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CORPORATE AND SECURITIES LITIGATION TIPS

by

[Dharmi C. Mehta, Esq.](#)

Senior Attorney, Jacko Law Group

dharmi.mehta@jackolg.com

619.298.2880

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5 Tips to Prepare for Litigation

If you are in a dispute that may lead to litigation, it is important to start taking key steps to prepare. Here are five tips that will help.

1. Control or limit communications with your adversary (including emails, text, letters, oral communication) unless your attorney has approved
2. Limit communication regarding the topic of dispute
3. Preserve evidence
4. Try not to resolve the dispute without the guidance of an attorney
5. Get organized and maintain open communication with your attorney

Understanding Your Technologies in Case of Enforcement Action

If your business has optimized its processes through use of technology advancements, and Artificial Intelligence, it is vital to fully understand the technology and maintain detailed documentation on the implementation, use, risks, and response to risks associated with that technology.

This practice provides many advantages in the event of an enforcement action as understanding the underlying use of the adopted technologies can help with defense against regulatory enforcement.

Importance of Trust in the Adviser-Client Relationship

The adviser-client relationship should be built on trust to avoid litigation. Here are tips to foster trust:

- Start strong: Be clear about expectations, fees, and risks.
- Establish clear communication from the beginning.
- Listen to clients' concerns and encourage mutual respect.

- Provide constant updates, even without major progress.
- Never promise results beyond your control.
- Maintain confidentiality and discretion.
- Manage conflicts promptly and professionally, prioritizing amicable resolutions.
- Keep records of investment products and services to be prepared for potential litigation.

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Consider Mediation

Using mediation as an alternative dispute resolution method can save time and expenses compared to lengthy litigation. Mediation can preserve professional relationships and confidentiality while allowing parties to control the outcome of their dispute.

Prepare thoroughly for mediation by gathering all relevant documentation and developing a clear strategy. Maintain an open mind and be ready to compromise. Effective communication and cooperation can lead to a mutually agreeable settlement. For more information, please contact Dharmi Mehta, Esq. at 619.298.2880 or email info@jackolg.com

Investment Advisers facing SEC Enforcement

Advisers facing SEC enforcement actions should prioritize compliance and cooperation. Engage the services of experienced legal counsel who can guide you through the process and respond effectively to SEC inquiries. Preserve all relevant records and documentation and conduct a thorough internal review to identify potential compliance issues. Develop a strong defense strategy and consider settlement options if appropriate. Maintaining proactive and honest communication can lead to a more favorable outcome and potentially minimize penalties. For more information, please contact Dharmi Mehta, Esq. at 619.298.2880 or email info@jackolg.com