

Litigation Public Relationships – A Legal Challenge in the Digital Media Era

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Abstract

Lawsuits usually harm a person's as well as an entrepreneur's reputation. The public's perception of a legal dispute can significantly impact the trial's outcome, as judges, being part of the public themselves, are not immune to the prevailing narratives and sentiments surrounding a case. Moreover, the judgment itself does not harm the lives or businesses as much as the media coverage, especially in high-profile cases. The digital media era, with its new possibilities for immediate information sharing and creation of new virtual realities, plays a crucial role in shaping public opinion. The paper examines litigation as a powerful tool for influencing public opinion in this digital age. The author notes that litigation is often associated with reputational and financial damage to a person or business entity. The author, leveraging her professional and practical experience from long-term cooperation with public media and the digitisation of public space, as well as her attorney's insight into commercial law, examines the issue mentioned above. The author highlights legal regulation, case law, and theory to outline the potential benefits and possibilities for adjusting litigation procedures and principles to meet the needs of businesses in the global information society, stressing the increasing influence of social networks and artificial intelligence.

Keywords: *global information society, social media, artificial intelligence, litigation, public relations.*

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1. Introduction

*"Everything that affects reputation affects honour, and one can harm one's reputation without harming honour."*²

Information about court proceedings has always attracted and continues to attract significant public attention. The general development of printed media in the mid-19th century drew publishers' attention to financial resources, and consequently,

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² David Réguer. *E-Reputation. Manager la réputation a l'heure du digital*. Dunod, 2011, 61.

the first advertisements emerged. It was hence necessary to increase the readership of newspapers and magazines. The effort to make the content more attractive led to exciting court cases and police interventions becoming integral to daily news. Both in countries with a continental legal system and in Anglo-American systems, court reporting has a long tradition that has evolved with technological progress and legal regulation.

In the first Czechoslovak Republic (1918-1939), journalists attracted and educated readers with a specific form of short stories - columns called Courtroom. These short stories also influence the public perception of law and its role in society.³

The basic public demand for information and, at the same time, a specific form of entertainment has remained unchanged during the twentieth century, as well as in the first decades of the twenty-first century. Additionally, the efforts of media owners to influence public opinion as much as possible, thereby increasing readership and profit-making potential, remain the same. However, the methods and means of communication, as well as the scope of information, have all undergone fundamental changes.

In the second half of the 20th century, the role of the media in society underwent significant changes, leading to a fundamental redefinition of its place in society. Public interest in information and discussion on public issues, on the one hand, and the need for privacy protection and restrictions on personal rights, on the other hand, began to clash.

The European Court of Human Rights has played a significant role in setting limits on interference with the right to privacy in its key decisions. The right to freedom of expression, to receive and impart information, is a fundamental political right. The Convention for the Protection of Human Rights and Fundamental Freedoms places the right to freedom of expression, enshrined in Article 10, at the forefront of legally protected interests.

Article 11 of the Charter of Fundamental Rights of the European Union explicitly emphasises, in addition to the rights already mentioned, the freedom of the media and respect for their pluralism.

Freedom of expression and the right to information are subjective public rights, which are also accompanied by public obligations not to hinder freedom of expression and to provide information. Legal regulations cannot provide a casuistic, unambiguous answer to where the boundary between private and public interests lies in the exercise of this freedom. The press and media play a crucial role in protecting public interests and ensuring balanced representation of public concerns. The well-known decision of the European Court of Human Rights (ECHR), *Fressoz and Roire v. France*, summarises the court's considerations on the freedom of expression and dissemination of information in the public interest. The decision serves as the cornerstone of the legal evaluation of freedom of expression, one of the essential

³ Ondrej Glogar, "Soudničky a jejich vliv na vnímání práva, (Court Stories and their Impact of the Perception of Law)," *Journal of Jurisprudence and Legal Practice*, no. 2 (2022): 265. <https://doi.org/10.5817/CPVP2022-2-2> <https://journals.muni.cz/cvpv/article/view/15619>.

foundations of a democratic society.⁴

However, in the context of the judgment mentioned above, the author accentuates that journalists have obligations and responsibilities, such as protecting the reputations or rights of others or preventing the leakage of confidential information. This intricate balance within the legal framework is a testament to the complexity and importance of the issue.

Obtaining information is relatively easy in the age of social networks and other alternatives to print and traditional mass media, such as public television and radio. This information can be of high quality and professionally valuable. Still, it often has an air of sensationalist tabloids, and in some cases, can even be dangerous, particularly if it contains legal information that could cause harm. Whether journalists obtain information through their investigative activities, or it is provided directly by public authorities, the impact on persons and their privacy, or on a legal entity's reputation and good name, can be significant.⁵

The author researched newspaper websites and articles, professional literature, case law and legal regulations using the desk research method. The author employed above-standard methods of legal interpretation, including analysis and comparison. Within the paper's individual sections, the author followed with an interpretive approach, moving from the general to the specific. The author's practical experience from ten years of working in publishing houses and also ongoing professional cooperation with some periodicals and non-periodicals has taught her to learn both practical problems and to connect theoretical considerations with the possibility of putting them into practical life.

2. Information in Public Interest and the Reputation Protection in the Case Law

In view of the above, the case law of the European Court of Human Rights is a fundamental tool for interpreting rights and obligations in the context of providing, receiving and disseminating information about judicial proceedings.

In accordance with national legislation and the case law of the ECHR, the author points out that every responsible information provider and journalist must ask themselves the following essential questions:

- What is the relationship between information and the public interest?
- Or does the public simply wish to know it as a matter of sensation?
- Is the information likely to intrude on privacy or infringe on one's good reputation?

⁴ Application no. 29183/95, 1999, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58906%22%5D%7D>.

⁵ Olga Sovova, "Media Coverage of Medical Negligence – A Crucial Tool in the Fight Against Specific Crimes or Potential Threat to the Presumption of Innocence?" in: Marina Matić Bošković, Jelena Kostić (eds.), *IX International scientific thematic conference Penal populism and impact on the work of institutions*. Institute of Criminological and Sociological Research, Belgrade, 2024, 89–103, <https://doi.org/10.47152/penalpopulism2024>.

In its decisions, the ECHR has concluded that publicly active or well-known persons – a politician, an actor, a candidate for political office, or even a representative of a significant industrial enterprise are entitled to less privacy protection than other persons.

From the perspective of publicly active persons, the following judgments of the ECHR are very instructive.

In the judgment of *von Hannover v. Germany*,⁶ concerning Princess Caroline of Monaco, the ECHR ruled that, even if the princess is a member of the ruling family, if she does not hold any official position or function in Monaco, it is not possible to publish photographs and information or speculation about her private life without her consent. Two other judgments followed. They are known as *von Hannover 2* and *3*.⁷ In these decisions, the ECHR has already reached an expanded interpretation and a somewhat different conclusion. If the published article or information contributes to a debate in the public interest and concerns a public figure, it may not be a violation of the right to respect for private and family life, even in the case of information of a personal nature. It is always necessary to specify whether the interference with privacy and the method of obtaining the information were proportionate to the purpose pursued. The urgent need is to initiate a public debate or provide information in the general interest. The author considers the judgments mentioned earlier to be crucial in providing information about persons known to the public or active in the public sphere.

It is challenging to strike the necessary balance between the public's right to information, the protection of privacy, and the right to a fair trial. Cooperation with the public and the provision of information must therefore be subject to a thorough examination in each specific case, from the point of view of the method and purpose of the information publication, as well as the desired or expected effect.⁸

From the perspective of readership and the publisher's economic interests, the most critical information in so-called serious periodicals is about national and regional political events. This area also includes information about the offences of publicly known persons. The most frequently requested information concerns ongoing criminal prosecution. In this context, professional literature draws attention to the so-called media condemnation and violation of the principle of the presumption of innocence. The media often take on the role of the judiciary by passing judgment on legal matters before the courts deliver a verdict. This practice extends far beyond factual reporting, as it creates a parallel trial by portraying the accused as guilty before the court has decided.⁹

⁶ Application No. 59320/00, [https://hudoc.echr.coe.int/eng#{%22appno%22:\[%2259320/00%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2259320/00%22]}).

⁷ Applications nos. 40660/08 and 60641/08, 2012, [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%2201-109029%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%2201-109029%22]}); Application no. 8772/10, [https://hudoc.echr.coe.int/eng-press#{%22itemid%22:\[%22003-4498929-5425601%22\]}](https://hudoc.echr.coe.int/eng-press#{%22itemid%22:[%22003-4498929-5425601%22]}).

⁸ Jiri Herczeg, *Média a trestní řízení. (Media and the Criminal Proceedings)*, Leges Prague 2013, 10–11.

⁹ Lekshmi B. Sree, "Impact of Media Trial on Rights of Accused and Victim," *South Eastern European Journal of Public Health*, Vol. XXV, S2, (2024): 3494-3502 <https://www.seejph.com/index.php/seejph/article/view/3447>.

In the decision *Allenet de Ribemont v. France*,¹⁰ the ECHR concluded that a violation of the presumption of innocence can also occur at the pre-trial stage of proceedings, specifically in connection with the delivery of information by criminal prosecution authorities. The point is not to prevent the provision of information, but public authorities must do so with the utmost restraint and discretion to protect the presumption of innocence.

In high-profile cases, natural persons are often associated with renowned legal entities, and frequently they are their leaders or representatives. The information thus affects the interests and reputation of the respective legal entity. ECHR is somewhat reserved in protecting the reputation of corporations and always requires a proportionality test, emphasising the freedom of expression and the value of information in the public interest.

However, the decision of the *Ärztchamber für Wien and Dorner v. Austria*¹¹ underlined that even the freedom of expression is not unlimited and approved the protection of the reputation and rights of the company in question. Although this judgment confirms what the ECHR has repeatedly stated—that the Convention cannot be a rigid document and must respond to social developments—it took ten years before the right to reputation was also granted to legal entities.

The Czech Constitutional Court, in its recent decision, underlined that *"If the reputation of a legal entity is damaged, the negative perception caused by this is transferred to the natural persons (people) who are connected to the legal entity. Violations of people's rights are their own business, but the close link between them and the company also results in indirect impacts of unlawful interference on them."*¹²

The initiation of legal proceedings, even considering their length and the use of all possible remedies, may damage the reputation, regardless of the result.

Entrepreneurs, therefore, take measures to minimise these consequences before the case attracts potential media coverage.

3. Litigation Public Relations in the Digital Media Era

*"Boards and business leaders must think cautiously about how they manage their corporate narrative in a way that minimises reputational risk exposure. Companies must address how their behaviour impacts not only customers and workers but also wider society and the environment. Media appetite remains high for any hint of commercial difficulty, leadership missteps or individual wrongdoing."*¹³

Litigation Public Relations (Litigation PR) is the management of the communication process before and during a legal dispute or adjudicatory proceeding

¹⁰ Application no. 15175/89, 1995, [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-57914%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-57914%22]}).

¹¹ Application no. 8895/10, 2016, [https://hudoc.echr.coe.int/eng#{%22appno%22:\[%228895/10%22\],%22itemid%22:\[%22001-160623%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%228895/10%22],%22itemid%22:[%22001-160623%22]}).

¹² Decision Pl. ÚS 26/24, 2025, <https://www.usoud.cz/nalus>.

¹³ Ryan McSharry, head of crisis management at communications firm Infinite Global, <https://www.raconteur.net/risk-regulation/crisis-management-in-a-digital-world>.

to affect the outcome or its impact on the client's overall reputation. Litigation PR is also a provisional remedy of the communications world. It is a non-judicial remedy that a public relations consultant, together with lawyers, employs to address the public opinion about their clients. Litigation PR is closely linked to crisis management. The role of crisis management is more general, as it has become a common concern for managers of organisations, given the nature of the current business environment, which is influenced by the impact of globalisation and high market dynamics. This fact requires control and a prediction that will avert the potential disruption of the organisation's balance and stability.¹⁴ Litigation PR is than a specific tool when lawsuits or other legal issues menace.

The Litigation PR theory describes Litigation PR as a systematic process of identifying, evaluating, and limiting damages and losses related to the client's main activity.¹⁵

In 1996, the theory identified the objectives of Litigation PR as follows:

- Counteracting negative publicity.
- Making a client's viewpoint known.
- Ensuring balanced media coverage.
- Helping the media and the public understand complex legal issues.
- Defusing a hostile environment.
- Helping to resolve the conflict.¹⁶

Traditional communication tactics used in Litigation Public Relations include op-ed articles,¹⁷ campaigns, media interviews, advertising, the publication of independent scholarly opinions, and the use of experts to support the client in many forums.

However, the global information society offers the possibility of immediate, worldwide, remote online communication. That is why one of the primary tenets of journalism: nothing is older than yesterday's news, deepens even more. Today, traditional media, even public-owned ones, operate online. Algorithms are designed to show content to individuals based on their interests and preferences. Consequently, individuals often receive information and ideas that confirm their already-formed opinions.

¹⁴ Veronika Vasickova, "Crisis Management Process – A Literature Review and a Conceptual Integration," *Acta Oeconomica Pragensia*, 27, no-3-4, (2019): 61-77, Doi: 10.18267/j.aop.628, https://aop.vse.cz/artkey/aop-201903-0005_crisis-management-process-8211-a-literature-review-and-a-conceptual-integration.php.

¹⁵ Deborah A. Lilienthal. "Litigation Public Relations: The Provisional Remedy of the Communications World," *New York Law School Law Review*, vol. 43, (1999-2000): 895-904, https://digitalcommons.nyls.edu/cgi/viewcontent.cgi?article=2166&context=nyls_law_review.

¹⁶ See Bryan H. Reber, Karla K. Gower & Jennifer A. Robinson, "The Internet and Litigation Public Relations," *Journal of Public Relations Research*, vol.18, no.1, (2006): 23–44, https://www.tandfonline.com/doi/epdf/10.1207/s1532754xjpr1801_2?needAccess=true.

¹⁷ An op-ed piece derives its name from originally having appeared opposite the editorial page in a newspaper. Today, the term is used more widely for a column that represents the strong, informed, and focused opinion of the writer on an issue of relevance. https://projects.iq.harvard.edu/files/hks-communications-program/files/new_seglin_how_to_write_an_oped_1_25_17_7.pdf.

It is very easy to create an online echo chamber. In high-profile court cases, this can lead to a fragmented public perception, with different groups holding firmly to their own erroneous and biased narratives. Therefore, whoever exploits social media more astutely can increase the chances of a favourable outcome in a lawsuit. Social media also serve as a means for justifying the litigation strategy.

The author, while researching the professional literature and specialists' websites, found that theory and practice overlap significantly in the field of Litigation PR. It is also necessary to distinguish between the Anglo-American and continental procedural systems and rules. Litigation PR is more feasible if the legal regulation requires procedural parties to have a strong participation. Such a type of legal procedure provides an essential opportunity to inform the public.

A continental legal system, with greater involvement of public authorities in the proceedings, is not always open to parties' procedural parity campaigns. The author highlights the challenges within the national legal framework in the discussion below.

4. Discussion. Litigation PR Within the National Framework

"Litigation PR is a powerful tool that can be used to communicate specific information or draw attention to certain aspects of legal proceedings. However, it can also be wielded to suppress information by issuing warnings and cease-and-desist orders."¹⁸

In the Czech Republic, a significant gap still exists between practical application and theoretical foundations in Litigation PR. The author found just two articles in online legal newspapers. These articles were only informative about the existence of Litigation PR. Interestingly, five years have passed between the first article¹⁹ and the second one,²⁰ which was published in April 2025 in the professional online magazine of the Czech Bar Association.

For this reason, the author conducted a brief survey to determine the prevalence and potential use of Litigation PR among Czech legal professionals. Informants: 10 persons – judges, a former state prosecutor, attorneys-at-law, academicians, and journalists; nine of them combine their primary job with academia. The aim was to find out whether informants prefer in-person or digital communication. Informants communicated with courts or with the public directly. One judge preferred communication through the court press department. Respondents

¹⁸ Shkëndie, "Litigation as a PR Strategy: The Art of Managing the Narrative and Shaping Public Opinion," April 30, 2023, <https://medium.com/@shkendie/litigation-as-a-public-relations-strategy-the-art-of-managing-the-narrative-and-shaping-public-clc939ceb41d>.

¹⁹ Tatana Lyskova, "Měsíčník Právní rádce píše o litigation PR (Monthly magazine „Legal Advisor writes about litigation PR)," January 10, 2020, <http://litigocommunications.cz/aktuality/mesicnik-pravni-radce-pise-o-litigation-pr>.

²⁰ Denisa Navratilova, "Jak chránit reputaci v citlivých právních kauzách (How to protect reputation in sensitive legal cases)." *Advokátní deník (Advocates' Daily)* Online. April, 25.2025. <https://advokatnidenik.cz/2025/04/25/denisa-navratilova-jak-chranit-reputaci-v-citlivych-pravnich-kauzach/>.

appreciated the speed of online communication. However, they warned that this advantage can lead to oversimplification and inaccuracies in interpreting the results of court proceedings. That is why judges generally preferred to justify their verdict in the presence of the public personally.

One question examined whether informants were familiar with the term 'Litigation PR' and whether they had ever assisted in improving the media image of one of the procedural parties. All the respondents understood the substance of the notion. Some attorneys and a journalist reported using Litigation PR to improve their client's media image.

The author's findings indicate that Litigation PR is primarily considered a practical skill or a necessary component in the overall protection of the client's interests. The author also partly attributes this to media coverage of high-profile cases in the past, which led to lawsuits against publishers for privacy violations.²¹ In the attorney's practice, the author has also encountered the fact that, in medical malpractice cases, any media reporting meant the plaintiff was closing the possibility of an out-of-court settlement. Czech healthcare providers are very sensitive to their public image and reputation.

The emerging risk moves faster in the digital age. The online society presents entirely new challenges. This occurs when an entrepreneur's reputation is damaged or has already been affected by a lawsuit. Apart from marketing and advertising, companies also have a separate public relations channel, whose job is to build a positive image of the company in the eyes of the public and stakeholders. The corporate image in print and social media has a direct impact not only on a single legal issue but also on the overall valuation of the firm.

5. Conclusion

*"As digitisation and the rapid spread of news and information continue to drive attention towards court cases, litigation PR is expected to gain even more importance. This will necessitate the professionalisation of the judiciary in media affairs to ensure effective communication. Yet, the challenge for litigation PR will be to reconcile their clients' interests with the public's interests, striking a balance between the two. The ultimate success of litigation PR will depend on finding this equilibrium, as legal battles must be won not only in the courtroom but also in the court of public opinion."*²²

The paper confirmed that risks need not only to be identified or documented but also managed or controlled. Measures need to be taken to prevent the recurrence of extraordinary and undesirable events. The traditional crisis and risk management approach is being confronted by the need to be more informed, scenario-tested, and capable of dealing with emerging risks that move faster in the digital age.

Despite a large body of professional literature, court decisions, especially the

²¹ Olga Sovova, *op. cit.* („Media Coverage of Medical Negligence...”), 89–103.

²² Shkëndie, Litigation as a PR Strategy: The Art of Managing the Narrative and Shaping Public Opinion, April 30, 2023, <https://medium.com/@shkendie/litigation-as-a-public-relations-strategy-the-art-of-managing-the-narrative-and-shaping-public-clc939ceb41d>.

ECHR, and, finally, the civil law and ethical obligations of journalists, information provided in the public interest and for public discussion is often unbalanced and fails to respect the right to informational self-determination and the presumption of innocence. Litigation PR can thus prevent a one-sided view of the issues being discussed and the waste of public opinion, as it is one of the means of protecting and repairing a person's, an entrepreneur's, and a legal entity's reputation.

Lawyers has started to use Artificial Intelligence (AI) systems to fill in electronic form and send them to any place in the world, for example, data collected during trials. However, it is always necessary to keep an eye on the professional responsibility and confidentiality duty.²³ Using AI to generate and post information about litigation may compromise client privacy.²⁴

The latest findings warn about AI sycophancy. AI-based large language models tend to agree with, flatter, or validate users excessively. High-profile media reports have highlighted more troubling consequences, such as enabling users' delusional thinking or overly affirming support from AI models for those who have a higher susceptibility to manipulation or delusion.²⁵ This recent scientific research confirms the mentioned findings about forming opinions and echo chambers.

In Central European countries, many international law firms are settled, representing prominent individuals and legal entities. However, Litigation PR is often managed centrally, with national offices only minimally involved. That is why the paper verified that litigation PR needs to be developed under special conditions for each national country, exploiting and adjusting international knowledge about the discipline.

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²³ Olga Sovova and Miroslav Sova, "Changes of Confidentiality Duty in the Digital Legal Era". In Marina Matić Bošković, Jelena Kostić (eds.) *Digitalisation in Penal Law and Judiciary*. Belgrade, (Institute of Criminological and Sociological Research, 2022), 213-226. https://doi.org/10.56461/ZR_22.DUKPP.16.

²⁴ Kalliopi Terzidou, "Generative AI systems in legal practice offering quality legal services while upholding legal ethics," *International Journal of Law in Context*, vol. 21, no 3 (2025): 431-452. doi:10.1017/S1744552325000047.

²⁵ Myra Cheng, Cinoo Lee, Pranav Khadpe, Sunny Yu, Dyllan Han, Dan Jurafsky, "Sycophantic AI Decreases Prosocial Intentions and Promotes Dependence," *Computers and Society*, October 1. 2025. <https://doi.org/10.48550/arXiv.2510.01395>.

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