

The Faces of Legal Educator, Therapist, Enforcer

25 August 2022

Agenda

01. INTRODUCTION

02. LEGAL AS EDUCATOR

03. THERAPIST

04. ENFORCER

05. WHAT ELSE?

ethicsinsight



EDUCATOR

COMMUNICATING COMPLEXITY - HOW WE LEARN, AND HOW WE FORGET.





**Can I have more legal/compliance
[training, policies, procedures] please?**

No One. Ever.



The branding problem

1. THE DEPARTMENT OF "NO"
2. THE FUN POLICE
3. BORE PATROL
4. THE FBI
5. A STEAMROLLER SENT TO CRUSH THE BUSINESS

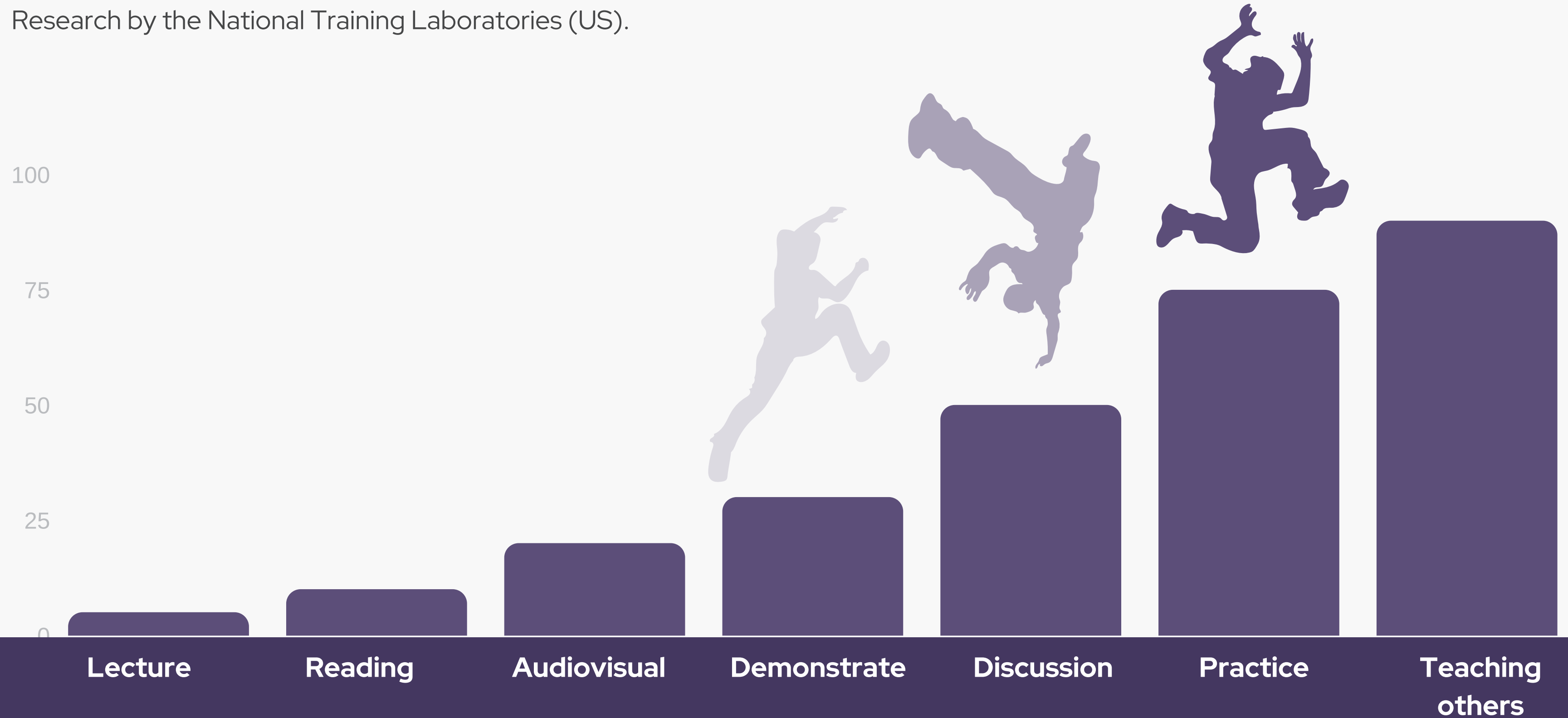
Confidential



ethicsinsight

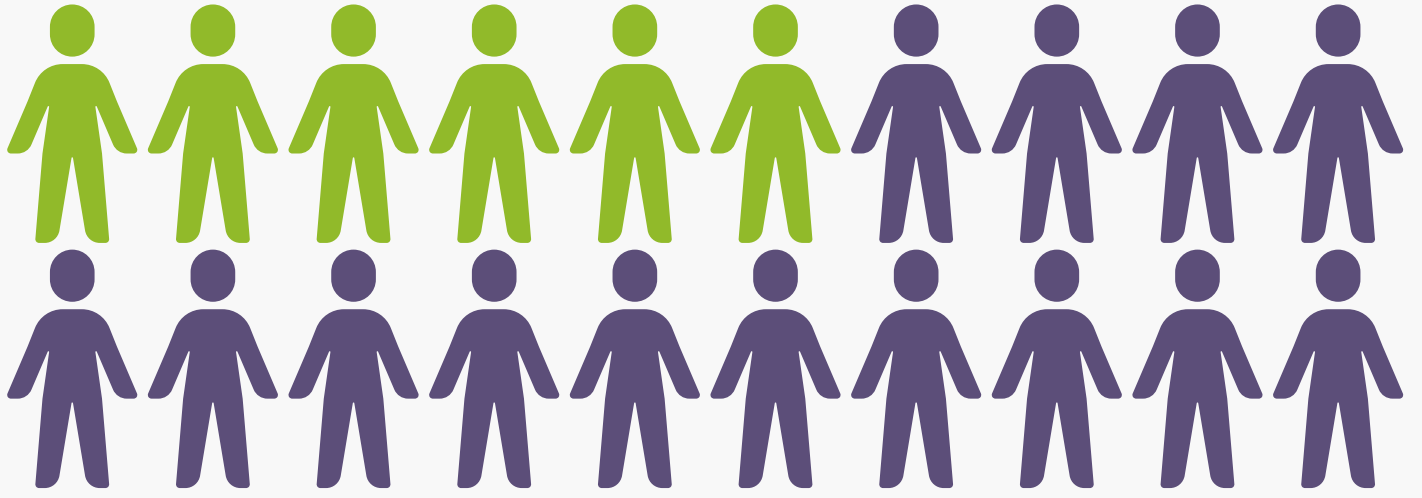
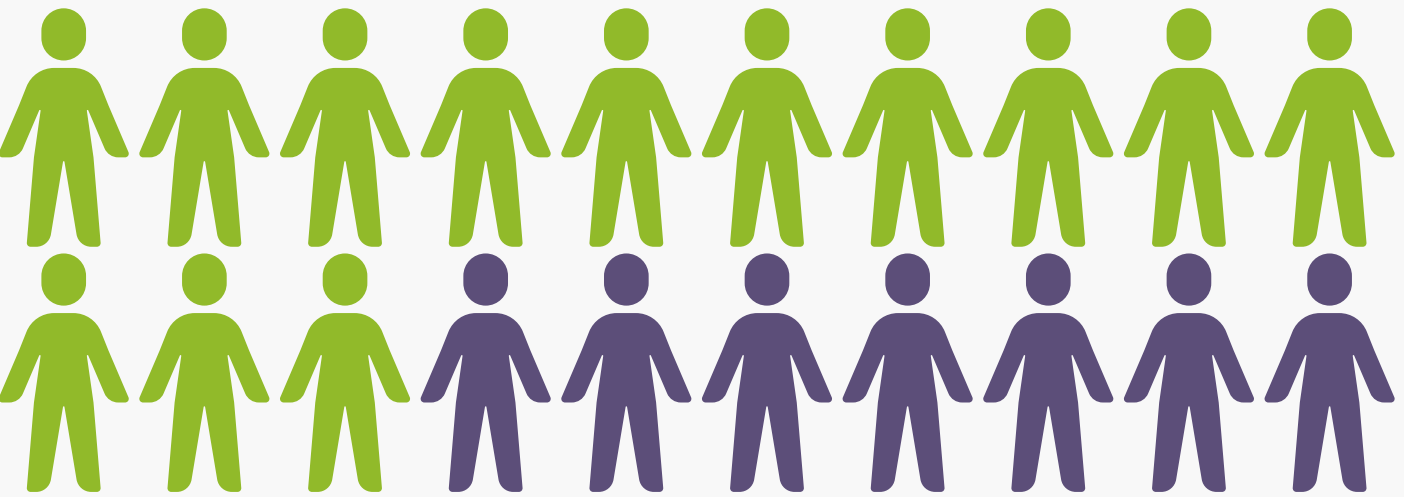
How we learn

Research by the National Training Laboratories (US).



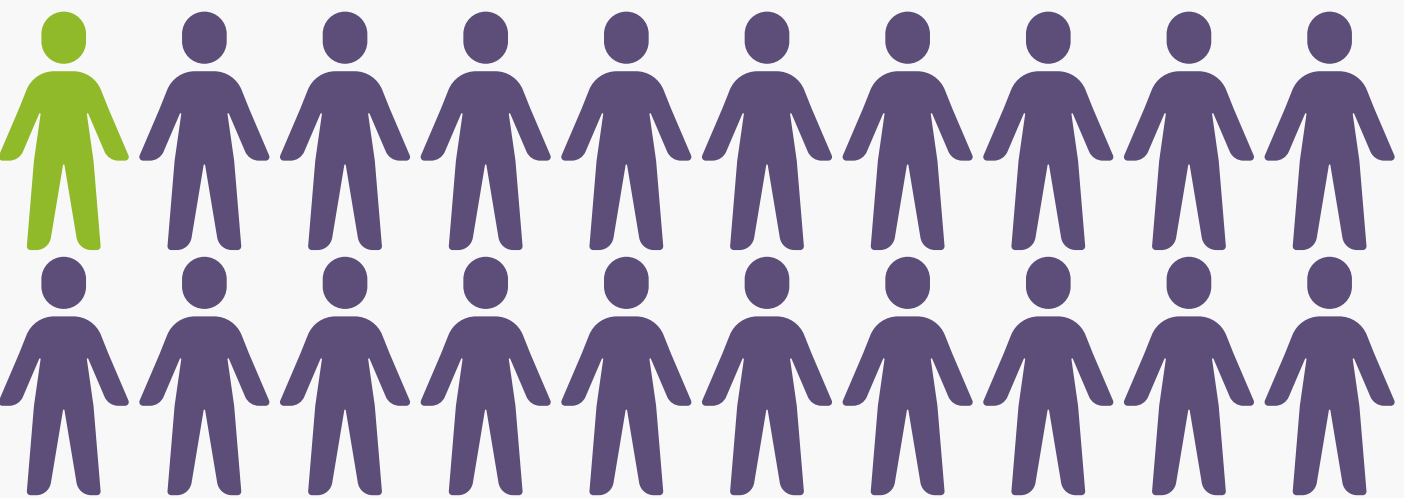
We relate to information differently

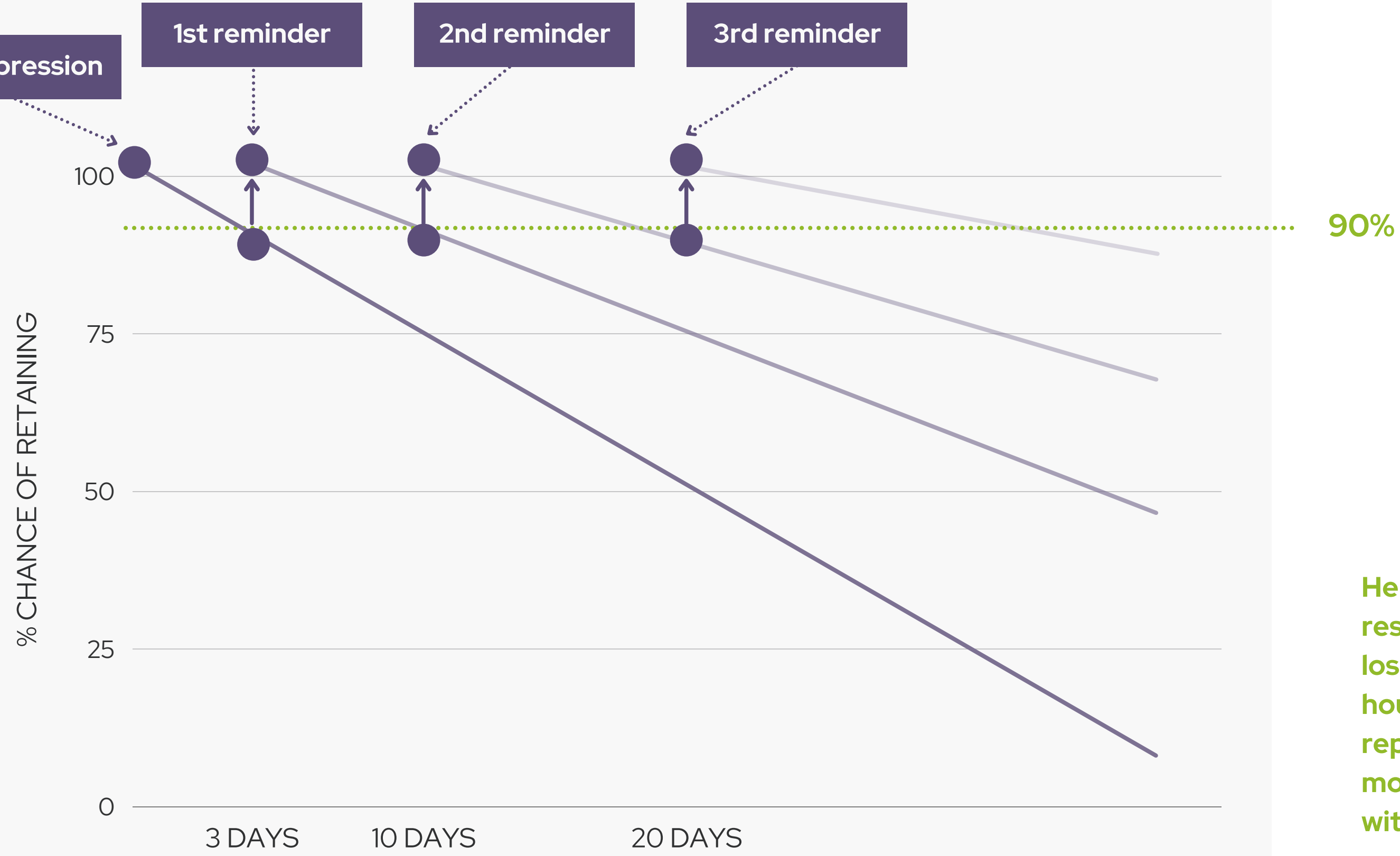
Visual learners



Auditory learners

Kinesthetic learners





Hermann Ebbinghaus' research shows that we lose 50% of knowledge 1 hour after training without repetition, and 80-90% 1 month after training without repetition

Considerations

Call to Action

1. Where to go for further information
2. Who to ask with questions
3. How to raise concerns

Spaced-Repetition

1. Brief reminders of key content
2. These follow-ups do not need to be more training.

Memory Aids

1. Tools
2. Cheat-sheets
3. Checklists
4. Visuals

Simple examples

If possible

1. Function-specific
2. Time-based
3. Easy to read (and adapt)

Gifts, Entertainment & Hospitality

Why is it required?

- 1. No clear reason
- 2. Requested by recipient

No good reason? Don't do it!

Who is it for?

- 1. Too many people
- 2. Unclear purpose
- 3. Not employees

Beware of officials or large groups

When & how often?

- 1. During negotiations
- 2. Occurs regularly

Not frequent. Not when negotiating.

What exactly?

- 1. Expensive or lavish
- 2. Inappropriate

ethicsinsight.co

What else works?

Beg, borrow, and steal.

Look beyond work, what do you respond to?



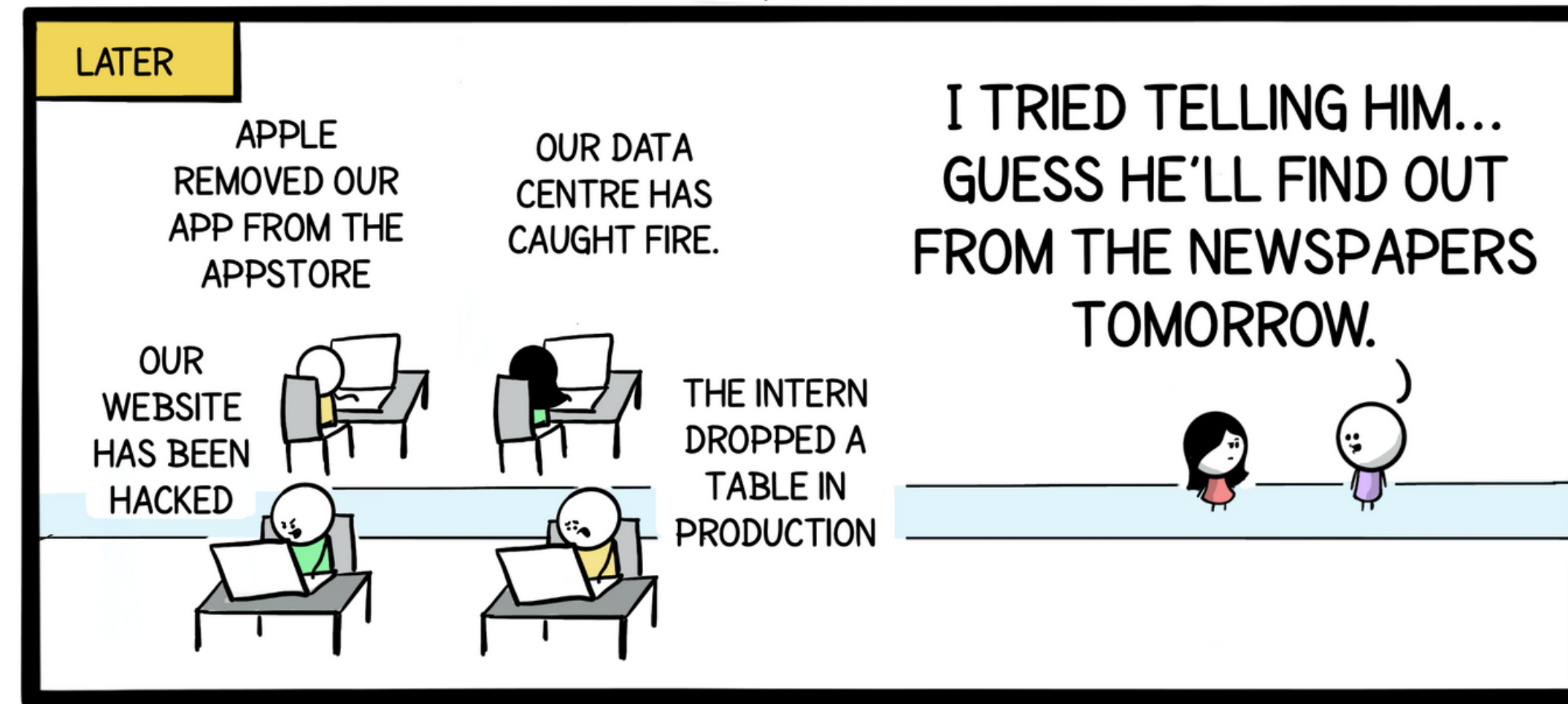
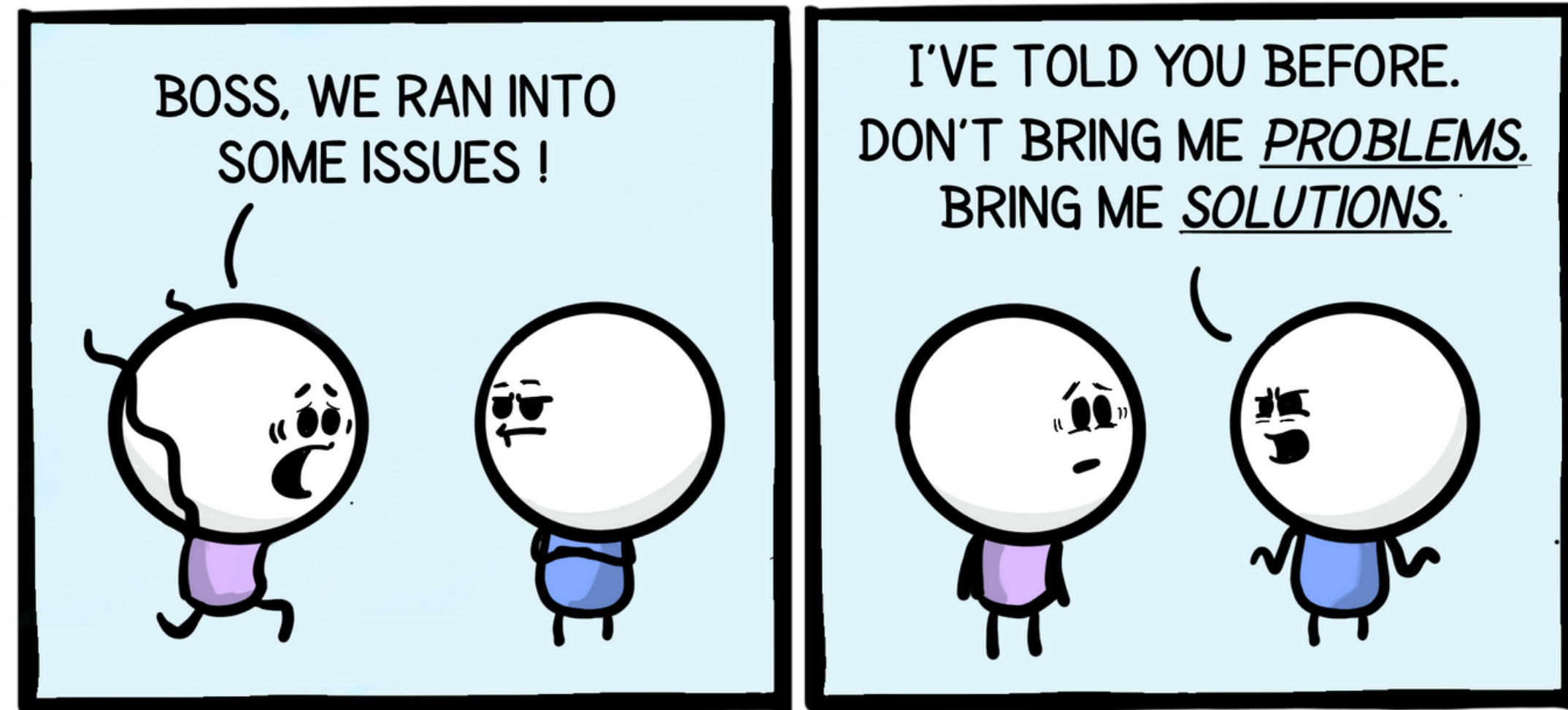
THERAPIST

ACCESS, UNDERSTANDING, AND TRUST



Access

1. Where to find information?
2. Who to ask?
3. Leaders willing and able to help?

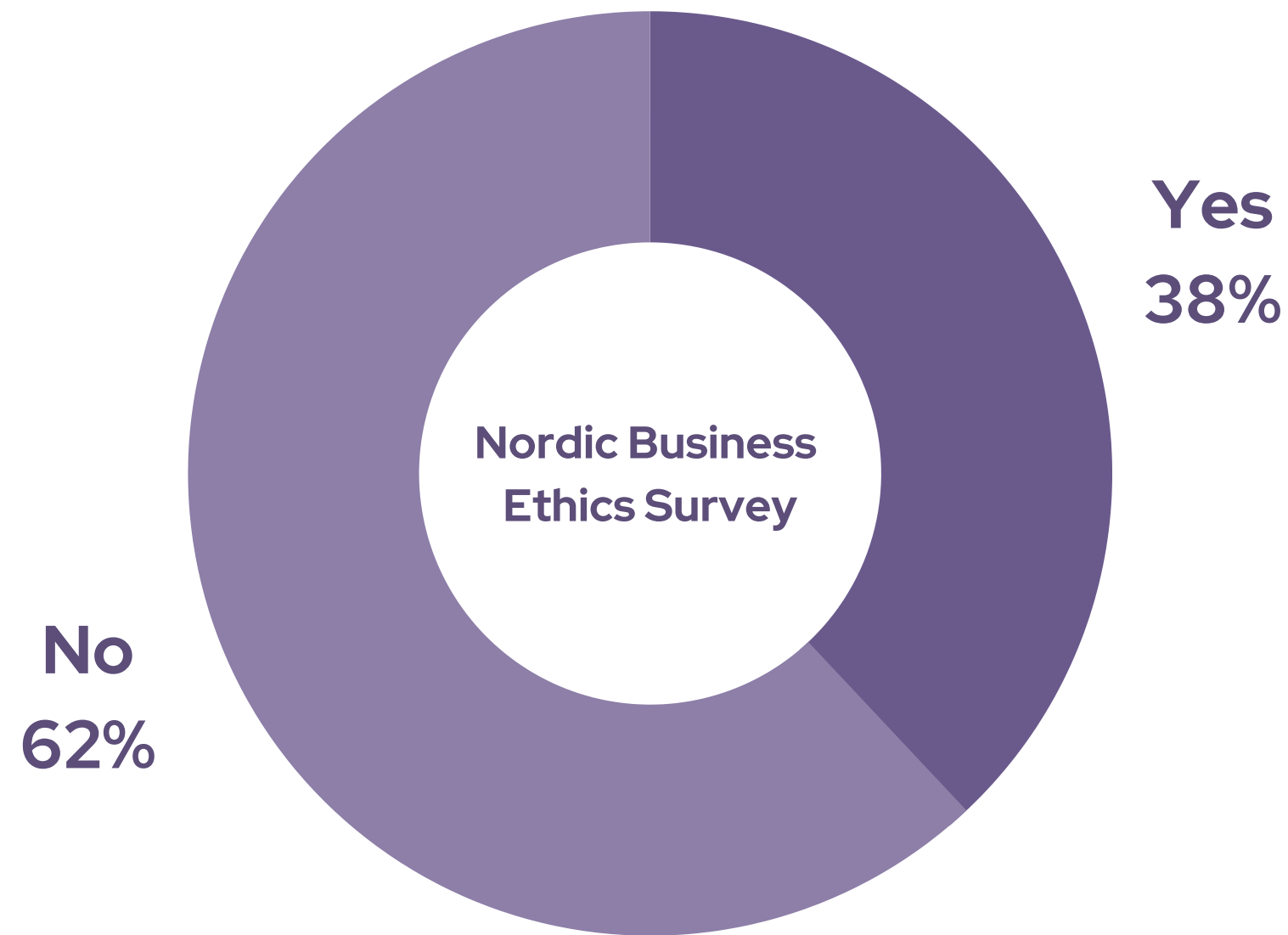


Understanding

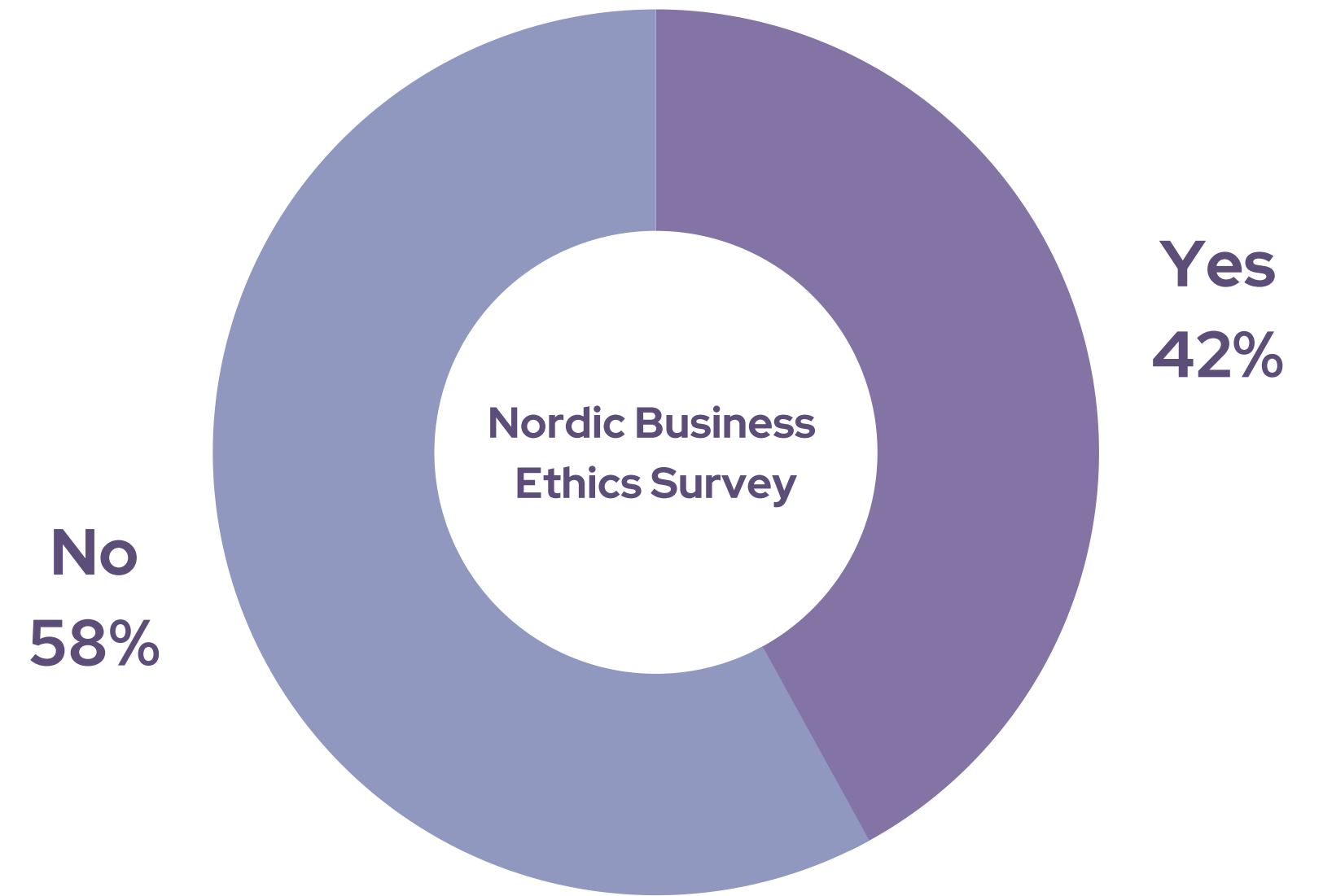
1. Tick box or intent?
2. Where to find information?
3. Who to ask?

THIRD-PARTY RED FLAGS				
TOPIC	ABAC	AML / CTF	SANCTIONS	HUMAN RIGHTS
Unclear why they're being considered/proposed	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Unclear beneficial ownership / complex offshore structures	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lack of experience, resources or staff for proposed engagement	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Relies heavily on government connections	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Unable to adequately explain supply chain inputs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Request for unusual transaction terms / routes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Relies on outsourcing (e.g., subcontractors)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Appears 'intangible' (little website/physical presence)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Unable or unwilling to disclose origins of wealth	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Refuses to accept compliance clauses in contract	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Trust - Getting people to talk



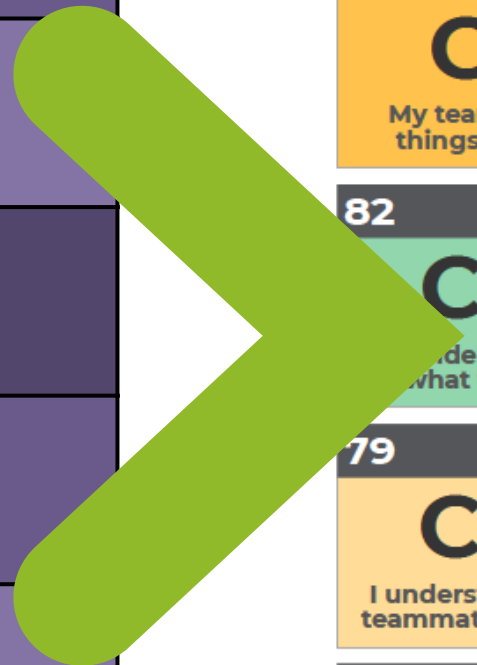
Do we intervene?



Do we speak up when a direct manager is involved?

Assessing trust

My manager trusts me
I am confident speaking up
My opinions are valued
I feel safe to make decisions
I feel safe making mistakes
I can ask team members for help
I am treated fairly
I am held accountable for my actions



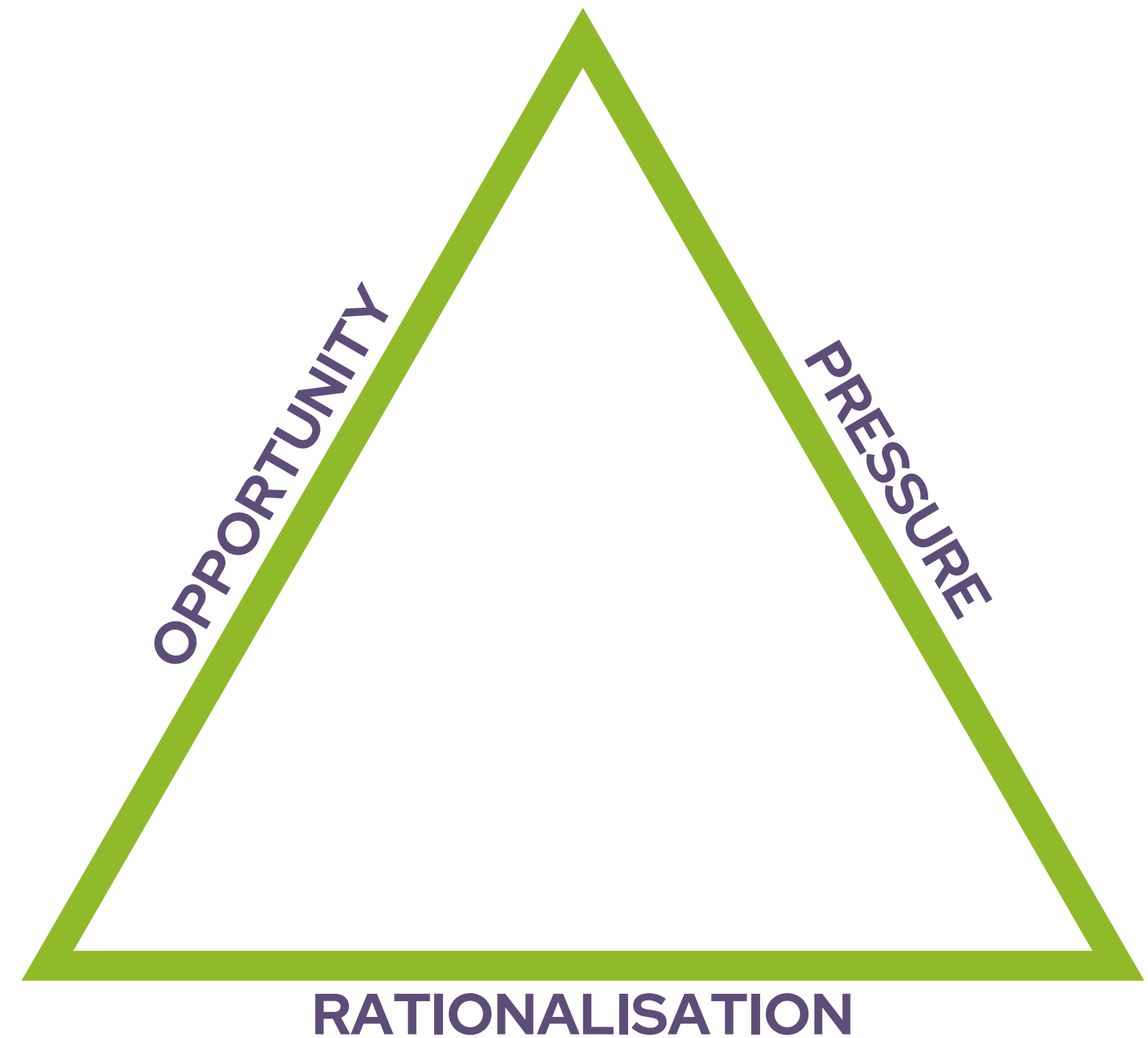
ENFORCER

LESSONS FROM CRISES AND WHY WE (DON'T) SPEAK UP



Why things go wrong

1. Mistakes
2. Misunderstandings
3. Missteps
4. Poor planning
5. And... wilful acts



Why we...

...don't speak up:

1. Fear
2. Bystander
3. Won't make a difference



...compromise our ethics

1. Targets
2. Told to
3. Distance from the act



Ethical Excuses Bingo

ANYTHING LOOK FAMILIAR?

"Everyone else does it..."/ It's Market practice."	"It's for the greater good."	"I had to make a snap decision."	"I was doing it for the company."	"That's how it's always been done."
"I'm just following orders."	"I had to hit my targets/goals."	"If I don't do it, someone else will."	"It was an important customer."	"It's just a small payment - it's ok."
"I didn't think it would hurt [anyone]."	"Right and wrong are relative concepts."	"The devil made me do it."	"It's a cost of doing business."	"It's how things are done in..."
"I didn't want to lose the customer."	"Our agent paid it, not us."	"I assumed it was part of my compensation package."	"Look at the bigger picture."	"I'm under so much pressure."
"Someone had to do it."	"It's a market practice."	"No one ever told me to not do it."	"I didn't know it is not allowed."	"We have been doing it for years."

ethicsinsight



Crisis management 101

Crisis Response

If something goes wrong



FACTS

What do we know?



ASSUMPTIONS

Wise, wild, wishful? Test!



COMMS

Who needs to know, what, when



PROB & IMPACT

Numbers & gut



SCENARIOS

Best, most likely, outlier

Before you act

1

CREDIBILITY

1. COULD HAPPEN
2. HAS HAPPENED

2

VERIFIABILITY

1. CONTACT
2. ACCESS
3. OBJECTIVE

3

MATERIALITY

1. PEOPLE
2. PLANET
3. PROFIT

HEAR model

1. Why we are here? What will happen?
Ground rules and assurances.
2. No 'me theory' (e.g. "I wouldn't react that way"). Get into their position.
3. Don't pretend things are a choice if they aren't. Do let people have options and control where possible.
4. Mirroring language. Reflect back to confirm understanding.

Source: *Rapport: The Four Ways To Read People*, Laurence and Emily Alison



WHAT ELSE?

WHAT OTHER ROLES DO YOU, OR WILL YOU, PLAY?



Thank you!

ethicsinsight