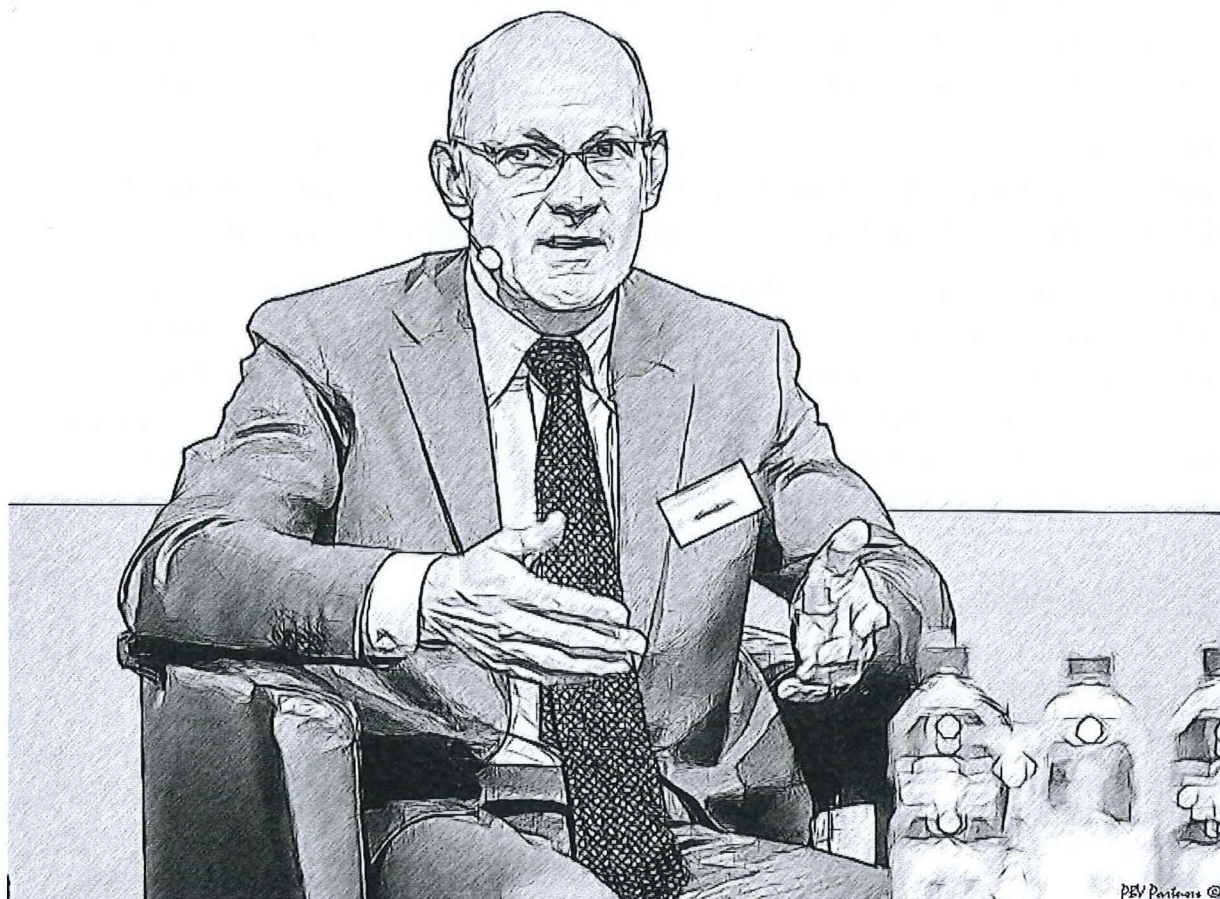

Abramovich's Swiss lawyer talks reputation management



Daniel Glasl is a busy man. As Switzerland's best-known privacy lawyer, his clients are often in the media spotlight although he spends much of his time protecting their reputations by trying to keep them out of it. His latest client, Roman Abramovich, is a man who routinely attracts considerable media attention – whether he likes it or not.

The most recent story about the Russian oligarch, and owner of Chelsea FC, concerns a seven-month case in the federal supreme court of Switzerland: a country he wants to become his permanent residence since visa problems have left him unable to work in the UK. In September, Abramovich lost his privacy battle against the Zurich newspaper publisher Tamedia: Glasl was trying to prevent publication of a letter which detailed the alleged reasons why he failed to secure residency.

According to Tameida, Swiss federal police allegedly advised that Abramovich would pose a “threat to public security and a reputational risk”, that he was known for “suspicion of money laundering and presumed contacts with criminal organisations” and there was reason to believe that “the applicant’s assets are at least partially of illegal origin”. When the Swiss federal supreme court rejected Abramovich’s appeal, Tamedia published the story.

Glasl responded to the allegations by filing a request for a correction of facts to the federal police and said that he further planned to file a criminal complaint against whoever was responsible for disseminating the information. “Any suggestion that Mr Abramovich has been involved in money laundering or has contacts with criminal organisations is entirely false,” he said. “Mr Abramovich has never been charged with participating in money laundering and does not have a criminal record. He has never had, or been alleged to have, connections with criminal organisations.”

It must also be stated that these allegations are not based on any court rulings, and that Abramovich has never been indicted in Switzerland. Instead, they are based on Swiss police information which is not easy to verify, and therefore he is entitled to be presumed innocent.

Abramovich was not in court to hear the decision. But during a previous high profile hearing in London, he gave evidence and won his High Court case against fellow oligarch and former business partner, Boris Berezovsky. Having confronted Abramovich in the Sloane Street branch of Hermes, Berezovsky had served him with a writ for \$6.5bn. Six months after the court’s judgment, Berezovsky was found dead at his Berkshire home. The post-mortem found that his death was consistent with hanging. Despite suggestions that he had been murdered by the Russian government, the inquest recorded an open verdict.

My late father, George Carman QC, had been retained by Berezovsky when he issued libel proceedings against Forbes magazine. Berezovsky said that a Forbes article had libelled him by claiming that he had links to organised crime and was involved in the murder of a Russian TV personality. The case never came to court.

But the Swiss case did. So what sort of lawyer is Glasl, the man whom Abramovich had in his corner? Understandably, he does not want to discuss details of the case. In declining to do so, he demonstrates the integrity and discretion one would expect from someone who describes himself as follows on his firm’s website: ‘A broadly experienced lawyer in national and international matters, he advises and represents companies and entrepreneurs as well as politically exposed persons. Clever solutions and assertiveness in realizing them create his brand image.’

The Glasl brand is certainly highly valued in Switzerland. Described as “the go to lawyer in media and defamation matters,” his reputation among Swiss lawyers is very high and no-one doubts that Abramovich made the right choice. Glasl’s firm, Bratcschi, has seven offices in Switzerland. He learned his craft from its founder, Peter Bratcschi, whom Glasl describes as as ‘one of the most influential and eminent lawyers in Switzerland for many years, an old style lawyer who could do corporate as well as fighting in courts and arbitration.’

Glasl is a specialist rather than a generalist. “I got into media law, libel and reputation protection with Peter,” he says. A salacious case against Blick, a Swiss daily paper, and another involving a senior banker provided his launch pad for success. “Since then I have had a label as a lawyer who fights hard and successfully for clients who are defamed in the press,” he adds.

Swiss civil law is strong on defamation. “If you are defamed, either on Article 28 of the civil code, or Article 9 of the law against unfair competition, you can ask for deletion of the publication and you can forbid, by court order, them repeating it,” explains Glasl. “And you can have damages and – this is a big thing – delivery of profits out of the illegal articles to the victim.” Damages awards can be substantial. “The figures can go into seven digits in Swiss francs,” he says.

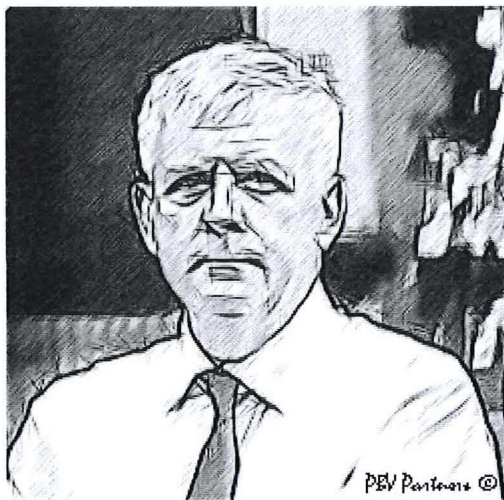
In practical terms, Glasl says: “For being publicly named and identified with matters which belong to your privacy or which jeopardise your reputation, you need to be a generally well-known public figure, or you need to be a public figure in relation to what happened: the media are not allowed to infringe your rights any more than is necessary to publish in their role as a public watchdog.”

Privacy really matters in Switzerland. “About 95% of the clients we have acted for are not public,” says Glasl. Among those he can mention is the former Swiss ambassador to Germany in relation to the settlement reached by Swiss banks over money belonging to Holocaust survivors and their descendants.

So when a client retains Glasl, anxious that their reputation is being damaged by media reports or potential reports, what is their mindset? “They feel vulnerable, scared, angry and afraid,” he says. “Some people seem proud of being a celebrity, of being in the spotlight. But the higher you rise, the harder you can fall. All of a sudden, they fall from 100 to almost zero. I purely apply my legal view of the matter. I am not a psychologist, nor a doctor, nor a PR agent. All I do is calmly ask them: what are the facts, give me the entire facts. You have to find out the facts and then I apply the law to them. I need to know: are there any skeletons in your closet?”

He develops the point: “Once I am convinced that there is a breach of the law, meaning that my client has a good case, it is hard to get me off that road. I take things very carefully. I investigate calmly first, but find out quickly what is important. This is brain work – I am very much to the point; I don't let my client off with any excuses. If I am fully instructed on the facts and I see a breach of law, I tell the client and we develop a strategy. As a result, I rarely lose.”

The best and the worst parts of the job? “The best part is really to help people with my know-how. That's a fantastic way of earning your living. It's a bit more than a pure job: to help people in reputational crisis situations with my abilities is very rewarding. The worst part is the pressure. That being said, I learnt from Peter never to complain and say: I have too much work. But sometimes it's hard to have such a big workload.”



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