Management
- Regulatory Action
- Reputation Management
- Mergers & Acquisitions
- Shareholder Activism
- Investor Relations
- Issue Advocacy & Public Affairs
- Political Intelligence and Stakeholder Mapping
- Restructuring and Bankruptcy
- Initial Public Offerings
- Alternative Investment Communications
- Board and C-Suite Advisory Services



# ALIXPARTNERS

www.alixpartners.com tel: +1 212 490 2500

**CEO:** Simon Freakley

**Investigations, Disputes, & Risk Leader:** Louis Dudney

Number of professionals: 2500+

Languages: 60+

## Overview & History:

AlixPartners is a global consulting firm that has worked with clients around the world for nearly forty years.

While the firm pioneered the approach to turnaround and restructuring, today AlixPartners has a diverse service offering, including investigation, disputes & risk, digital, transformative leadership, performance improvement, and turnaround and restructuring. They regularly work with law firms, corporate boards and management, investment banks, and investors on their most important business challenges. The firm has deep industry expertise embedded within its services, with consultants who have served as senior industry leaders, and the teams regularly work together across services and geographies.

## Services:

### Investigations, Disputes & Risk

AlixPartners investigations, disputes, and risk practice offers capabilities across a broad spectrum of offerings that encompass every stage of legal and regulatory processes, striving to maximise value and minimise risk.

### Corporate Governance, Risk, and Operational Compliance

AlixPartners' team develops and implements organisational changes, cross-functional policies, as well as processes to improve the efficiency and effectiveness of oversight, reporting, and compliance operations. The firm assists management teams to develop and manage remediation plans and implement controls. AlixPartners also oversees compliance remediation efforts, design and implement controls, and serves as government-appointed monitors.

### Cybersecurity

AlixPartners' team is strong in cyber and data privacy investigations, digital forensics, program design, assessment, governance, and security transformation.

### Data Analytics & Interpretation

AlixPartners' experts extract, organise, validate, and analyse data from complex IT environments, implementing tools to provide meaningful insights through visualisations of significant volumes of data.

### Disputes

AlixPartners' team of accountants, economists, and financial analysts serve as expert witnesses to address financial, accounting, operational and economic aspects of litigation and international arbitration matters. The firm's services include analyses of liability issues, damages causation, and damages quantification in a variety of situations including M&A transaction disputes, breaches of contract, joint venture and partnership disputes, fraud, intellectual property disputes, business interruption, real estate and construction litigation as well as determinations of lost profits.

### Economics Consulting

AlixPartners' expert economists work on anti-trust, litigation, and economic regulation, as well as commercial issues related to pricing, strategy, government policy, and taxation.

### E-Discovery

AlixPartners provides and utilises tools to support unstructured data collection, processing, analytics and hosting for clients in litigation and non-litigation contexts globally.

### Environmental, Social and Governance (ESG)

AlixPartners has an innovative approach to helping clients create ESG value and mitigate ESG risks. The firm provides value-driven and sustainable ESG solutions.

## HEAD OFFICE

### USA

**NEW YORK:** 909 Third Avenue,  
NY 10022

Tel: +1 212 490 2500

Fax: +1 212 490 1344

The firm also has offices in the following locations: Boston, Buenos Aires, Chicago, Dallas, Detroit, Dubai, Düsseldorf, Hong Kong, Houston, London, Los Angeles, Manchester, Milan, Munich, Paris, Riyadh, San Francisco, Seoul, Shanghai, Tokyo, Washington, DC, Wilmington, Zürich

## CONTACTS

Sean Dowd

Email: sdowd@alixpartners.com

Tom Antisdel

Email: tantisdel@alixpartners.com

### Financial Markets and Trading Analysis

AlixPartners regularly works with clients undergoing regulatory investigations regarding trading desk conduct, recreating and examining forensic trading data and trader interactions, developing market pricing models, and estimating damages.

### Forensic Investigations

AlixPartners' forensic accountants conduct investigations into allegations involving the propriety of accounting and financial reporting, fraud, asset misappropriation, bribery, money laundering, and other financial crime schemes. They enhance controls to mitigate the risk of future misconduct and report findings and progress to boards, government entities, and counsel.

### Valuation

AlixPartners' valuation experts address M&A disputes, bankruptcy issues, cross-border intellectual property transfers, ESOPs, complex financial instruments, and derivatives.

### Transactions

AlixPartners advises on equity and debt raising, refinancing, debt restructuring, and M&A, combining transactional, operational, and restructuring expertise.

# AlixPartners

# ANKURA CONSULTING GROUP

www.ankura.com

Founded: 2014

Number of Employees: 1500+

## Overview & History:

Ankura Consulting Group, LLC is an independent global expert services and advisory firm that delivers services and end-to-end solutions to help clients at critical inflection points related to change, risk, disputes, finance, performance, distress, and transformation. The Ankura team consists of more than 1,500 professionals in 34 offices globally who are leaders in their respective fields and areas of expertise. Collaborative lateral thinking, hard-earned experience, expertise, and multidisciplinary capabilities drive results and Ankura is unrivaled in its ability to assist clients to protect, create, and recover value.

## eDiscovery

Ankura tailors its eDiscovery services to support its clients' requirements across a variety of matter sizes and types. The team of eDiscovery and digital forensic advisors provides consulting expertise and end-to-end project management across the full information lifecycle from identification through production, including managed review for investigations, or litigation. The firm's consultants work collaboratively with clients to design efficient workflows, proactively identify and mitigate risk, apply quality control checkpoints, solve technological challenges, and provide cost-effective solutions. Ankura's eDiscovery and digital forensics advisory team has significant experience with a broad range of industry-standard technologies and procedures. Also, the firm's professionals have served in some of the largest and most globally recognized eDiscovery investigations. For every unique engagement, Ankura carefully customises its approach to ensure an efficient and well-planned deployment of resources and technology.

Ankura is a RelativityOne provider and offers a full eDiscovery data processing and hosting service in the UK and US, with more jurisdictions on the near horizon. Ankura professionals around the world also have high levels of local expertise with the appropriate skills and credentials to support remote infrastructure engagements and manage review teams where data must be hosted in a jurisdiction where Relativity hosting isn't available.

## Data Consulting Services:

### Data Preservation and Collections:

Ankura collects, preserves, and examines digital evidence held on a variety of digital media sources, computer and server systems, mobile devices, email platforms, social media, and cloud-based applications.

### Digital Forensics:

Ankura's digital forensics experts are skilled at interrogating a vast range of devices including complex enterprise networks, personal computers and mobile devices to identify relevant intelligence and evidence quickly, accurately and cost effectively.

### eDiscovery Project Management:

Ankura's project management team is extremely experienced and will work closely with clients to design and manage the most efficient and effective workflow for your matter.

### Predictive Analytics and Visualisation:

Ankura has a team of analytics experts who can help advise on and implement the most appropriate analytics tools for your workflow. It also has a team of machine learning experts who have designed a proprietary analytics platform built into Relativity and can assist with custom analytics solutions.

### Expert Testimony and CMC Assistance:

Ankura professionals have extensive experience of expert testimony in digital forensics exercises. The firm's experienced senior team can also attend case management conferences and assist with disclosure strategy.

## SERVICES

- Cyber Security
- Economics & Statistics
- Intellectual Prosperity
- Investigations & Accounting
- Advisory
- Litigation, Arbitration & Disputes
- Risk Management & Compliance
- Strategy & Performance
- Transaction Advisory Service
- Turnaround and Restructuring

## INDUSTRIES

- Construction
- Energy
- Financial Services
- Real Estate Advisory
- Healthcare
- Public Sector

## OFFICES

### UNITED STATES

WASHINGTON (HQ): 1220 19th Street, N.W., Suite 700, DC 20036  
Tel: +1 202 797 1111

Ankura Consulting Group, LLC has 34 offices across Americas, Asia Pacific, Europe and the Middle East

### Structured Data:

Ankura's structured data group is focused on the collection, analysis and production of large enterprise data systems which are then used to support investigations and litigation. The core skill of the group is developing the database process known as extract, transform and load (ETL). ETL is the process of linking disparate datasets together in the proper way to support analyses. Ankura has extensive experience collecting and analysing data from many different financial and healthcare related systems

# BERKELEY RESEARCH GROUP, LLC

www.thinkbrg.com tel: +1 510 285 3300

**Chairman:** David J. Teece

Number of employees: 1,300+

Languages: BRG has offices around the world, and BRG experts cover all business languages.

## Overview & History:

Berkeley Research Group, LLC (BRG) is a global consulting firm providing leading organisations with profound quantitative analysis in three key areas: disputes and investigations, corporate finance, and performance improvement and advisory. Headquartered in California with offices around the world, BRG's experts are economists, industry leaders, academics, forensic accountants, data scientists and related professionals who integrate their expertise to provide clients with precise quantitative analyses of complex problems. BRG lives its motto, "Intelligence that Works," by providing theoretically-grounded analytical results that have real world, practical application in high stakes litigation and business matters.

Co-founded by renowned economist David J. Teece in 2010, BRG has in-depth experience across a wide range of industries and markets, from healthcare and technology to construction and energy. No matter what sector your business is in, BRG has experienced professionals who understand the challenges you face—making the firm better equipped to help solve them.

The idea of intelligence that works—delivering great ideas, ensuring that BRG's recommendations are practically executable and helping clients advance—drives all that BRG does, from the way it works with clients to the way it operates internally.

With a team of industry specialists and world-class experts in accounting, business intelligence, damages analysis, economics, finance, intellectual property, valuation, data analytics, statistics, strategic analysis and survey research, BRG is a leader in the areas that can impact business most significantly. The firm is dedicated to providing clear perspectives that help clients understand their current situation and the road ahead using an evidence-based, theory-informed and insight driven approach.

BRG professionals have unparalleled analytical ability, deep knowledge of specific industries and experience in the legal process, from early case assessment and strategy-setting to evidentiary hearings to trial, arbitration, regulatory and administrative proceedings, and mediation. Clients include Fortune 500 corporations, global financial institutions, governments and regulatory bodies, and many of the world's top law firms. BRG professionals include highly credentialed experts, prominent academics, CPAs, experienced business leaders, former government officials and consultants with direct experience in the industries they are analysing.

BRG clients have access to a range of subject-matter knowledge and technical competency, including finance and accounting, economic analysis and econometrics, statistics, survey research, and asset and business valuation.

## Services

- Antitrust and Competition
- Business Insurance Claims
- Class Action Litigation
- Cyber Security
- Data Analytics
- Discovery and Forensic Technology
- Economics and Damages
- Forensic Accounting
- Global Investigations & Strategic Intelligence
- Intellectual Property
- International and Domestic Arbitration
- Labour and Employment
- Risk and Compliance
- Securities and Complex Valuation
- Survey Research

## Contacts

Santiago Dellepiane  
Co-leader, Global Economics  
**Email:** sdellepiane@thinkbrg.com  
**Phone:** +1 646 809 8071

Mustafa Hadi  
Co-leader, Global  
**Email:** mhadi@thinkbrg.com  
**Phone:** +852 2297 2271

Raymond Kolls  
Co-leader, Economics & Damages  
**Email:** rkolls@thinkbrg.com  
**Phone:** +1 202 480 2686

Jeffery A. Stec  
Co-leader, Economics & Damages  
**Email:** jstec@thinkbrg.com  
**Phone:** +1 312 429 7970

## SECTORS

Corporate Finance  
Economics & Damages  
Healthcare  
Global Investigations & Strategic Intelligence  
Performance Improvement & Advisory

## OFFICES

### UNITED STATES

**SAN FRANCISCO BAY AREA:** 2200 Powell Street, 12<sup>th</sup> Floor, Emeryville, CA 94608  
**Tel:** +1 510 285 3300  
**Email:** info@thinkbrg.com

The firm also has United States offices in the following locations: Atlanta, Baltimore, Boston, Chicago, College Station, Dallas, Denver, Detroit, Houston, Las Vegas, Los Angeles, Nashville, New Jersey, New York, Pensacola, Philadelphia, Phoenix, Pittsburgh, Salt Lake City, San Diego, Tallahassee, Tampa and Washington, DC.

### INTERNATIONAL OFFICES

Africa - Johannesburg  
Asia - Beijing, Hong Kong, Mumbai, Singapore, Tokyo  
Australia - Sydney  
Canada - Calgary, Toronto  
Europe - London  
Latin America - Bogota, Buenos Aires, Mexico City, Miami, Panama City, Sao Paulo  
Middle East - Dubai, Kuwait City, Saudi Arabia



# CHARLES RIVER ASSOCIATES

www.crai.com tel: +1 617 425 3000 fax: +1 617 425 3132

**Chairman:** Paul Maleh

Number of employees: 800+ consultants, 1,000 employees

Languages: *Arabic, Bulgarian, Chinese (Cantonese), Chinese (Mandarin), Chinese (Shanghai), Dutch, English, French, German, Greek, Gujarati, Hebrew, Hindi, Italian, Japanese, Korean, Lithuanian, Marathi, Polish, Portuguese, Punjabi, Romanian, Russian, Serbo-Croatian, Spanish, Tagalog, Telugu, Turkish, Ukrainian, Urdu*

## Overview & History:

Founded in 1965, Charles River Associates is a leading consulting firm that provides economic, financial, forensic, investigative and strategy expertise. CRA has served major law firms, corporations, and governments around the world for more than 50 years and has worked with 94 of the Am Law 100 law firms and 83 of the Fortune 100 companies.

CRA's success stems from the outstanding capabilities of its consultants, many of whom are recognised as experts in their respective fields; its close relationships with a select group of respected academic and industry experts; and from a corporate philosophy that stresses interdisciplinary collaboration and responsive service.

## Services:

### Antitrust & Competition

CRA's competition economists have provided economic analysis and testimony in numerous competition matters in the United States, Europe, Australia, and Canada. Many have served in government antitrust agencies or are members of premier academic economics and law faculties. They provide deep economic analysis and guidance across numerous industries in a broad range of competition cases, including: class certification, complex commercial damages, health care fraud and false claims, health care reimbursements, mergers and acquisitions, monopolization, monopsony, price discrimination, price fixing, tying and bundling, and vertical restraints.

### Cybersecurity & Incident Response

CRA's cybersecurity & incident response team helps clients respond to, and recover from, a broad spectrum of incident response matters. It's professionals include information security experts, incident responders, former military, former government, former law enforcement officers, and computer forensics experts with deep technical and analytical skills, backed by decades of investigative and cybersecurity experience.

### Employment & Compensation

CRA provides in-depth analysis, expert reports, testimony, and advisory services to law firms, companies and government agencies involved in complex labor and employment disputes. It also assists employers by conducting proactive studies of employment, compensation and contracting practices, monitoring consent decrees and settlement agreements, and designing systems to track employment practices.

### Energy Litigation

CRA's energy experts advise energy companies and other market actors operating in a broad array of complex legal environments. Its experts educate clients on market structure and rules, provide testimony and arbitrate disputes, and help businesses and governments navigate fast-changing regulatory frameworks.

### Financial Economics

CRA's financial economics team focuses on

leading-edge data analytic techniques to provide expert assistance to clients. Compliance with fair lending laws, such as the Fair Housing Act and the Equal Credit Opportunity Act, is one of the focus areas. The team also regularly works with clients on litigation and investigation matters involving: mortgage underwriting; appraisals; pricing; loan modifications; credit bureau reporting; overdraft fees; and automobile dealer pricing.

### Financial Litigation

CRA's finance practice has decades of experience with high-profile, complex financial litigation and regulatory matters. It applies deep expertise in economics, finance, accounting, and the financial industry to assist clients in matters involving securities litigation, mergers and acquisitions, financial markets trading and investment, and complex commercial litigation.

### Forensic Services

CRA's forensic services team assists companies and their boards by independently responding to allegations of fraud, waste, abuse, misconduct, and non-compliance. The forensics practice – including a state-of-the-art digital forensics, eDiscovery and cyber incident response lab – has been certified under International Organization for Standardization (ISO) 27001:2013 requirements. CRA also maintains private investigator licenses in multiple jurisdictions.

### Intellectual Property

CRA's intellectual property (IP) experts advise on IP matters involving patents, trademarks, trade secrets, and copyrights and have experience at every stage of the value chain, from IP development through commercialisation and enforcement. CRA's IP consultants have both "real world" transaction and valuation experience and courtroom experience that enhances CRA's credibility and depth in both contexts.

### International Arbitration

CRA's international arbitration experts have acted in over \$100 billion worth of cases for clients across virtually every major industry. Its experts calculate damages, conduct valuations and investigations, and marshal considerable analytics expertise to guide clients and counsel through the

## OFFICES

### UNITED STATES

**BOSTON:** 200 Clarendon Street, MA 02116-5092

Tel: +1-617-425-3000

### UNITED KINGDOM

**LONDON:** 8 Finsbury Circus, EC2M 7EA

Tel: +44 (0)20 7664 3700

The firm also has offices in the following locations: Chicago, College Station, Dallas, Los Angeles, New York, Oakland, Salt Lake City, San Francisco, Summit, Tallahassee, Washington, DC as well as internationally in Amsterdam, Brussels, Cambridge, Munich, Paris, São Paulo, Sydney, Toronto and Zurich.

## CONTACTS

Margaret Sanderson, msanderson@crai.com

Christopher Russo, crusso@crai.com

Stephen O'Neil, soneil@crai.com

Mukarram Attari, mattari@crai.com

Marsha Courchane, mcourchane@crai.com

Arthur Baines, abaines@crai.com

David Skanderson, dskanderson@crai.com

Kristofer Swanson, kswanson@crai.com

Daniel McGavock, dmcgavock@crai.com

Matthew Thompson, mthompson@crai.com

Gregory Bell, gbell@crai.com

Tiago Duarte-Silva, tduarte@crai.com

Robert Brunner, rbrunner@crai.com

Peter Nolan, pnolan@crai.com

Rebel Curd, rcurd@crai.com

all major forums and under UNCITRAL rules.

### Risk, Investigations & Analytics

CRA's risk, investigations & analytics practice combines data analytics and traditional investigative methodologies to help clients manage legal, reputational and commercial risk. With extensive government and industry backgrounds, it assists law firms, financial institutions, government regulators, multinational corporations and other organisations worldwide to provide clients with actionable intelligence and expert advice.

### Life Sciences Litigation

CRA's life sciences litigation support is grounded in a comprehensive understanding of pharmaceutical, biotechnology, medical device, and diagnostic markets. For more than 30 years, their experts have consulted with major life science companies, law firms, and regulatory agencies around the globe to solve their most challenging strategic problems and resolve their most contentious disputes.

### Transfer Pricing

CRA's transfer pricing experts are sought after for the independence and clarity of their conclusions and recommendations by multinational enterprises, law firms, and tax authorities for transfer pricing planning, documentation and dispute resolution around the world. They provide principled solutions to complex intercompany pricing matters relating to intangibles, services, tangible goods and financial transactions, and have testified on transfer pricing cases tax courts throughout the United States and Canada and have advised the Australian Tax Office on litigation risk assessment.

# COMPASS LEXECON

www.compasslexecon.com

**Chairman and President:** Daniel R. Fischel

**Senior Managing Directors:** Jonathan M. Orszag, Mark A. Israel

**Senior Managing Director and Head of Compass Lexecon EMEA:** Jorge Padilla

Number of employees: 575+

Languages: *Arabic, Chinese (Cantonese), Chinese (Mandarin), Danish, Dutch, Finnish, French, German, Hebrew, Hindi, Italian, Japanese, Korean, Polish, Portuguese, Russian, Spanish, Swedish*

Other language capabilities: *Albanian, Bengali, Bosnian, Bulgarian, Catalan, Croatian, Czech, Farsi (Persian), Filipino, Greek, Hungarian, Icelandic, Lithuanian, Macedonian, Malay, Nepali, Norwegian, Romanian, Serbian, Turkish*

## Overview & History:

Compass Lexecon is a world-leading economic consultancy advising law firms, government bodies, and corporations across all industries on complex economic and finance matters. The firm provides exceptional quality economic insight in legal and regulatory proceedings, strategic decisions and public policy debates. Established in 1977, Compass Lexecon has over 575 professional staff, including 180+ Ph.D. economists based in 23 offices globally.

Compass Lexecon's practices are led by world-renowned economic thinkers. These include six former chief economists of the Department of Justice Antitrust Division and former chief economists at the European Commission, the Hong Kong Competition Commission, the UK Competition Commission (now CMA), the Federal Trade Commission, the Federal Communications Commission, and the Securities and Exchange Commission. The firm also maintains relationships with many high-profile academic affiliates, including Nobel Prize winners.

Compass Lexecon's economists have advised clients in matters before regulatory agencies and courts in over 90 jurisdictions and worked for 84% of the current Fortune 100 companies. For the last 6 years, Compass Lexecon has been named Competition Economics Firm of the Year by *Who's Who Legal* and it has ranked as one of the world's leading economic consultancies in the *GCR 100* for the last 15 years.

## Selected Services:

### Antitrust & Competition: Conduct

Compass Lexecon advises on the economics of anti-competitive agreements between competitors; anti-competitive agreements between suppliers and customers; exclusionary conduct such as through tying and bundling, predatory pricing, conditional rebates; and exploitative conduct, excessive pricing, and unfair trading.

### Antitrust & Competition: Damages

Compass Lexecon economists estimate potential damages from alleged or proven antitrust infringements, for both defendants and claimants. An integral part of their role involves constructing the counterfactual scenario to understand the impact of the conduct on prices, output, and profits of market participants.

### Antitrust & Competition: Mergers

Compass Lexecon reviews horizontal and vertical mergers and acquisitions across virtually every industry, with analyses tailored to the relevant jurisdiction(s) and regulatory regime(s). The firm advises on the competition aspects of transactions from conception to completion.

### Bankruptcy & Financial Distress Litigation:

Combining broad academic expertise in related areas, including credit and lending, valuation, accounting, finance, deal structure, economics, and industrial organization, with an amalgam of industry and marketplace familiarity, Compass Lexecon economists and consultants help senior creditors, Boards of Directors, and management teams successfully navigate litigation within the distressed landscape.

### Derivatives & Structured Finance:

Compass Lexecon advises in cases regarding the operation and structure of markets, valuation of financial instruments, disputes over the rights of different classes of securities holders and derivatives counterparties, disputes concerning credit assessments, cash flow waterfall modeling, and analysing complex structured financial instruments.

### Intellectual Property:

Building on principles of economics and finance, Compass Lexecon professionals have deep experience valuing intellectual property, estimating damages resulting from infringement of intellectual property, and determining reasonable royalty rates for patents, trademarks, copyrights, and trade secrets.

### International Arbitration:

Compass Lexecon provides authoritative analysis in complex arbitration cases involving multinational parties. Economists and financial experts deliver independent economic analysis, valuation opinions, damages assessments, regulatory opinions, expert reports, and arbitration testimony.

### Securities & Financial Markets

Compass Lexecon pioneered the application of modern finance theory to securities fraud, insider trading, market manipulation, and other forms of securities litigation. It is a leader in the use of statistical methods in securities litigation and the study of financial markets.

## SERVICES

Accounting Litigation  
 Antitrust & Competition: Conduct  
 Antitrust & Competition: Damages  
 Antitrust & Competition: Mergers  
 Auctions  
 Bankruptcy & Financial Distress Litigation  
 Class Certification  
 Corporate Governance  
 Damages  
 Bankruptcy & Financial Distress Litigation  
 Class Certification  
 Corporate Governance  
 Damages  
 Derivatives & Structured Finance  
 ERISA Litigation  
 Intellectual Property  
 International Arbitration  
 International Trade  
 Labor & Employment  
 Mergers & Acquisition Litigation  
 Policy & Regulation Pro Bono  
 Securities & Financial Markets  
 State Aid  
 Tax Services  
 Valuation & Financial Analysis

## INTERNATIONAL OFFICES

Compass Lexecon has 21 offices in the following countries: Argentina (Buenos Aires), Belgium (Brussels), Chile (Santiago), China (Beijing), Denmark (Copenhagen), France (Paris), Finland (Helsinki), Germany (Berlin and Düsseldorf), Israel (Tel Aviv), Italy (Milan), Singapore, Spain (Madrid), United Kingdom (London), United States (Boston, Chicago, Houston, Los Angeles, Miami, New York, Oakland, Pasadena, Washington DC)

## CONTACT

marketing@compasslexecon.com

## Valuation & Financial Analysis

Compass Lexecon economists are proficient in the full spectrum of standard valuation methods, including discounted cash flow analysis models and comparable company/comparable transaction methodologies. With expertise in using market evidence, they can provide insight in cases where standard valuation methods may be less appropriate.



# FINSBURY GLOVER HERING

www.fgh.com tel: +1 646 805 2000

**Global Co-Chairmen:** Roland Rudd, Carter Eskew

**Global CEO:** Alexander Geiser

**Co-CEOs, North America:** Winnie Lerner, Michael Feldman

Number of Employees: 700+

Offices: 18

Languages: 26

## Overview & History:

Finsbury Glover Hering is a pre-eminent global strategic communications advisory firm, headquartered in New York City with multidisciplinary experts across the world's major financial, government, business and cultural centers. The company was formed in January 2021 through the merger of the leading strategic communications consultancies Finsbury, The Glover Park Group (GPG) and Hering Schuppener.

Finsbury Glover Hering has managed some of the world's most complex and prominent communications challenges over the past three decades. With senior team members who include former journalists, lawyers, bankers, government officials and corporate communications executives with decades of experience managing communications for high-profile and high-risk situations, Finsbury Glover Hering brings to each assignment multidisciplinary teams that provide seasoned, measured and independent counsel.

## Services:

Finsbury Glover Hering provides support in the following core practice areas:

- Crisis & Issues Management
- Transformation & Change
- Corporate Reputation & Leadership Strategies
- Government Relations, Policy & Advocacy
- Transaction & Financial Communications

Each practice is supported by research and insights, digital strategy, and design and creative solutions.

Finsbury Glover Hering's crisis & issues management practice helps clients from diverse industries mitigate risk and protect their reputations and businesses in the face of a wide range of special situations and legal matters, including:

## Compliance & Litigation Communications

Finsbury Glover Hering has extensive experience managing high-stakes legal and enforcement actions in multiple jurisdictions around the world, with consideration given not only to the courtroom, but also the court of public opinion. Finsbury Glover Hering works closely with clients' senior leadership, communications professionals and in-house and outside legal teams to inform, coordinate and integrate communications strategies that help mitigate future risk and support their litigation and business goals, including in:

- Government/regulatory investigations
- Foreign Corrupt Practices and RICO
- Whistleblower cases
- Product liability, wrongful death and class actions suits
- White collar defense
- Securities and financial-related litigation
- Bankruptcy and restructurings
- Corporate governance disputes
- False advertising
- IP/patent/trade secret cases
- Cybersecurity issues
- Bet-the-company litigation
- Environmental litigation
- Cross-border litigation

- Discrimination and harassment suits
- Employee and labor issues
- U.S. Supreme Court and Appellate cases
- Settlement and contract negotiations
- Monitorships

## Crisis Management

Finsbury Glover Hering is a leader in managing the complex and fast-breaking issues and intense scrutiny that arise in times of crisis. Working seamlessly with legal counsel, senior management, Board members and in-house communications teams, Finsbury Glover Hering develops and executes strategic communications plans to stabilise key relationships and shape the opinions of key audiences. Finsbury Glover Hering places particular emphasis on discipline, alignment and consistency in messaging and communications to key audiences to help ensure that clients are speaking with one voice while effectively conveying a clear and compelling narrative. Finsbury Glover Hering also provides 'on the ground' support – including monitoring developments in real time and proactively communicating or responding as quickly and aggressively as appropriate.

Areas of expertise include:

- Cybersecurity and data privacy issues
- Corporate and leadership issues
- Corporate restructurings
- Financial crises
- Product liability and recalls
- Safety issues
- Environmental issues
- Labour and employment matters

## Crisis Preparedness & Prevention

Finsbury Glover Hering helps organisations build the foundational skills and procedures they will need when a real crisis arises. The curriculum – tailored to each client's unique needs, priorities and corporate culture – encourages teamwork, information gathering and analytical thinking while helping to ensure clients have best-in-class systems and processes in place to respond quickly, accurately and appropriately to emerging issues, wherever and whenever they may occur.

## PRACTICE AREAS

Crisis & Issues Management  
Transformation & Change  
Corporate Reputation & Leadership Strategies  
Government Relations, Policy & Advocacy  
Transaction & Financial Communications

## OFFICES

### UNITED STATES

**NEW YORK (HQ):** 3 Columbus Circle, 9th Floor, NY 10019  
Tel: +1 646-805-2000

**LOS ANGELES:** 6300 Wilshire Boulevard, 19th Floor, CA 90048  
Tel: +1 310-633-9597

**WASHINGTON, DC:** 1025 F Street NW, 9th Floor, DC 20004  
Tel: +1 202-337-0808

Email: [enquiries-us@fgh.com](mailto:enquiries-us@fgh.com)

### OTHER INTERNATIONAL OFFICES

Abu Dhabi, Beijing, Berlin, Brussels, Dubai, Dublin, Düsseldorf, Frankfurt, Hong Kong, London, Munich, Riyadh, Shanghai, Singapore, Tokyo

Core components include:

- Research and audit
- Risk assessment and scenario mapping
- Process refinement and message development
- Crisis manual development
- Crisis training and simulation
- Media training





## FTI CONSULTING

www.fticonsulting.com tel: +1 202 312 9100

**Chairmen:** Steve Gunby (Global), Kevin Hewitt (EMEA)

Number of employees: 6,400+

Languages: 50+ languages native or fluently spoken

### Overview & History:

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organisations manage change, mitigate risk and resolve disputes: financial, legal, operational, political & regulatory, reputational and transactional. With more than 6,400 employees in 29 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges and make the most of opportunities.

The firm is an advisor to:

- 96 of the world's top 100 law firms
- 55 of Fortune Global 100 corporations
- 8 of the world's top 10 bank holding companies

### Recognition:

- Who's Who Legal: Arbitration Expert Firm of the Year 2015 – 2020
- Who's Who Legal: Consulting Experts (Most Recognised), Law Business Research Ltd. (2016 – 2020)
- Best Of National Law Journal: Hall of Fame National Law Journal (2017 – 2020)
- FTI Consulting was named to Forbes magazine's list of America's Best Management Consulting Firms for the sixth consecutive year, recognized in 11 sectors and functional areas (2016-2021)

### Services

#### Financial

FTI Consulting partners and advises with management teams, boards of directors, creditors, investors and lenders across the valuation creation life cycle to manage cash flow, liquidity forecasts, accounting and financial reporting, activist shareholders and financial communication needs. The firm's teams take an industry first approach, bringing veteran practitioners and former industry executives to bear on the most complex commercial challenges and opportunities facing companies today.

#### Operational

FTI Consulting helps clients across the corporate life cycle overcome operational impediments and navigate the complexities of doing business in disrupted industries. Working with executive management, boards of directors and investors, the firm provides the objectivity, datadriven analytics and hands-on solutions and develop and implement plans of action that deliver sustained results.

#### Reputational

FTI Consulting helps clients use their communications assets to protect, enhance and develop their business interests with key constituencies. The firm's experienced professionals can help clients manage crises, navigate market disruptions, articulate their brand, stake a competitive position and preserve their permission to operate.

#### Legal

FTI Consulting provides independent dispute advisory, expert testimony, international arbitration, investigative, data governance, e-discovery and forensic accounting services to the global legal community. The firm's experience in high stakes litigation and complex financial investigations enables us to get to an appropriately scaled response quickly.

#### Political & Regulatory

FTI Consulting and its subsidiary, Compass Lexecon, work with clients to ensure that relevant regulations are economically sound, assess whether regulatory and compliance obligations are being met, perform public policy studies, implement robust systems and controls, protect their businesses from risks associated with political change and provide confidence to all key stakeholders that their business is well-controlled. The firm's clients span from individual companies to trade associations to governmental agencies in many jurisdictions around the globe.

#### Transactional

FTI Consulting's definitive expertise across the deal life cycle and diverse industries enables it to maximise outcomes for its clients in acquisitions, IPOs, divestitures, integrations, carve-outs and capital markets activities. The firm advises corporate and financial clients and their advisors and regulators to structure, conduct due diligence,

### PRACTICE AREAS

Economic & Financial Consulting

- Valuation
- Claims and Disputes
- International Arbitration
- Securities Litigation
- Competition Damages
- Forensic & Litigation Consulting
- Forensic Accounting Services
- Data & Analytics
- Financial Services
- Global Risk & Investigations
- Cybersecurity
- Insurance
- Construction
- Technology Consulting
- Collections and Digital Forensics
- E-discovery Management
- Managed Review
- Forensic Data Analytics
- Strategic Communications
- M&A, Crisis Communications & Special Situations
- Capital Markets Communications
- Corporate Reputation
- People & Change
- Digital & Insights
- Strategy Consulting & Research
- Corporate Finance & Restructuring
- Restructuring
- Business Transformation
- Tax Advisory
- Transaction Services

### OFFICES

#### UNITED STATES

WASHINGTON, DC: 555 12th Street NW  
Suite 700, D.C. 20004  
Tel: +1 202 312 9100

### CONTACTS

Karen Briggs, Forensic Consulting and Technology

Email: karen.briggs@fticonsulting.com

Mark Bezzant, Economic Consulting

Email: mark.bezzant@fticonsulting.com

Myron Marlin, Strategic Communications

Email: myron.marlin@fticonsulting.com

integrate, value and communicate all the while responding to a broad range of commercial demands. In addition, Compass Lexecon, an FTI Consulting subsidiary, works with private parties and government agencies to evaluate the likely effects of proposed mergers and acquisitions on prices, costs and competition.



## GLS CAPITAL

www.glsicap.com tel:+1 312 900 0160

Number of employees: 7

Languages: *English*

### Overview & History:

GLS Capital is a US-based litigation finance firm with more than \$345 million under management. Founded by litigation finance industry veterans who have originated, evaluated, and managed hundreds of millions of dollars in litigation finance investments, GLS invests in a wide variety of complex situations dependent upon legal or regulatory risk. GLS focuses on three areas of investment: complex commercial litigation and arbitration, patent infringement litigation, and life sciences litigation. Working with law firms and litigants worldwide, with a focus in the United States, GLS invests between \$1-\$50 million per investment.

### Services:

GLS prides itself on its decision-making speed and the pace of its investment process. Its deep industry experience also affords unique insights into the evaluation and management of litigation finance investments. Armed with a broad investment mandate, all investment decisions are made internally by the GLS investment committee, which provides certainty and transparency for counterparties throughout the investment lifecycle.

#### Complex Commercial Litigation and Arbitration Finance:

GLS devotes a considerable portion of its portfolio to investments relating to complex commercial litigation and arbitration. These generally are business-to-business disputes, with the underlying legal claims involving breach of contract, trade secret misappropriation, competition, tortious interference, insolvency, asset recovery, and investment treaty arbitration, among others. GLS invests with respect to both single cases and portfolios of cases involving complex commercial litigation and arbitration, both in the US and worldwide.

David Spiegel and Jeffery Lula lead commercial litigation and arbitration investments for GLS.

#### Patent Infringement Litigation Finance:

GLS also has a particular specialty relating to technology-related patent infringement litigation. The firm's principals have invested in intellectual property-related disputes longer than almost any other litigation finance firm. GLS boasts a deep bench of investment professionals who hold considerable hard science and patent litigation experience, all of whom were formerly patent litigators at elite law firms and Fortune 500 companies.

Providing capital to both inventors and law firms, GLS participates in patent litigation-related investments across a broad spectrum of cutting-edge technologies, including semiconductors, consumer electronics, medical devices, telecom, and industrial machinery, among others. The investments primarily focus on litigation finance for single cases or a portfolio of cases, but the firm also opportunistically participates in financing the purchase and monetization of large patent portfolios. GLS's patent litigation investments have a US focus, but GLS has also participated in investments involving international enforcement. Adam Gill and Joel Merkin lead patent infringement litigation investments for GLS.

### SERVICES:

- Complex Commercial and Arbitration Litigation Finance
- Patent Infringement Litigation Finance
- Life Sciences Litigation Finance

### OFFICES

CHICAGO: 150 N. Riverside Plaza, Suite 1840

### CONTACT:

David Spiegel, Managing Director  
Tel: +1 312 900 0163  
Email: dspiegel@glscap.com

#### Life Sciences Litigation Finance:

GLS has expertise in a broad range of litigation-related investments that arise in the life sciences industry. The GLS team has decades of experience and a deep understanding of the complex supply chain, regulatory, and commercial environments for pharmaceutical, medical device and health care companies.

GLS brings together significant technical, industry, and legal experience to underwrite virtually any commercial litigation claim across the life sciences landscape. This industry know-how allows GLS to quickly and accurately underwrite and invest in the complex litigation that develops in the life sciences industry – namely claims regarding pharmaceutical (i.e. Hatch-Waxman) litigation, breach of contract, trade secret misappropriation, and competition, among others.

Jamie Lynch and Dr. Lauren Rabinovic lead GLS's investments in the life sciences industry.



# H5

www.h5.com tel: +1 866 999 4215

**CEO and Chairman:** Nicolas Economou

Offices: Chicago, Mumbai, San Francisco

## Overview & History:

H5 provides clarity over data complexity with eDiscovery solutions that help corporate legal departments and their outside counsel uncover knowledge and insights faster, proactively get ahead of potential risks, and optimize spend. The firm's innovative solutions seamlessly blend its AI and analytics tools, industry leading technology and expertise in eDiscovery, data science, search, analytics, and linguistics to cut through data complexity, find sensitive data and needles in haystacks, and chart the best path forward for each client.

## H5 Solutions

Clients can reliably mitigate risk and optimise outcomes across their litigation portfolio by leveraging our suite of solutions including:

### H5 Key Document Identification\*

H5 Key Document Identification\* is a technology-enabled strategic search service that pairs advanced analytics with linguistic and search expertise to quickly surface business-critical documents for the effective resolution of high-risk litigation and investigations. With H5 Key Document Identification\*, corporations can quickly and reliably assess their case at the outset to make informed risk and strategy decisions, develop case narratives without timely linear review, and prepare for negotiations, depositions, and filings.

### H5 Technology-Assisted Review as a Service

H5 TAR as a Service is a cutting-edge hybrid review solution that combines AI and sophisticated linguistic models to accelerate and drive efficiencies throughout document review. Augmented with extremely precise search syntax, a scalable, iterative, and adaptive process, and a robust and extensive metadata analysis, H5 TAR as a service delivers battle-tested, defensible, and accurate results.

### H5 Matter Analytics\*

H5 Matter Analytics\* is a game-changing eDiscovery analytics and workflow optimisation solution for Relativity\*; and Relativity\* One that helps you accelerate your review process and mitigate the risk of exposure of sensitive information with automated privilege analytics, time-saving email thread viewer, innovative privilege log builder, and battle-tested classifiers. With H5 Matter Analytics\* in your arsenal, you can potentially lower privilege review costs by up to 75%, accelerate review by compressing up to 70% of email content, and protect your personally identifiable information by systematically finding PII and personal health data.

### H5 eDiscovery Solutions

The H5 suite of hosting, processing, design, and program management services creates significant efficiency gains throughout the eDiscovery lifecycle and scales as strategy shifts. The firm's comprehensive solutions are marked by an adaptive process and a collaborative approach that prioritizes client service. Fueled by the drive to innovate, H5's range of cutting-edge hosting, processing, analytics, and program management solutions advances and evolves with the litigation and regulatory compliance needs of corporate legal departments and their internal partners for a streamlined, end-to-end eDiscovery workflow.

## OFFICES

### UNITED STATES

**SAN FRANCISCO:** 595 Market Street, CA 94105

Tel: +1 866 999 4215

Email: info@h5.com

**CHICAGO:** 200 W Madison St #2050

### INDIA

**MUMBAI:** Flat no. 202, Satellite Silver, Andheri Kurla Road, Marol Naka, Chimatpada, Marol, Andheri East

## H5 Keyword Consultation

H5 Keyword Consulting arms eDiscovery and legal teams with linguistic consulting expertise to combat defensibility challenges and ensure a robust production. Staffed with linguists and information retrieval experts with decades of legal industry experience, this consulting service focuses on providing corporate legal departments with defensible support in their litigation matters. Leading corporations can reliably arm their eDiscovery and legal teams with precise, nuanced keywords to negotiate from a position of strength and confident defensibility.



# HAYSTACKID

www.haystackid.com tel: +1 877 942 9782 fax: +1 800 706 3615

**Chairman/CEO:** Hal Brooks, Chief Executive Officer

Number of employees: 200+

Languages: *English*

## Overview & History:

HaystackID™ is a specialised eDiscovery services firm that helps corporations and law firms securely find, understand and learn from data when facing complex, data-intensive investigations and litigation. HaystackID mobilises industry-leading computer forensics, eDiscovery, and attorney document review experts to serve more than 500 of the world's leading corporations and law firms in North America and Europe. Serving nearly half of the Fortune 100, HaystackID is an alternative legal services provider that combines expertise and technical excellence with a culture of white-glove customer service. The company was recently named a worldwide leader in eDiscovery services by IDC MarketScape and was included as a representative provider in Gartner's Market Guide for E-Discovery Solutions

## Services Offered:

With an extensive portfolio of services customised for client-specific needs, HaystackID helps clients achieve quality outcomes at a fair and predictable price by using our Cyber Discovery offerings, Managed Enterprise Solutions, and Legal Discovery offerings.

### Cyber Discovery

Cyber Discovery is applying a combination of data discovery and legal discovery approaches to enable the exploration of patterns, trends, and relationships within unstructured and structured data to uncover insight and intelligence to proactively or reactively respond to cybersecurity-centric challenges. To address cyber discovery challenges, HaystackID offers post-data breach discovery and review services. These services combine machine learning with extensive legal and regulatory discovery and review experience to provide insight and intelligence to inform post-breach data-driven decisions and responses.

### Enterprise Managed Solutions

Organisations today face spiraling costs, unprecedented judicial and regulatory scrutiny, and emerging and systemic security risks in electronic discovery. HaystackID offers Enterprise Managed Solutions for corporations and law firms seeking managed, defensible, and cost predictable discovery management programs to address these issues.

Blending state-of-the-art technology platforms with sophisticated workflow and curated reporting tools that deliver actionable metrics, HaystackID offers flexible and cost-effective programs and solutions that suit your unique legal enterprise needs with our undying commitment to superior service and operational excellence.

### Legal Discovery

HaystackID's Legal Discovery offerings can help you achieve quality outcomes by using the Forensics First, Early Case Insight, and ReviewRight Services.

Forensics First Services help clients find data during investigations and litigation.

- Computer Forensic Collections and Analysis
- Computer Forensic Expert Witness Testimony
- ESI Identification, Collection, and Preservation
- ESI Triage Services

Early Case Insight Services help clients understand data to gain insight for data and legal discovery decisions.

- ESI Ingestion and Processing
- ESI Assessment and Analytics
- ESI Hosting
- Managed Services
- Legal Discovery Consulting and Management

ReviewRight Services help clients learn from data to make the right decisions for positive and quality investigation and litigation outcomes.

- ReviewRight Match (Reviewer Qualification and Sourcing)
- ReviewRight Translate (Foreign Language Review)
- ReviewRight Protect (Post-Data Breach Discovery and Review)
- ReviewRight Manage (Managed Review)
- ReviewRight Host (Review Hosting)
- ReviewRight Automate (Technology-Enhanced Review)
- ReviewRight Virtual (Secure Remote Review)

## Key Clients:

Having passed the most stringent security audits, HaystackID does not share the names of its clients, but is trusted by many of the world's largest insurance, financial services, pharmaceutical, energy and other companies. The client list of HaystackID includes Fortune 250 companies and top firms of the Am Law 100.

## Recent Highlights:

In February 2021, HaystackID announced that it has been named a worldwide leader in eDiscovery Services in the IDC MarketScape: Worldwide eDiscovery Services 2021 Vendor Assessment report. HaystackID™ is one of only 11 companies to be recognised. The IDC MarketScape vendor assessment model is designed to provide an overview of the competitive fitness of ICT (information and communications technology) suppliers in a given market.

## Primary Contacts:

Ashish Prasad, Esq.  
Vice President and General Counsel  
**Email:** aprasad@haystackid.com

Harold Brooks  
Chief Executive Officer  
**Email:** hbrooks@haystackid.com  
**Tel:** +678 733 4184

## OFFICES

### USA

**WASHINGTON, DC (HQ)**  
1250 23<sup>rd</sup> Street,  
NW – 4<sup>th</sup> Floor  
Washington, DC 20037  
Tel: +1 202 349 0177

### NEW YORK

15 W 39<sup>th</sup> Street – 16<sup>th</sup> Floor  
New York, NY 10018  
Tel: +1 212 748 9492

### BOSTON

Six Beacon Street, Suite 815  
Boston, MA, 02108  
Tel: +1 617 422 0075

### CHICAGO

200 W. Jackson Blvd. Suite 250  
Chicago, IL 60606  
Tel: +1 877 942 9782

### DETROIT

26261 Evergreen Road, Suite 135  
Southfield, MI 48076  
Tel: +1 877 942 9782

### MIAMI

510 Shotgun Road – 5<sup>th</sup> Floor  
Sunrise, FL 33326  
Tel: +1 877 942 9782

### MINNEAPOLIS

1000 Parkers Lake Road  
Wayzata, MN 55391  
Tel. +1 800 267 9695

## INTERNATIONAL OFFICES

**DUBLIN, IRELAND**  
**DUSSELDORF, GERMANY**  
**LONDON, UK**  
**MUNICH, GERMANY**  
**PARIS, FRANCE**  
**SHANGHAI, PR CHINA**

HAYSTACK

# IDISCOVERY SOLUTIONS, INC.

www.idsinc.com tel: +1 800 813 4832

**President/CEO:** Daniel L. Regard

Number of employees: Approximately 50

Languages: *French, German, Gujarati, Hindi, Punjabi, Spanish, Tamil, Telugu*

## Overview & History:

iDiscovery Solutions ("iDS") was founded in Washington, DC in 2008 by industry veterans with more than 50 years of litigation and consulting experience combined. From its inception the subject matter experts at iDS have been a sought-after resource, working side-by-side with their client's in-house and outside counsel, IT departments, and legal teams to collect and analyze data, develop proactive process improvements and structured processes, and create cutting-edge strategies and solutions for both corporations and law firms. Under the leadership of founder and CEO Dan Regard, iDS have developed into a global provider of consultative data solutions, with offices throughout the U.S. and London.

## Case Types:

Wage and Hour, Labor and Employment, Trade Secret Misappropriation, FCPA, FLSA, White Collar Crime, Government Investigations, Internal Investigations, Competition/Antitrust, Class Actions, IP Litigations, Mass Torts and Claims, Product Liability, Complex Litigation, Data Privacy, and Cybersecurity Services:

## Services:

### Investigative Services:

Forensic Collections (Remote/Onsite/Cloud) and Forensic Analysis, Data Breach, Preservation

### Discovery/Disclosure Services:

ECA/Processing, Review Support, Secure Hosting, TAR, Review Optimization, Productions

### Consulting:

Data Privacy, Information Governance, Discovery/Disclosure Best Practices, Data Analytics, Forensics, Cybersecurity, Information Governance

### Expert Services:

Data Analytics, Testifying Experts, 30(b)6 Witnesses, Technology Consulting, Discovery Best Practices, Defense of Process, Cybersecurity

### Data Analytics:

Data / Information Mapping, IOT Analysis / Visualization, System Assessments, Database Discovery, SQL Analysis, Structured Data Collection and Analysis

### Cybersecurity:

Information Security Program Assessment, Breach and Incident Investigation and Response, Theft of Intellectual Property, User Awareness Training, Fractional CISO and CIO

### Information Governance:

Data Security, Access Governance, Enterprise Content Management, Audit Trails, Information Lifecycle Management, Records and Knowledge Management

## OFFICES

### UNITED STATES

**ALPHARETTA:** 11720 Amber Park Drive, Suite 160, GA 30009

Tel: +1 626 224 3864

**COSTA MESA:** 535 Anton Blvd., Suite 860, CA 92626

Tel: +1 714 581 4830

**WASHINGTON:** 3000 K Street NW, Suite 330, DC 20007

Tel: +1 202 249 7860

## INTERNATIONAL OFFICES

### UNITED KINGDOM

**LONDON:** 36 Whitefriars, EC4Y 8BQ

Tel: +44 (0)20 8242 4130

## CONTACTS

Jonathan Sachs, Director of Sales and Marketing  
Tel: +1 202 249 7872

Hunter McMahon, Chief Operating Officer  
Tel: +1 626 224 3864



# K2 INTEGRITY

www.k2integrity.com tel: +1 212 694 7000

## Overview & History:

K2 Integrity is the preeminent risk, compliance, investigations, and monitoring firm—built by industry leaders, driven by interdisciplinary teams, and supported by cutting-edge technology to safeguard its clients' operations, reputations, and economic security. K2 Integrity represents the merger of K2 Intelligence, an industry-leading investigative, compliance, and cyber defense services firm founded in 2009 by Jeremy M. Kroll and Jules B. Kroll, the originator of the modern corporate investigations industry, and Financial Integrity Network (FIN), a premier strategic advisory firm founded by Juan Zarate and Chip Poncy dedicated to helping clients achieve their financial integrity goals.

Whether it's protecting clients' assets or navigating the complex financial regulatory landscape to help clients identify, manage, and mitigate risk, K2 Integrity is an advisor trusted to meet and exceed clients' goals in a rapidly changing world.

The firm's multidisciplinary teams include former prosecutors, lawyers, senior government advisors, regulators, compliance officers, law enforcement and intelligence professionals, forensic accountants, investigative journalists, technology professionals, and academics, each bringing a unique set of investigative and advisory skills and perspectives to the client situation.

Headquartered in New York with offices in London, Washington, D.C., Madrid, Geneva, Los Angeles, and Chicago, K2 Integrity maintains deep, diverse global networks. The firm acts as advisors to governments, companies, and high-net-worth individuals; its clients frequently include public entities and private companies across a wide variety of business sectors.

## Services:

### Asset Tracing and Recovery:

K2 Integrity specialises in helping clients identify, trace, and recover assets around the globe. The firm combines traditional asset tracing and recovery methods with the latest technology advancements to help its clients identify and recover attachable assets, uncover sophisticated embezzlement schemes, identify key relationships, and maximize the likelihood of recovery.

### Construction and Real Estate Risk

#### Management:

K2 Integrity's construction risk management experts provide a wholistic evaluation of each project and suggest enhancements to ensure the necessary safeguards are in place. The firm's ongoing monitoring ensures continued success until completion.

### Corporate Contests:

K2 Integrity provides fact-finding and analysis to develop long-term strategy and inform short-term tactics in corporate contests, creating pre-engagement plans or updating response plans, communicating with various constituents before or during an activist situation, identifying misstatements or inaccuracies or adding credence to an argument, vetting third-parties, or supporting or modifying the legal or operational goals of a campaign.

### Due Diligence:

Whether the goal is gaining insight on a prospective investment, acquisition, merger candidate, or market, or the vetting of contractors, suppliers, and consultants for possible legal or regulatory breaches, K2 Integrity's investigators and business intelligence specialists deliver comprehensive due diligence solutions—critical information that sheds light and enables a more informed decision both on value and the associated risk.

### Financial Investigations and Forensic

#### Accounting:

K2 Integrity conducts financial investigations and provides forensic accounting services to assist clients facing actual or potential regulatory scrutiny or litigation, and to meet their compliance goals. The firm combines technical forensic accounting and an investigative skill set with cutting-edge forensic and data mining technologies.

### Fraud Investigations:

K2 Integrity offers unmatched depth of experience in highly complex, multijurisdictional fraud investigations. The firm helps clients understand the circumstances, weigh options for remediation, assess the damage and recover from it, and prevent similar incidents from happening again. Its expertise includes financial fraud investigations, inventory and assets fraud, price fixing and bid rigging, construction fraud, information breaches, and intellectual property leaks.

### Intellectual Property and Counterfeiting

#### Investigations:

K2 Integrity offers the full spectrum of proactive and reactive services to help companies meet the ongoing challenges of counterfeiting, grey market diversion, and illicit trade; misappropriation by employees, business associates, or competitors; global piracy; and hacking.

### Investment Due Diligence:

K2 Integrity's investment due diligence process is designed to identify hidden risks and potential vulnerabilities in any business opportunity via a global team that is fact-focused, technology-enabled, and tailored to each investment's unique risk profile.

## OFFICES

### UNITED STATES

CHICAGO: 321 N Clark Street, IL 60654

LOS ANGELES: 777 South Figueroa Street, 17th Floor, CA 90017

NEW YORK: 845 Third Avenue, NY 10022

WASHINGTON DC: 1050 Connecticut Avenue NW, Suite 680, DC 20036

### UNITED KINGDOM

LONDON: Albermarle House, 1 Albermarle Street, London W1S 4HA

### SWITZERLAND

GENEVA: Rue de Jargonnant 2, C/O N.A.T. Services SA, 1207,

### Litigation Support:

K2 Integrity has a distinguished track record of guiding clients through the most complex and intractable of disputes, deploying a broad array of investigative resources that bear up to the most intense scrutiny. Through investigative analysis of an adversary's reputation, history, and potentially available assets, the firm brings essential information to light and provides clients with the best information to manage a dispute. These efforts regularly result in trial-ready evidence that unflinchingly stands up in court.

### Portfolio Risk Management:

K2 Integrity assists the investment community with insight and transparency into its portfolio entities. The firm employs a multidisciplinary approach to develop oversight frameworks and risk management practices to manage key risk areas including those related to financial crime, data protection, governance, employee conduct, regulatory risk, ESG, and cybersecurity.



# LAKE WHILLANS CAPITAL PARTNERS LLC

www.lakewhillans.com tel: +1 646 389 1032

## Overview:

Lake Whillans is a litigation funder that has been pioneering the industry since its founding in 2013. Lake Whillans finances meritorious commercial claims in United States and Canadian courts and in arbitrations globally. Examples of commercial claims that Lake Whillans finances include contract disputes, business torts, trade secret misappropriation, breach of fiduciary duty, fraud, and bankruptcy-related claims with amounts in dispute in excess of \$15 million.

Lake Whillans has financed claimholders and law firms of all types and sizes. The claimholders that Lake Whillans has funded range from small startups to Fortune Global 100 companies. These claimholders have found Lake Whillans a useful resource to fund litigation fees and expenses, monetize awards and judgments, offload litigation expenses that drag on earnings, hedge litigation risk, and, in some cases, augment their operating capital for non-litigation purposes. In each transaction, Lake Whillans develops a bespoke financial product to meet the needs of the claimholder or law firm. In addition to financing claimholders and law firms, Lake Whillans invests in financial instruments or other assets where the return is primarily driven by litigation risk.

Lake Whillans is managed by a team of industry-leading professionals who have extensive experience in litigation finance and as former litigators from firms including Bartlit Beck, Cleary Gottlieb, and Latham & Watkins. Lake Whillans' founders—Boaz Weinstein and Lee Drucker—are litigation-finance trailblazers and have been an important voice in the industry for over a decade. Managing directors Marla Decker and Chris Hagale are often cited as leading figures in litigation finance and are routinely featured in publications and asked to speak on relevant topics in litigation finance. Because of the Lake Whillans team members' substantial experience in the litigation-finance industry and as practicing lawyers, Lake Whillans is able to quickly understand matters, assess risks, and craft attractive deal structures for claimholders and law firms.

Lake Whillans is honored to be a part of the litigation-finance community and looks forward to continuing to provide leadership in the industry for years to come.

## OFFICES

### UNITED STATES

#### TEXAS

**DALLAS:** 12750 Merit Drive, Suite 520,  
TX 75251  
Tel: +1 646 389 1032



LAKE  
WHILLANS

# THE LEVINSON GROUP

www.mollylevinson.com tel: +1 (202) 244 1785

**Overview & History:**

The Levinson Group (TLG) is a strategic communications and public relations firm that is widely known for its work in high-profile crisis and litigation communications. Founded in 2013 by Molly Levinson, TLG has provided strategic advice, crisis and issues management, and reputation management for C-suites, boards of directors, corporations, non-profits, and other high-profile individuals and organizations. TLG frequently partners with top law firms and lawyers on their most critical matters.

The team's collective decades of experience in both the public and private sectors – including in media, government, political and corporate spheres – enables TLG to offer a nimble, knowledgeable, and creative communications practice that provides behind-the-scenes, strategic counsel to clients on their highest-stakes matters.

**Services:**

TLG has a track record of integrating seamlessly with the day-to-day culture and ethos of its decision-focused, deadline-driven, public-facing clients. TLG has collaborated with top law firms across a wide range of industries.

**Litigation Communications, Crisis Management, and Government Response:**

TLG works hand-in-glove with legal and communications teams to ensure that communications efforts bolster clients' reputational and business objectives.

**Issues Management:**

TLG has significant expertise in reaching audiences and media outlets to shape policy or issue-based outcomes. Working smartly requires a concentrated effort to set forth current, clear, and consistent messages that reinforce arguments and cut through noise.

**Media Relations and Strategic Positioning:**

Uniquely integrating rapid response efforts on behalf of firms and clients, TLG works with leading journalists from top-tier outlets on a daily basis to help shape reputational outcomes and position companies and their leaders for success.

**Media Training and Preparation for Congressional Testimony:**

Drawing on decades of experience producing interviews and award winning news programs with heads of state, top policymakers, CEOs, A-list celebrities, gold medal athletes and the full range of newsmakers, TLG is often called upon by clients to prepare for their highest-profile presentations and media engagement. TLG also frequently partners with lawyers to prepare clients and help them navigate congressional inquiries and testimony.

**SERVICES**

- Strategic Communications & Reputation Management
- Public Affairs & Issues Management
- Litigation Communications Expertise & Legal Support
- Media Training and Preparation for Congressional Testimony
- Media Relations

**OFFICES**

**UNITED STATES:**

- NEW YORK
- WASHINGTON

**Law Firm Public Relations, Marketing, and Business Development:**

TLG develops strategies designed to convey a broad-based narrative about law firms and their talented lawyers – allowing clients, potential clients, and prospective talent to recognize the unique expertise and culture at a firm beyond its most well-known partners.





# LONGFORD CAPITAL

www.longfordcapital.com tel: +1 312 212 8240

**Co-Founders:** Timothy S. Farrell, William P. Farrell, Jr., Michael A. Nicolas

Assets Under Management: \$1.1 billion

Number of employees: 17 in Chicago and Dallas

## OFFICES

### UNITED STATES

**CHICAGO:** 35 West Wacker Drive  
Suite 3700, Illinois 60601  
Tel: +1 312 212 8240

Email: info@longfordcapital.com

**DALLAS:** 1700 Pacific Avenue  
Suite 1035, Texas 75201  
Tel: +1 972 761 5215

Email: info@longfordcapital.com

## Overview:

Longford Capital has always been at the leading edge of commercial litigation finance. When the firm opened in 2011, it was among the first investment managers to provide litigation finance in the U.S. An SEC-registered investment advisor, Longford remains among the largest managers in the asset class, with \$1.1 billion in assets under management.

Longford has helped lead the evolution of litigation finance from single-case investments and post-judgment awards to law firm and corporate portfolios, claim monetization and insurance recovery matters, and offers these and other capital solutions to Am Law 100 firms and litigation boutiques, private businesses and Fortune 500 corporations, universities, government agencies, and other entities that are involved in disputes with \$25 million to more than \$2 billion in controversy.

Longford Capital understands how to construct law firm portfolio investments and is among only a few firms that have sufficient capital and experience to construct a portfolio. Portfolios enable law firms to spread risk and satisfy client demands. Leading law firms are approaching Longford at an increasing rate to achieve these benefits.

Longford funds cases involving three broad areas of the law: commercial disputes, including breach of contract, fraud, breach of fiduciary duty, partnership/joint venture disputes, and qui tam actions; antitrust and trade regulation claims; and intellectual property actions, such as inter partes review, patent, trademark and copyright infringement, and theft of trade secrets.

Each of Longford's investments concerns highly meritorious claims which may be pursued in state and federal courts throughout the United States and abroad. Longford also considers investments in domestic and international arbitrations and cases before regulatory bodies. The firm has funded litigation in the United States, Europe, and Australia. It is one of six founding members of the International Legal Finance Association, launched in September 2020.

## The Team:

Longford Capital's greatest strength is the diverse and complementary skills of its team. Before launching the firm with Tim Farrell, Bill Farrell and Mike Nicolas practiced law at Neal Gerber, representing companies involved in commercial disputes, antitrust and trade regulation claims and intellectual property actions. Longford has expanded to include former partners of other major law firms who have also litigated and tried cases in these areas – John Garda from K&L Gates; Cindy Ahn, formerly with Kirkland & Ellis; Marc Cavan, formerly with Sidley Austin; Russ Genet from Nixon Peabody; Justin Maleson from Jenner & Block; and Andrew Stulce from McGuireWoods. Members of the underwriting team have been recognized among the top consultants to the legal industry by Lawdragon and the world's leading IP strategists by IAM Strategy 300.

Everyone on Longford's team loved practicing law and working in the courtroom. Their day-to-day responsibilities at Longford enable them to stay close to what they love about complex commercial litigation. It is exciting to help a business owner access the justice system after her invention has been stolen or contract breached. And it is rewarding to be at the leading edge of a new asset class that helps deserving companies. Longford's leadership team also includes former c-level executives from global business, private equity and banking institutions. Longford always conducts itself pursuant to the highest ethical standards. The team is well prepared, responsive, and delivers value beyond its capital.

## Looking Forward:

Amid the challenges presented by Covid-19, litigation finance is emerging as a way for companies, law firms, and universities to navigate overwhelming financial pressures and gain access to the civil justice system.

Longford expects that the litigation finance industry will continue to grow across all sectors; portfolios will continue to become more common, as will funding IP claims for research universities and litigation related to bankruptcy and distressed situations. Longford leverages its long-term relationships with leading law firms and businesses to source, analyze, and execute the strongest possible investments. Longford enjoys significant deal flow and manages a diversified portfolio.

Longford is a passive investor; it is not involved in setting litigation strategy or making settlement decisions. Its team doesn't look over the litigator's shoulders. If corporate claim owners or their law firms seek input, everyone on the underwriting team has litigated cases very similar to those for which they now provide capital, and their input is always appreciated. Corporate claim owners and leading law firms appreciate this approach.

As Longford arrives at its 10-year milestone, it is proud to have played an integral part in moving the industry forward and hopes to do so for years to come.



# MINTZ GROUP

www.mintzgroup.com tel: +1-855-594-2130 / +44 (0)20 3137 7004

**Founder** Jim Mintz

Number of employees: 300+

Languages: 30+ languages

## Overview & History:

Mintz Group is a global investigations firm that gathers information before relationships, during disputes and after frauds. It specialises in tracing assets around the world.

The firm has extensive experience tracking the assets of governments, companies and people across the globe, having worked as the lead investigator in some of the largest global asset investigations in recent years. Its asset-tracing cases are invariably multi-layered and cross-border, working at each junction of the dispute process to inform strategy and realise success.

Over the past 25 years, Mintz Group has honed their evidence-based, collaborative approach to investigations to support and enhance our clients' enforcement and monetization strategies – providing clarity in a complex world.

Headquartered in New York City, it has a team of more than 300 professionals in 16 offices across eight time zones, speaking over 30 languages. Founded by Jim Mintz in 1994, Mintz Group has successfully conducted 45,000+ investigations in over 120 countries working with litigators across all practice areas. Its clients include the largest global law firms, corporations and investment firms.

With a single-minded focus on investigations, Mintz Group has developed a uniquely transparent and practical approach to fact gathering, conducting investigations quickly, quietly and cost-effectively to “follow the money” to trace and help recover assets. During disputes and after allegations it finds admissible evidence that law firms and in-house counsel need to prevail, whether in court or at the negotiating table. The firm works to gather evidence for litigations:

- **During disputes** the firm finds admissible evidence that law firms and in-house counsel need to prevail, whether in court or at the negotiating table. Often its investigations “follow the money” to trace and help recover assets.
- International Arbitration
- Asset Tracing and Recovery
- Bankruptcy
- Commercial Litigation
- IP Litigation/Brand Protection
- White Collar Criminal Defense
- **After allegations** the firm finds undisclosed business relationships to investigate fraud, and regularly assists counsel with anti-corruption (FCPA, etc.) investigations.
- Fraud
- Bribery/FCPA/UK Bribery Act
- Antitrust
- Employment Law/Workplace Misconduct
- **Before transactions** for business deals, the firm conducts due diligence investigations into the backgrounds and reputations of companies and their executives.
- **Before hires and appointments** it is the partner of choice for employee screening to in-depth vetting of executive and board candidates.

## Why Litigators Choose to Work with Mintz Group:

- Deep knowledge of the litigation process, tools, strategies and evidentiary needs.
- Proven methodology that adheres to ethical obligations and ensures findings can go on the record.
- Experience gathering evidence to be used in courts in hundreds of jurisdictions.
- Global reach with cultural fluency and boots on the ground.
- Clear, well-documented reports that speak to client priorities and strategies.
- Expertise to provide insightful analysis and interpretation of complex fact patterns.
- Continuous innovation of our methodologies and use of digital tools.

## OFFICES

### AMERICAS

**NEW YORK:** 110 Fifth Ave, 8th Floor, NY 10011  
Tel: +1 212 489 7100

**SAN FRANCISCO**  
Tel: +1 415 765 9900

**MIAMI**  
Tel: +1 305 867 3097

**MONTREAL**  
Tel: +1 514 587 6200

**SÃO PAULO**  
Tel: +55 11 2391 3122

**WASHINGTON, D.C.**  
Tel: +1 202 887 9100

**CHICAGO**  
Tel: +1 773 654 1051

**MEXICO CITY**  
Tel: +52 55 4947 8646

**TORONTO**  
Tel: +1 647 497 5400

### EUROPE / MIDDLE EAST / AFRICA

**LONDON**  
Tel: +44 20 3137 7004

**DUBAI**  
Tel: +971 4 383 5456

**NAIROBI**  
Tel: +254 303 660 046

### ASIA-PACIFIC

**MUMBAI**  
Tel: +91 98206 21162

**BEIJING**  
Tel: +86 10 5957 5660

**SINGAPORE**  
Tel: +1-406-909-0321 / +65 6932 2801

**HONG KONG**  
Tel: +852 3963 9530

## CONTACTS

**EUROPE, MIDDLE EAST AND AFRICA:**  
Ian Casewell - icasewell@mintzgroup.com

**UNITED STATES AND THE AMERICAS:**  
Christopher Weil - cweil@mintzgroup.com

**ASIA-PACIFIC:**  
Randal Phillips - rphillips@mintzgroup.com



# NARDELLO & CO.

www.nardelloandco.com tel: +1 212 537 5300 fax: +1 212 537 5333

**Chairman:** Daniel Nardello

Number of employees: 75

Languages: *Arabic, Armenian, Cantonese, English, French, German, Italian, Japanese, Korean, Mandarin, Persian, Portuguese, Russian, Spanish, Turkish, Urdu*

## Overview & History:

Founded in London in 2003 by former US federal prosecutor Daniel Nardello, Nardello & Co. is a global investigations firm that handles matters including civil and white collar criminal litigation and arbitration support, due diligence, anti-corruption & fraud investigations, asset tracing, activist defense, strategic intelligence and political risk assessment, computer forensics, monitorships, and compliance. It has offices in New York, London, Washington DC, Hong Kong, Tokyo, Milan, and Dubai. Nardello & Co.'s staff includes former US federal prosecutors, US and international lawyers, former law enforcement personnel and intelligence operatives, research analysts, former journalists, financial crime specialists, and computer forensic experts.

The firm remains independently owned, allowing it to focus on complex investigations rather than commoditized work. Reflecting the firm's adherence to the highest ethical standards, it teaches a CLE course on ethical considerations in retaining private investigators.

## Services:

### Litigation & Arbitration Support, including White Collar Criminal Defense

Nardello & Co. takes a creative approach, finding thoughtful solutions tailored to their clients' legal strategies. Its services include: discovering and analyzing information and intelligence to realise its evidentiary potential; identifying impeachment material for cross-examination; locating and interviewing potential witnesses; finding background information when public records are unavailable; investigating credentials of expert witnesses; tracing assets; documenting undisclosed links between subjects and witnesses; and analyzing data files using digital forensic methodologies. A premier investigative firm for white collar defense practitioners, Nardello & Co. works with defense counsel to create investigative strategies to challenge the government's case and bolster defense theories.

### Activist Defense

Nardello & Co. has unparalleled experience assisting corporations in proxy battles and defending them against activist funds. The firm's work is informed by its experience in high stakes litigation. Nardello & Co. identifies information about adverse parties that corporate clients use in activist and proxy matters. This includes uncovering conflicts of interest or undisclosed liabilities, conducting due diligence to expose potential vulnerabilities of director nominees, and identifying undisclosed relationships to establish adverse parties are acting in concert.

### Asset Tracing

Nardello & Co. offers a range of asset tracing services. The firm has sought assets held by individuals involved in civil disputes, sovereign assets, and assets hidden by deposed leaders. Nardello & Co. traces difficult-to-find assets with greater efficiency than firms that employ a one-size-fits-all methodology. It can pick up a financial trail that's been cold for an extended period of time, making its team an essential litigation ally.

### Anti-Corruption & Fraud Investigations

Nardello & Co.'s dedicated anti-corruption and anti-fraud practice is composed of multilingual in-house staff and field investigators. The firm brings an unusual perspective to these matters as one of the few firms that has conducted pre-transaction FCPA due diligence, FCPA internal investigations, and litigation support in the context of an FCPA criminal defense matter. Employing a mix of sophisticated technology, digital forensics, and proven investigative techniques, the firm gets results in everything from internal investigations to litigation support.

### Other Services

Nardello & Co.'s other services include due diligence, political risk & strategic intelligence, digital investigations & cyber defense, monitorships & independent investigations, and compliance.

## SERVICES

Litigation & Arbitration Support  
Activist Defense  
Asset Tracing  
Anti-Corruption & Fraud Investigations  
Due Diligence  
Political Risk & Strategic Intelligence  
Digital Investigations & Cyber Defense  
Monitorships & Independent Investigations  
Compliance

## OFFICES

### UNITED STATES

#### NEW YORK:

565 Fifth Avenue, Suite 2200, NY 10017  
T: +1 212 537 5300  
F: +1 212 537 5333  
Contact: Chris McCavitt  
Email: cmccavitt@nardelloandco.com

#### WASHINGTON, DC:

1401 K Street, NW, Suite 725, DC 20005  
T: +1 202 545 3000  
F: +1 202 379 3299  
Contact: Sarah Morgenthau  
Email: smorgenthau@nardelloandco.com

## INTERNATIONAL OFFICES

#### CHINA - HONG KONG

T: +852 3628 3950  
Contact: Amie Chang  
Email: achang@nardelloandco.com

#### ITALY - MILAN

T: +39 02 5992 1080  
F: +39 02 5407 4839  
Contact: Martin Stone  
Email: mstone@nardelloandco.com

#### JAPAN - TOKYO

T: +81 3 5219 1256  
F: +81 3 5219 2101  
Contact: Michiharu Honda  
Email: mhonda@nardelloandco.com

#### UNITED ARAB EMIRATES - DUBAI

T: +971 4 401 9207  
F: +971 4 401 9991  
Contact: Martin Stone  
Email: mstone@nardelloandco.com

#### UNITED KINGDOM - LONDON

T: +44 (0)20 7079 5900  
F: +44 (0)20 7079 5919  
Contact: Martin Stone  
Email: mstone@nardelloandco.com

**Nardello**  
WE FIND OUT  **Co.**

# POSTON COMMUNICATIONS

[www.postoncommunications.com](http://www.postoncommunications.com)

## Overview & History:

Poston Communications is a full-service public relations, content, crisis management, and litigation communications firm focused on serving clients in highly regulated industries. The firm views itself as “communications counsel” to its clients, which include law firms, accounting and financial services firms, associations, health care, real estate, architecture, engineering and construction firms, and other professional services organisations. Lawyer-owned and led by Dave Poston, Poston Communications boasts a combined 100 years of marketing, public relations and business development experience.

## Public Relations

In 2020, Poston Communications CEO Dave Poston was named Public Relations Professional of the Year by the Public Relations Society of America (PRSA). Clients and the firm’s peers routinely regard Poston Communications as one of the nation’s top public relations firms. Poston Communications works with law firms of all sizes – from several Am Law 200 firms to mid-size and small firms – in developing integrated public relations programs and campaigns. The firm routinely placed client thought leadership in top-tier media outlets, drawing on long-standing relationships with journalists in nearly every field.

## Content

Poston Communications believes sharing your knowledge builds relationships and establishes clients as thought leaders in their target markets. Timely, well-written client alerts, bylined articles, blog posts, videos and podcasts sends the message that its clients can provide wise, pertinent and industry-leading counsel. The firm’s experienced writers and editors specialise in telling its clients’ stories in ways that distinguish their practice from the competition. Poston Communications is highly regarded for its newsroom model, offering clients unrivaled access to leading editors, writers, copy editors and proofreaders who take assignments from law firms, conduct research, interview lawyers and deliver finished content for multi-channel distribution. The firm also offers complete production services - from initial concept to distribution - for podcasts and videos.

## Leadership Communications

The success of an organisation depends upon the ability of its leaders to communicate effectively, connect with stakeholders, create the path forward, and lead with clarity of purpose. The firm’s leadership communications division provides leaders and executives with strategic communications counsel to increase their influence and impact in these areas. Whether leading an organisation through change, rebuilding after a crisis, delivering a high-impact speech to stakeholders, positioning the organization as a thought leader, casting vision for the company’s strategic plan, or developing a stronger organizational culture—the Poston Communications team partners with leaders to achieve their goals through a holistic approach to leadership communication strategy.

## Crisis and Risk Management

Lawyers, risk managers, insurance companies and corporate communications leaders entrust Poston Communications with their most sensitive and high stakes matters. The firm’s dedicated crisis and risk management division combines decades of strategic communications and legal experience to confidently command the narrative. Poston Communications’ proven method includes a suite of services throughout every stage of the crisis communications continuum, and the firm’s broad range of experience has helped numerous clients avoid the fallout of crisis while carving out a competitive advantage to emerge stronger – no matter the circumstances.

## Litigation Communications

Poston Communications is one of the few communications firms in the United States with the experience and acumen to oversee litigation communications strategies for matters before the United States Supreme Court. The firm understands the unique challenges of handling the public aspects of sensitive litigation, and it is adept in navigating complex relationships across all audiences in Supreme Court and other high stakes litigation matters. Having recently served as communications counsel to the litigation team in a landmark civil rights case, Poston Communications has experience collaborating across consolidated cases to ensure an integrated, unified strategy when it matters most.



## PRCG | HAGGERTY LLC

www.prcg.com

**CEO:** James F Haggerty

Languages: *English, French*

### Overview & History:

PRCG | Haggerty LLC (www.prcg.com) is a specialist communications consultancy with a worldwide reputation in Crisis & Litigation Communications, as well as other 'sensitive' communications issues. With offices in New York and Los Angeles, PRCG has worked across the United States and around the globe on major litigation PR assignments.

The firm's many successes include work in some of the largest cases of their kind in history, including:

- One of the largest global financial fraud cases;
- The largest intellectual property verdict and appeal;
- Several of the largest antitrust and product liability cases;
- The largest-ever single-family Holocaust restitution claim; and
- The largest class action lawsuit ever filed against the United States government.

Founded in 1993 and led for more than 20 years by attorney and author James F ('Jim') Haggerty, the firm has been recognised both in the United States and internationally for a depth of expertise and breadth of resources few other firms of any size can match. Haggerty is the author of the landmark treatise *In The Court of Public Opinion: Winning Strategies for Litigation Communications*, which was published in its third edition by the American Bar Association (ABA) in 2019. *Financial Times* has called *In the Court of Public Opinion* 'the perfect handbook for this age of show trials,' while PR trade publication *The Holmes Report* stated that Haggerty 'literally wrote the book on litigation public relations.' Jim Haggerty was also honored by PR News in 2017 as a 'pioneer' of litigation communications, and the firm was recognised in 2018 by *The New York Times* for its leadership of 'sophisticated,' 'round the clock' global PR campaigns in legal-related matters. Haggerty is also the author of *Chief Crisis Officer: Structure and Leadership for Effective Communications Response*, (ABA Books), which was released in paperback in 2019 with a new introduction from the author.

In 2019, PRCG | Haggerty created PRCG | Sports (www.prcgsports.com) to consolidate its work in sports-related public relations, including litigation communications and crisis matters. PRCG | Sports has been involved in numerous litigation and investigatory matters, including those related to Major League Sports, horse racings, as well as amateur and intercollegiate athletics.

PRCG is a proud member of The Crisis Protection Network, a global network of affiliated firms equipped to offer comprehensive crisis and litigation communications services specially-tailored to the needs of each individual client.

### Services:

- Litigation Communications
- Crisis Communications
- Reputation Management
- Thought Leadership
- Sports Public Relations
- SEO and Social Media Strategies

### OFFICES

#### UNITED STATES

**NEW YORK HEADQUARTERS:** 45 Broadway Suite 3140, NY 10006

Tel: +1 212 683 8100

Email: info@prcg.com

**WASHINGTON, DC:** 1101 Pennsylvania Avenue N.W. Suite 300, 20004

Tel: +1 202 888-8171

**LOS ANGELES, CA:** 801 S. Figueroa Street, CA 90017

Tel: +1 213 335-2441

# REEVEMARK

www.reevemark.com tel: +1 212 433 4600

**CEO:** Brandy Bergman

Number of employees: 16

Languages: *English*

## Overview & History:

Reevemark is a New York-based strategic communications firm with unique expertise guiding clients through complex, value-determinative matters involving litigation, reputation management and crises. Reevemark is led by five former managing directors of Sard Verbinnen: Brandy Bergman, Hugh Burns, Paul Caminiti, Delia Cannan and Renée Soto. Four of the founding partners are former practicing lawyers, including a prosecutor, criminal defense attorney, corporate attorney and civil litigator. Reevemark has grown to 16 employees, including individuals with backgrounds in law, business and public affairs.

For more than 20 years, Reevemark's founders have helped clients prepare for, navigate and communicate effectively around critical reputational challenges including legal and regulatory matters, complex commercial litigation, bankruptcies and restructurings, proxy contests and shareholder activism, M&A and other complex financial transactions, short seller attacks and issues of workplace misconduct. Given their legal backgrounds, Reevemark's senior team is uniquely positioned to work alongside top legal advisors to help companies communicate across multiple constituencies while simultaneously managing legal and reputational risks.

## Services:

### Litigation & Regulatory Matters

Led by four lawyers, Reevemark's experience in bet-the-company litigation matters is unrivalled. Reevemark principals have helped public and private companies, professional service firms, and other organizations navigate high-stakes legal matters including:

- Complex commercial litigation, IP
- Civil and criminal investigations and actions (SEC, DOJ and State AGs)
- Employee discrimination, harassment, and EEOC investigations
- FCPA, antitrust, CFIUS and environmental
- Class actions, MDLs

Reevemark works closely with legal counsel and internal and external teams to develop compelling, concise and cohesive communication materials for key constituencies. The team's legal backgrounds and vast experience sets Reevemark apart from other firms and ensures that the communications, media and legal strategies are aligned.

### Crisis & Reputation Management

From DEI and #MeToo issues to cyberattacks, financial reporting and personnel issues, Reevemark's founders have guided clients through some of the most high-profile, sensitive and brand-impacting matters over the last two decades. Reevemark works closely with clients and their legal and financial advisors to provide strategic counsel that best positions the client in the media and with investors. The team identifies the most likely scenarios and develops and executes a crisis plan to ensure that messages reach all critical stakeholders and executives are prepared for the toughest questions. Reevemark also provides live support to clients, including coordinating all internal and external communications, including media interactions, monitoring traditional and social media, gauging sentiment, and assessing the potential need to refine or augment communications.

### Representative client engagements include:

- Urban Air Mobility company Archer in patent litigation against Wisk
- Tinder founders in their lawsuit against Match and IAC
- TAL Apparel in its lawsuit against the former owners of Brooks Brothers
- McKinsey & Co around its opioid-related settlement with state AGs
- Brandywine fund manager Friess in proxy fight and shareholder litigation against AMG Funds
- Chapter 11 proceedings for Chesapeake Energy, Gulfport Energy, Bristow, Payless, and Fred's
- J.R. Simplot in regulatory investigations regarding improper conduct by a former employee
- Simon Property Group in \$9B merger litigation against Taubman Centers
- Away co-founder Steph Korey around reputational issues
- Hilaria Baldwin around reputational matters
- Representation of Pollen/JusCollege in connection with a COVID-19 outbreak in Texas following a Spring Break trip to Mexico
- Recently-pardoned engineer at center of Uber/Google self-driving technology fight, Anthony Levandowski around 2019 DOJ trade secret indictment
- H.I.G. portfolio company Lionbridge in litigation against TransPerfect
- Kainos Capital in a dispute between its founders
- Sorrento on its lawsuit against NantCell, Inc. and Patrick Soon-Shiong
- A Fortune 500 U.S. financial institution on international litigation

## SERVICES

Litigation & Regulatory Matters  
 Crisis & Reputation Management  
 Bankruptcies & Restructurings  
 Governance & Shareholder Activism  
 Corporate Transactions  
 Media & Investor Relations

## OFFICES

**NEW YORK:** 521 Fifth Avenue, NY 10175  
 Tel: +1 212 433 4600  
 Email: info@reevemark.com

## CONTACTS

brandy.bergman@reevemark.com  
 hugh.burns@reevemark.com  
 paul.caminiti@reevemark.com

- A leading middle market private equity firm on litigation with a co-founder
- Fortune 500 financial institution on earnings issues and management change
- Top professional services firms on legal and reputational matters
- Former New York Attorney General Eric Schneiderman



## RIPP MEDIA

**tel:** +1 646 285 1779 **fax:** +1 212 262 7478

**Principal:** Allan Ripp

Number of employees: 7

Languages: *English*

### Overview & History:

Established in 1986, Ripp Media is a boutique press relations firm with a focus on legal affairs and professional services. Litigation and law firm representation have been a central core of practice for much of the firm's history. Clients have included top global, regional and sector-based law firms in extended engagements, a number lasting more than a decade. The firm supports every practice and legal discipline, with an especially strong track record in litigation and trial-related PR. Ripp offers full communications support for clients and has outstanding skills and performance record in editorial services, media placement, thought leadership, crisis management, roll-out of new practices and services, legal M&A and lateral acquisitions, specific practice and partner support, pro bono publicity and expert commentary. Ripp operates with a low profile, maintaining an unfashionably low profile as an agency, choosing instead to operate as a press office adjunct to clients.

Ripp's law firm relationships have frequently asked the firm to step in to help their own clients on crisis work.

The firm has strong comfort level in areas involving M&A-corporate finance, intellectual property, privacy-cybersecurity, real estate, labor-employment, life sciences-healthcare, litigation funding, energy, national security, shareholder activism-securities litigation, capital markets and other areas.

### Services:

Ripp focuses on editorial support and media relations – strategic publicity. The core team has worked together for 15 years or longer and is comprised of former lawyers, journalists and agency professionals. Principal Allan Ripp is a former newspaper and magazine journalist and editor, including staff jobs at *Time* and *People Magazines*, *CBS-Hachette Magazines*, *American Heritage Publishing* and the *Hearst Newspapers*. Ripp also contributes personal commentary and reporting – his work has been appeared in *The Wall Street Journal*, *New York Times*, *Washington Post*, *Newsweek*, *Time.com*, *Forbes*, *WSJ's Market-Watch*, *CNN.com*, *The Atlantic*, *Tablet*, *NY Daily News*, *The Street.com*, *The Week*, *American Lawyer* and elsewhere. In addition to strong Chambers ranking, Ripp has been named by *LawDragon* among the top global 100 leaders in legal strategy and consulting for 2020.

Other key team members include former attorney Joshua Spivak, a prolific commentator in his own right and a nationally recognized expert in election recalls; John Garger; former legal journalist James Bourne; and former lawyers Ivan Alexander; and Joshua Karlen. All are highly skilled in litigation and legal media relations as well as top-flight writers and strategists.

### SERVICES

Media Relations  
Litigation and Professional Services Press Support  
Editorial Writing/Thought Leadership/Commentary  
High-Level Publicity  
Crisis Response  
Advising on Law Firm Mergers & Acquisitions

### OFFICES

#### UNITED STATES

**NEW YORK:** 1776 Broadway, Suite 901, NY 10019

Email: [aripppnyc@aol.com](mailto:aripppnyc@aol.com)

### CONTACT

Allan Ripp  
Mob: +1 646 285-1779  
Tel: +1 212 262 7477  
Email: [aripppnyc@aol.com](mailto:aripppnyc@aol.com)  
Email: [aripp@rippmedia.com](mailto:aripp@rippmedia.com)

# SARD VERBINNEN & CO (SVC)

www.sardverb.com tel: 212 687 8080 email: inquiries@sardverb.com

**Co-Founders and Co-CEO's:** George Sard and Paul Verbinnen

**Chairman:** George Sard

Number of Employees: 250

Languages: *English, Spanish, French, Italian, Arabic, Portuguese, Greek, German, Korean, Mandarin, Cantonese, Farsi*

## Overview & History:

A preeminent global litigation support and financial public relations firm, SVC is a recognised leader in strategic communications with over 30 years of experience providing clients with advice and services to support reputation and drive long-term value, often in connection with critical issues and transformative events. The firm is experienced in communicating with all key stakeholders, including journalists, investors, analysts, employees, lawmakers and regulators. SVC specialises in high-stakes situations and has deep experience advising on all types of litigation and crisis matters. The firm has extensive experience in financial transactions, government investigations and enforcement actions, senior management changes, proxy contests, data breaches, ransomware attacks and other cyber-related issues. SVC also supports clients on an ongoing basis in connection with long-term corporate positioning and investor relations programs.

## Litigation Support:

SVC's litigation support team works closely with clients and their legal counsel to anticipate and manage legal outcomes, navigate complex and sensitive issues, and execute strategic communications that align with, and advance, the legal strategy. The firm has broad experience advising clients that are subject to enforcement actions by federal and state government entities including: The Department of Justice – civil and criminal; Securities and Exchange Commission; State Attorneys General – civil and criminal; Federal Trade Commission; Federal Communications Commission; Internal Revenue Service; Environmental Protection Agency and others. SVC also advises clients on civil litigation matters across intellectual property claims; mass torts and class actions; shareholder derivative suits; qui tam actions; data breaches and other cyber-related litigation; contract disputes; and employee/workplace litigation.

## Team

SVC's litigation support practice includes a senior team of former practicing attorneys with strong backgrounds in civil and criminal litigation and investigations, government affairs, transactional law and intellectual property. Notably, several of these attorneys also spent portions of their careers working in journalism as reporters, producers and/or on-air commentators. The team works closely with counsel to distil complicated legal arguments into accessible and persuasive messaging for media, investors, employees, customers, business partners, industry thought leaders and other stakeholders, with the overarching goal of advancing our clients' legal strategies while simultaneously advocating for them in the court of public opinion.

## Key Differentiating Factors

- Public Affairs:** SVC's public affairs practice draws upon decades of high-level government, campaign and policy experience to provide fully integrated public affairs counsel in transformative, high-stakes situations that can affect reputation and value. These efforts – whether proactive or, when necessary, reactive – are seamlessly integrated into SVC's strategic communications work.
- Media Relationships:** Because of the vast scope of SVC's assignments, the firm has close media contacts – from beat reporters to the most senior editorial staff – at virtually every mainstream publication, broadcast and cable network, and digital outlet.
- Global Platform:** SVC has offices – and strong media relationships – in North America, Asia and the UK, and regularly partners with best-in-class local agencies in other regions if/when needed. The firm's geographic reach is particularly helpful for complex, multi-jurisdiction matters, as well as U.S.-based court matters with stakeholders, audiences and implications in multiple regions.
- Digital Capabilities:** SVC's communications efforts are supported by a digital communications group that includes a team of highly skilled social media and design experts. Throughout the lifecycle of public litigation and crisis matters, SVC is able to leverage this in-house expertise to help clients anticipate and respond to potential questions and negative chatter across social channels. When appropriate, SVC can also leverage this in-house expertise to help clients amplify their messages and directly target relevant audiences online. While a proactive digital campaign is not appropriate for all litigation matters, any strategic communications planning effort must consider digital channels, as they are an increasingly common aspect of

## PRACTICE AREAS

Corporate Positioning  
 IPOs and SPAC Transactions  
 Mergers and Acquisitions  
 Restructurings and Bankruptcies  
 Crisis and Special Situations  
 Cybersecurity and Data Privacy  
 Litigation Support  
 Public Affairs  
 Activism, Corporate Governance and Shareholder Engagement  
 Environmental, Social and Governance  
 Employee and Transformation Communications

## OFFICES

**UNITED STATES**  
 NEW YORK  
 BOSTON  
 CHICAGO  
 HOUSTON  
 LOS ANGELES  
 SAN FRANCISCO  
 WASHINGTON, D.C.

## INTERNATIONAL OFFICES

HONG KONG  
 UNITED KINGDOM

everyday stakeholder communications and can play a critical role in reputation management and rehabilitation.

- Research:** SVC research helps clients understand and communicate with key audiences by gathering market intelligence, polling public opinion, analysing trends, monitoring corporate reputation, testing messages, measuring the impact of events and communications on stakeholders, tracking employee engagement, and studying the dynamics of organizational cultures. Communication is a two-way process, and research is the "listening" function of strategic communications. The information gleaned from research provides insight into how various stakeholders are thinking about reputational issues resulting from litigation and can, as a result, inform messaging.





## SEQUOR LAW

www.sequorlaw.com tel: +1 (305) 372 8282 fax: +1 (305) 372 8202

**Chairmen:** Edward H. Davis, Jr. and Gregory S. Grossman

Languages: *English, Portuguese, Spanish*

### Overview & History:

Shareholders Edward H. Davis, Jr. and Gregory Grossman launched Sequor Law in April 2017, re-branding their practice after nearly 20 years specialising in international asset recovery, cross-border insolvency and financial fraud cases. Sequor Law continues to hold a niche spot in the asset recovery and cross-border insolvency markets and is recognized for its global expertise. Davis and Shareholder Arnaldo Lacayo have been recognised as experts in asset tracing and recovery. New additions to Sequor Law, shareholders Leyza Blanco and Fernando Menendez, Jr., together with Grossman, have been ranked by various publications as top insolvency and commercial litigation practitioners.

Edward H. Davis Jr., Founding Shareholder

**Email:** edavis@sequorlaw.com

Gregory S. Grossman, Founding Shareholder

**Email:** ggrossman@sequorlaw.com

Arnoldo B. Lacayo, Shareholder

**Email:** alacayo@sequorlaw.com

### Services:

The addition of Blanco and Menendez in 2018—both of whom are native Spanish speakers—added further breadth and acumen to Sequor Law’s international insolvency and asset recovery practice.

Leyza F. Blanco, Shareholder

**Email:** lblanco@sequorlaw.com

Fernando J. Menendez, Jr, Partner

**Email:** fmenendez@sequorlaw.com

Of Counsel to Sequor Law, Andrew B. Dawson, former Kauffman Legal Fellow at Harvard Law School, leverages invaluable experience in the bankruptcy and cross-border insolvency space, having clerked for both the Hon. Jane R. Roth, U.S. Court of Appeals for the Third Circuit, as well as the Hon. Peter J. Walsh, U.S. Bankruptcy Court for the District of Delaware.

Andrew B. Dawson, Of Counsel

**Email:** adawson@sequorlaw.com

Beyond its core competencies of asset recovery, bankruptcy and insolvency, financial fraud, and international commercial litigation, Sequor Law provides complementary resources, including forensic accounting and investigations support, and leverages a global network of litigation funders. Bob Lindquist -- deemed “Mr. Forensic Accounting” by ACFE Founder Joe Wells -- joined the firm as Director of Forensics, alongside Barbara Miranda, Director of Investigations at Sequor, bringing decades of experience with top global firms.

Bob Lindquist, Director of Forensics

**Email:** blindquist@sequorlaw.com

Barbara Miranda, Director of Investigations

**Email:** bmiranda@sequorlaw.com

Nyana A. Miller and Cristina Vicens focus their practice on international asset recovery and financial fraud. Miller has worked on cases brought under Chapter 15 of the U.S. Bankruptcy Code on behalf of foreign office holders of bankrupt Latin American companies and financial institutions. Vicens is an active member of the International Law Section of the Florida Bar, serving on its Executive Council, as well as an active member in the International Women’s Insolvency & Restructuring Confederation (IWIRC). Both Miller and Vicens are fluent in Portuguese and Spanish.

Dan Coyle focuses his practice on creditor’s rights practicing in the areas of bankruptcy, creditors’ rights, secured and unsecured transactions, collections, executions, asset recovery, banking operations and cross-border insolvency. Coyle regularly represents financial institutions and other creditors.

Juan J. Mendoza focuses his practice on asset recovery, bankruptcy, creditors’ rights, and cross-border insolvency. Mendoza’s experience includes the representation of debtors in possession, creditors and trustees in the healthcare and oil and gas industries. Mendoza is a native Spanish speaker born in Peru and was recently elected into The Florida Bar’s Inclusion, Mentoring and Fellowship Committee as one of the Business Law Section Fellows for the 2020-2022 term.

Amanda E. Finley focuses her practice on asset recovery, federal and state court litigation, defending and prosecuting actions to collect evidence for use in foreign proceedings under 28 U.S.C. § 1782, bankruptcy and creditors’ rights litigation and cross-border insolvency. Prior to joining Sequor Law, Finley served as a law clerk

### SERVICES

Asset Recovery  
Bank Litigation  
Bankruptcy and Insolvency  
Corruption and Proceeds of Crime Recovery  
Creditors’ Rights  
Cross-Border Matrimonial Asset Investigations  
Financial Fraud Investigations  
International Commercial Litigation  
International Judgment and Arbitral Award Collection

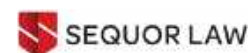
### OFFICE

MIAMI: 1111 Brickell Avenue, Suite 1250  
Florida 33131

to the Honorable Raymond B. Ray, United States Bankruptcy Judge for the Southern District of Florida, and as an intern to the Honorable Paul M. Glenn, United States Bankruptcy Judge for the Middle District of Florida. Finley is a member of the Business Law Section of the Florida Bar, International Women’s Insolvency and Restructuring Confederation (IWIRC), and was accepted into the Florida Bar Business Law Section Fellowship for 2019-2021.

### Recent or impressive work:

Sequor Law has acted in some of the world’s most significant and complex asset recovery matters, including as general counsel in the Stanford International bank Ponzi case and as lead counsel in the Onix Capital fraud matter, which originated in Santiago, Chile. The firm has commenced over 50 Chapter 15 proceedings in the U.S. to recognize insolvency cases in diverse jurisdictions. The firm has filed more Chapter 15s in Florida – and likely in the United States – than any other single law firm and has been at the forefront of many important Chapter 15 cases, including the first in the state of Florida.



# SITRICK AND COMPANY

www.sitrick.com tel: 310 788 2850 fax: 310 788 2855

**Chairman:** Michael Sitrick  
Number of Employees: 50  
Languages: English, Spanish

## Overview & History:

Sitrick And Company is not a traditional public relations firm. Its practice is tightly focused. The firm has extensive experience in serving clients across the globe on corporate, legal, financial, and transactional matters, as well as reputation creation and management. It is a globally recognised leader in crisis and strategic communications, and handling high-stakes and sensitive situations, including when a client's fate is at stake.

Since the firm's founding more than 32 years ago, Sitrick And Company has consistently ranked among the top crisis and strategic communications firms in the world. *The New York Times* called Sitrick And Company 'The City's Most Prominent Crisis Management Firm.'

*Fortune Magazine* called Michael Sitrick, the firm's founder, 'one of the most accomplished practitioners of the dark arts of public relations' and 'The Winston Wolf of Public Relations.' *Forbes* called him, 'The Flack for when you're under attack.' *The Financial Times* called him, 'The Spin Doctor's Spin Doctor.'

*The Columbia Journalism Review* wrote: 'Michael Sitrick... is a public relations puppet master who has pulled the strings behind some of the biggest stories in media. He specializes in crisis PR and has made a name for himself as the man you call when you have money and step in some sh\*t; and, 'Sitrick hewed the contrarian take when Slate was just a twinkle in Michael Kinsley's eye. Sitrick was using the internet and social networks to stoke distrust in the media when Donald Trump was still hosting WrestleMania.'

Though domiciled in the United States, the firm has represented clients around the world, including large and small publicly and privately held companies, universities, colleges, government agencies, and high profile individuals in government as well as in the business, financial, sports, and entertainment industries. Matters with which it has been involved span the spectrum. Although many of its cases have dominated the headlines, perhaps even more telling are the cases which are never heard about -- where the firm is brought in to keep clients out of the press and off the internet. The firm also excels in the areas of digital and social media, achieving unsurpassed results and visibility for its clients.

The firm's practitioners are broadly experienced professionals, many with both media and senior-level corporate experience. The overwhelming majority of the firm's senior executives are former editors and reporters from prominent news organizations such as the *Wall Street Journal*, *the New York Times*, *Bloomberg*, *Los Angeles Times*, *San Francisco Chronicle*, *Barron's*, *Forbes*, *CBS News* and *NBC News*.

## Services:

### Crisis Management:

The firm's crisis management experience and expertise includes litigation of all categories, corporate governance issues, reputation management and restoration, 'cancel culture', mergers and acquisitions, data breaches, and financial restatements. Additionally, the firm has experience in combating short sellers; product recalls; sensitive environmental situations; executive departures; professional, college and high school sports issues; family disputes; and high-profile divorces.

### Corporate and Financial Communications:

Sitrick And Company has helped hundreds of companies — large and small, publicly traded and privately held — in matters including intellectual property issues, allegations of stock manipulation, wrongful termination, contract disputes, allegations of fraud and fraudulent inducement, RICO, Qui Tam and wrongful death claims, environmental issues, allegations of illegal drug use and a variety of white-collar crimes, criminal and civil cases against companies and their executives for such things as price fixing, insurance fraud, options backdating and antitrust violations, race and sex discrimination, sexual harassment, family disputes and high-profile divorces.

### Litigation Support:

Sitrick And Company has one of the most successful litigation support/regulatory practices in the public relations industry. Since inception, the firm's executives have been involved in virtually every type of litigation and regulatory issue imaginable — on a wide variety of matters including launching

companies, taking companies public, in- and out-of-court restructurings (the firm has done approximately 500 such cases and their European equivalent), reputation creation and restoration, combatting short sellers, data breaches, mergers and acquisitions, corporate governance issues, environmental matters, earnings restatements, management changes and scandals. Strategies the firm has developed and implemented have helped to bring about settlements for its plaintiff clients within days and weeks after the lawsuits were first filed.

### Social Media and Digital Communications:

Sitrick And Company's digital communications practice is well-known for its disciplined, creative and effective approach to all aspects of online and video communications, incorporating strategic messaging, online forensic investigation, and technological integration. The firm employs a full suite of capabilities using state of the art techniques, including: rapid custom website development and deployment, graphic design, software architecture, content management, analytics and social media integration; search engine optimization (SEO), digital media buying in search, social media, contextual, and video. Sitrick develops and implements social media strategies and campaigns that include online reputation management, analysis and remediation; addressing and correcting online errors on blogs, online news stories, and Wikipedia; and acting as a rapid response team for the analysis and implementation of digitally focused messaging.

## SERVICES

Crisis Management  
Corporate Communications  
Corporate Governance  
Reputation Management  
Bankruptcy and Restructuring  
Litigation Support  
Digital Communications and Social Media  
Labor Issues  
Entertainment  
Sports  
Asia Pacific

## OFFICES

### UNITED STATES

**BOSTON:** 6 Liberty Square, Suite 6030, Massachusetts 02109

Tel: 508-360-6147

**LOS ANGELES:** 11999 San Vicente Blvd – Penthouse, CA 90049

Tel: 310-788-2850

Fax: 310-788-2855

**NEW YORK:** 7 Times Square- 37th Floor, NY 10036-6579

Tel: 212-573-6100

Fax: 212-573-6165

**SAN FRANCISCO:** 90 New Montgomery Suite 1301, CA 95105

Tel: 415-369-8470

**WASHINGTON DC:**

Tel: 443-977-7215

## CONTACTS

**CHAIRMAN & CEO:** Michael Sitrick

Tel: 310 788 2850

Email: mike\_sitrick@sitrick.com

**HEAD OF NEW YORK OFFICE:** Tom Becker

Tel: 212-573-6100

Email: tom\_becker@sitrick.com

## Bankruptcies and Restructurings:

Sitrick And Company has the most experienced and accomplished restructuring practice in the strategic communications industry. Sitrick executives have served as strategic communications counsel in more than 500 in- and out-of-court restructurings and reorganizations throughout the world — including some of the largest and most complex. The firm's Chapter 11 experience encompasses virtually every industry and nearly every imaginable situation. Its expertise includes developing and implementing strategy to deal with all key constituents including the media, employees, regulators, vendors, customers, unions, creditors, and shareholders

## Reputation Management:

Reputation Management is one of the areas that Sitrick And Company is best known for, whether in launching a company, defending a company or individual against attack, or restoring and rebuilding a reputation. The results are not just theoretical. They have translated into significant increases in the market capitalisation of companies – in the billions in some cases – and the resurrection of careers. Because the firm is a gatekeeper to some of the biggest news stories in the country, it enjoys critical access to the media — a vital component in the success of any reputation management or crisis communications program.

**SITRICK AND COMPANY**  
A UNIT OF SITRICK GROUP, LLC

LOS ANGELES | NEW YORK | SAN FRANCISCO | BOSTON | WASHINGTON DC

# VALIDITY FINANCE

www.validity-finance.com tel:+1 646 798 7168

**CEO:** Ralph Sutton

Number of employees: 14

## Overview & History:

Validity is a commercial litigation finance company that provides businesses, law firms and individuals with non-recourse financing for a wide variety of commercial disputes. Founded in 2018, Validity is backed by \$300 million in financing with an investment team composed entirely of former trial litigators from prestigious firms such as Gibson Dunn, Kirkland and Ellis, and Boies, Schiller & Flexner. Most of team have clerked for federal judges, including the U.S. Supreme Court.

With an average of over four years financing litigation, Validity's management team maintains a 70% success rate on resolved cases. Validity's founder, Ralph Sutton is one of the pioneers of the industry having co-founded one of the first dispute funding entities in the US, Credit Suisse's litigation risk strategies group. In 2011, Ralph launched and ran the US arm of Bentham IMF until 2017. Dave Kerstein, Validity's Chief Risk Officer brings unparalleled expertise in helping mitigate litigation risk with creative funding models. Prior to joining Validity, Dave was an investment manager at Bentham and practiced at Gibson Dunn for 15 years. Laina Hammond, who runs Validity's Houston office, is widely recognized as a thought leader in disputes and regularly asked to speak about funding at Texas Bar, Women's Litigation, and Law Firm CLE events.

Validity puts clients at the heart of their business by offering full transparency on the funding process. The firm will only invest in cases in which the client can realistically recover 50-60% of any eventual monetary award or settlement. In 2019, Validity partnered with The American Lawyer to run the Litigation Finance Client Experience Survey. With more than 330 respondents, Validity found that 99% agreed trust is one of the most important criteria for clients to use when choosing a funder.

Beyond capital investments, Validity has also demonstrated its commitment to making a difference in the legal community through contributions to academic, regulatory, and non-profit programs. Validity's Equal Access Fellowship program offers law students of diverse backgrounds an opportunity to learn about funding, with the option to spend half the summer at a legal aid organization. Validity also supports the NYU Center for Civil Justice for the Library of Dispute Finance, where Validity's Director of Underwriting, Julia Gewolb serves on the board.

## Services:

Validity invests in general commercial litigation, encompassing a wide variety of disputes in different disciplines and industry sectors including bankruptcy, asset enforcement, arbitration, intellectual property, and portfolio investments for law firm and corporations. A typical funding commitment is between \$2-10 million for single case investments, and \$2-20 million for portfolios.

In under two years, Validity has committed over \$100M to cases and clients across diverse industries and jurisdictions. The firm's investments are helping lawyers pursue breach of contract cases, international arbitrations, fraud, insurance, patent, and copyright/trademark claims for more than 150 clients in the pharmaceutical, real estate, mining, banking, hospitality, and manufacturing industries in the United States, Europe, Asia, and Africa.

Some recent case highlights include:

- **Validity has committed \$10 million in funding to a multi-national** to support their multi-billion-dollar arbitration claim arising from a failed international joint venture.
- **Validity has committed \$10 million in portfolio funding** to a boutique litigation firm to help handle several hundred million dollars' worth of weather-related insurance disputes.
- **Validity has committed \$4 million to an international corporate affinity program** in a breach of contract case with claim value in the tens of millions.

## SERVICES

Antitrust  
Arbitration  
Asset Enforcement  
Bankruptcy  
Breach of Contract  
Breach of Fiduciary Duty  
Commercial Litigation  
Copyright / Trademark  
Fraud  
Partnership Disputes  
Trade Secret Misappropriation

## OFFICES

### UNITED STATES

**NEW YORK:** 1270 Avenue of The Americas, NY 10020

Tel: +1 646 798 7168

Email: info@validity-finance.com

**HOUSTON:** 700 Milam, TX 77002

Tel: +1 346 214 2165

Email: info@validity-finance.com

**CHICAGO:** 77 West Wacker Drive, IL 60601

Tel: +1 773 974 8607

Email: info@validity-finance.com

### ISRAEL

**TEL AVIV:** 28 Haarba'a Street, North Tower, 5<sup>th</sup> Floor, 64739

Tel:+972 3 737 0005

Email: info@validity-finance.com

## CONTACT

### CHIEF ENGAGEMENT OFFICER

Kate Boyd

Tel: +1 646 798 7168

Email: kate.boyd@validity-finance.com

- **Validity has committed \$3.75 million to a biotech manufacturer** locked in the middle of a multi-million-dollar case related to the patent rights of specific breakthrough technology.
- **Validity has committed \$11 million in portfolio funding to an AmLaw 50 firm** to support a variety of cases the firm is pursuing.