

The Evolving Role of the GC in Risk and Crisis – Complimentary Article



The National Association of Corporate Directors has published an article that outlines five key steps to help companies prevent negative headline events and respond when a crisis can't be avoided. The article [can be downloaded](#) from the NACD website.

With social media as an accelerant, a smoldering corporate crisis or failure can almost instantly flare into the firestorm of a viral headline event. In this recent interview in *NACD Directorship* magazine, Robert E. Bostrom outlines the five key steps companies can follow. He strongly recommends that companies take the following measures:

- Establish an enterprise-wide risk committee.
- Proactively evaluate and prioritize a broad portfolio of risks.
- Empower the GC as the representative on risk to the board.
- Use risk management as a business tool for evaluating strategies, plans, and investments.
- Strategize and plan for managing negative events.

Bostrom provides some strong insights into the role of the GC in both preventing and managing crises. He also offers his thoughts on how boards and management must align in order to prevent (or survive) headline events.

[Download the article.](#)

Announcing LawGeex 4.0 – Contract Review Automation



LawGeex, developer of an AI contract review platform for businesses, has launched [product enhancements](#) that provide more control, speed and consistency than ever before.

LawGeex combines machine learning algorithms and text analytics to quickly review and approve everyday contracts, helping businesses answer the question “Can I sign this?”

The new features and significant design upgrade empower customers to have deeper and wider control of their AI-powered reviews, contract editing and approval process, the company said in a release.

One of the main features of the latest release is more granular control when creating legal policies in the LawGeex Policy Center. The introduction of specific variations of legal concepts allows businesses more granular control in clause concepts they want to see – and do not want to see – in contracts before signing them. Based on these pre-set policies, the LawGeex’s AI can automatically accept, red flag or reject clauses in incoming contracts., and a revamp of LawGeex’s Action Center.

Another feature of the new release is a revamp of LawGeex’s action center – where the contract can be edited after the

AI's first line of defense. When reviewing a contract within LawGeex, customers can now clearly see which of their policies were applied to each clause and can red-line the contract within the platform, instantly inserting their company's standard clause language with one click (LawGeex also provides default language). Users also have full visibility on their company's clause definitions, fallback positions, tips, and more, during the editing process, bringing an unparalleled transparency and cohesiveness between a company's policies and the actual contract review. The enhancements also include improved layout for LawGeex AI-reviewed contracts. Clauses are grouped simply by their status as "Missing" or "Present", and reviewers are simply able to manually override the acceptance or rejection of clauses.

[Read more about the release.](#)

[Register for the Innoxcell Annual Symposium – USA Series](#)



The [Innoxcell Annual Symposium 2017 USA Series](#) (IAS) scheduled for Oct. 12 in San Francisco focuses on USA – Asia Cross Border Litigation and Investigation matters.

The event will be at Park Central – 50 Third Street San Francisco, CA 94103 (Financial District).

This conference is for U.S. companies operating in Asia. C-level, In-house counsel, compliance, audit and risk professionals should attend to gain insight knowledge on cross border litigation, investigation, data privacy, mitigation risks and antitrust matters.

‘Complimentary tickets are available for corporate counsel, compliance, investigation and risk professionals.

Topics

- Crossing Border: Dispute Resolution, Corporate Compliance and Investigations
- Fighting Fraud, Bribery and Corruption
- Carried Out Antitrust Investigation in Asia
- Procurement Fraud – Prevent – Detect and Investigate
- Criminal Defense and Dealing with the Investigating Authorities
- Economic Uncertainty, Unethical Conduct: How Should Over-Burdened Compliance Functions Respond?
- Legal Risk Control of Investment & International Joint Venture – Due Diligence, Core Terms, Negotiation and Execution
- Fraud, Bribery & Corruption Impact on International Arbitration
- The Bedtime Story – A Journey to the Dark Side of International Business and Steps to Protect Your Organization
- Mastering Internal Investigations in Japan and Asia Pacific
- Using AI and Visual Analytics for Investigations

[Register for the symposium.](#)

[Exclusive Download: Chief Legal Officers 2017 Survey](#)



The Association of Corporate Counsel has published the [ACC Chief Legal Officers 2017 Survey](#), a vital tool providing legal departments with proprietary benchmarks to help them prepare for resourcing, staffing, and budgeting in the coming year.

Based on responses from nearly 1,100 in-house counsel in 42 countries, the survey offers an opportunity for CLOs to compare their practices to CLOs around the globe.

The 2017 report includes an executive summary, key findings, benchmarking, and a question-by-question analysis of key metrics such as:

- Key issues CLOs face
- Staffing by annual revenue and industry
- Budget changes and plans for 2018
- Resourcing
- Internal and external spend

Readers of General Counsel News may receive a 10 percent discount on the survey report by using the code **CLOSAVE10**.

[Download the survey report.](#)

Phones for VW Lawyer, Emissions Tester Were Lost or Wiped Clean

Volkswagen AG's top U.S. lawyer and the leader of its emissions-testing lab in California are among the employees whose mobile devices were either lost or erased as the company's diesel cheating scandal emerged, according to court records made public on Thursday, [reports Bloomberg](#).

David Geanacopoulos, VW Group of America's senior vice president for public affairs and public policy, was general counsel when, he reported, he lost his phone while en route to Los Angeles International Airport on Dec. 1, 2015, according to the records.

And the company cell phones of Anna Schneider, VW's senior vice president of industry and government relations, and Matthias Barke, senior director of VW's emissions test center in Oxnard, California, were "wiped" or erased of data in the months after the U.S. Environmental Protection Agency announced VW had rigged its vehicles to pass pollution tests, according to the report by [Ryan Beene](#) and [Margaret Cronin Fisk](#).

[Read the Bloomberg article.](#)

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On-Demand: Recent Developments in Employee Whistleblower Litigation

Jackson Lewis has posted an [on-demand webinar](#) exploring recent developments and important decisions in whistleblower litigation under the Sarbanes-Oxley Act and the Dodd-Frank Act.

Presenters are [Richard J. Cino](#) and [Joseph C. Toris](#).

Topics for the free webinar include:

- The expansion of the definition of a whistleblower;
- The weakening of the standard of proof in employee whistleblower cases;
- The necessity for an effective policy and a thorough and prompt investigation.

[Watch the on-demand webinar.](#)

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General Counsel: Guardian and Conscience of the Company

Forbes contributor Mark A. Cohen writes about his recent ABA address to a group of general counsel on the spate of high-profile scandals and regulatory imbroglios that resulted in no small part from the failure of GC's to discharge the guardian/conscience role.

In [the article](#), Cohen writes that “general counsel – and large corporate departments – are law’s petri dish. They are reconfiguring the boundaries and expanding the expectations of what it means to be an effective corporate lawyer.”

Cohen cites what he calls of trinity of powerful macroeconomic forces – “globalization, technology, and the global financial crisis changed the way corporations conduct business and accelerated the metamorphosis of the GC role into what it is today.”

[Read the *Forbes* article.](#)

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10th Annual Law Department Operations Survey

The [10th Annual Blickstein Group Law Department Operations Survey](#), in cooperation with Consilio, is the oldest research specifically covering law department operations. It is designed solely for the professionals who manage complex legal department operations for their companies.

The LDO survey was first created in 2008 to give law departments a consistent platform to benchmark themselves and shed light on the then-emerging profession of law department operations. In addition to being the original of its kind, as the industry has grown exponentially the LDO survey remains the most respected benchmarking tool in the space.

Participants are being sought for the survey. Only survey participants will receive a copy of the proprietary results.

The report will cover such topics as:

- Compensation
- Legal Service Delivery Models
- Artificial Intelligence
- Technology and Cybersecurity
- Change Management

[Participate in the survey.](#)

Attend the World's Largest Gathering of In-House Counsel



The Association of Corporate Counsel will hold its next [annual meeting](#) Oct. 15-18 in Washington D.C.

The organization is offering an exclusive \$125 discount on the registration fee for readers of General Counsel News who register by August 31. Readers may use the code GCNEWS to receive the discount.

The ACC bills the event, which draws thousands of in-house counsel from around the world, as the world's largest gathering of in-house counsel.

Organizers have recently added a law department operations [boot camp](#), titled "How to Gain Traction: A Boot Camp for Leaders of Early-Stage Legal Operations Functions." The bootcamp is designed for corporate legal department leaders only.

The featured speaker will be Don Tapscott, CEO of the Tapscott Group. He is a best-selling author and the world's leading authority on blockchain and other disruptive technologies.

Here is a [schedule](#) of activities.

[Register or get more information.](#)

Third-Party Risk Management Feedback Needed



Independent marketing research firm Phase5 is [conducting a comprehensive study](#) on the current state of third-party risk management and is seeking input.

Confidential responses will be aggregated with other responses, summarized, and published in a comprehensive report.

A spokesman said anyone participating will receive a copy of the final report. That report will show how others manage their third-party risk and due diligence processes and discover techniques for effectively reducing legal risk.

[Take the survey.](#)

3 Ways to Transition Your Committee Effectively



The National Association of Corporate Directors has published a guide to leading practices for key committee succession planning and new-director onboarding.

The guide [is available](#) from the NACD's website at no charge.

To meet current and future skill requirements effectively, board-succession planning and the board's director-recruitment and onboarding efforts require a more farsighted approach, one based on a time horizon aligned with the company's long-term strategy, NACD says.

NACD recently convened Fortune 500 committee chairs in a joint meeting of the Audit Committee and Nominating and Governance Committee Chair Advisory Councils. The discussion highlighted three key points, which all directors—and audit committee and nominating and governance committee chairs in particular—should keep in mind:

1. Purposeful coordination is essential to planning committee-chair rotation or succession.
2. Financial expertise is a necessary ingredient for service on the audit committee, but alone, it is insufficient.
3. Broaden the leadership profile when recruiting an audit committee chair.

[Download the resource.](#)

[Download: Guide to Conducting Internal Investigations](#)



Clutch Group has published a new book, [Guide to Conducting Internal Investigations](#), providing best practices and guidance for those conducting or overseeing investigations, including boards of directors, general counsel and corporate executives in both the U.K. and the U.S.

Totalling 45 pages, parts 1 and 2 are available now for [complimentary download](#).

As more regimes increase their regulatory enforcement efforts around the globe, internal investigations have become “business as usual” for many companies, especially those in highly regulated industries. But there is no regulatory blueprint for what are accepted standards and practices, and this puts companies at a disadvantage with regulators.

Co-authored with Jake McQuitty of TLT Solicitors, it is not a legal text book but a practical guide; shedding light on what a good investigation looks like whilst guiding investigators through the myriad issues that can arise.

[Download the guide](#).

Microsoft Announces Plans to Nearly Phase Out Billable Hour



[Bloomberg Law](#) reports that Microsoft hopes to shift 90 percent of its legal work into alternative fee arrangements within two years – in an effort to move away from the billable hour.

Microsoft has been re-evaluating how it works with law firms, according to David Howard, a corporate vice president and deputy general counsel at the company.

“It made several key decisions in the process, including to hire more law firms on a retainer basis and to work more closely with them on their diversity,” reporter [Gabe Friedman](#) writes. “[Howard] also said the company is rapidly moving away from the billable hour, and named a dozen law firms that have embraced alternative fee arrangements, such as fixed fees, that Microsoft views as its strategic partners.”

[Read the Bloomberg article.](#)

[GE Healthcare Eyes Automation in Its Legal Operations](#)

[Bloomberg Law](#) reports that GE Healthcare is finding automation to be one of the biggest challenges as it builds its legal operations function, Vice President and General Counsel Laura O'Donnell said.

O'Donnell told Bloomberg BNA's [Yin Wilczek](#) that the company's in-house lawyers have been wrestling with how legal processes that are tailored for specific needs can be made "repeatable and automated without losing the good analysis that we are known for as a profession."

Bloomberg includes a video of O'Donnell discussing GE Healthcare's automation efforts.

[Read the Bloomberg article.](#)

[Legal Ops Survey Results: AI, InfoSec, and the Cloud](#)



OpenText Discovery (formerly Recommind) has published a report titled “Corporate Legal Ops Service Results 2017,” which is available for complimentary [downloading](#).

Starting in 2015, OpenText Discovery has commissioned Ari Kaplan Advisors to interview premier corporate legal ops professionals to identify new trends and eDiscovery issues. This report details the latest 2017 findings, such as:

- **AI and Analytics:** Is cost still an issue to adopting discovery analytics?
- **ECM & Discovery processes:** Are legal ops professionals consolidating their approach?
- **Cloud readiness:** Has the cloud reached a tipping point?
- **InfoSec:** Have data security concerns increased?

[Download the report.](#)

[In-House Compensation Report: Top 30 Money-Earners](#)



Corporate legal departments can and do pay top-dollar figures to lure lawyers away from partnerships that pay millions of dollars, reports [Bloomberg Law](#).

Apple Inc.'s general counsel/senior vice president Bruce Sewell leads the list of top-paid corporate legal officers with total compensation of \$22.8 million, according to Bloomberg's research on the 500 largest U.S. companies, ranked by revenue.

"Often enough, the lawyers who choose to accept top positions in-house must forgo high salaries and take other forms of compensation – onetime bonuses, rich stock or option grants, generous pension plans, and other perks such as access to a company car or money for expensive real estate, according to a Big Law Business review of proxy statements," writes [Gabe Friedman](#).

[Read the Bloomberg article.](#)

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[The Biglaw Firms That General Counsel Absolutely Adore](#)

An [Above the Law](#) review of a BTI Power Rankings report reports that only 33 percent of general counsel find themselves in a

state of “clientopia” with their go-to law firms.

The BTI Power Rankings report was based on 960 in-depth telephone interviews that took place between March 2015 and February 2017. Jones Day topped the list.

Law360 also reviewed the report: “The biggest area in which law firms are falling short from achieving client service bliss, according to BTI President Michael Rynowecer, is that many have a lack of understanding of their clients’ businesses, something he says is becoming ‘a bigger and bigger problem.’”

[Read the Above the Law article.](#)

[Case Study – An Inside Look at PayPal’s ELM Implementation](#)

During the 2017 CLOC Annual Legal Operations Institute in Las Vegas, Onit and PayPal presented a session titled, “Next Generation Enterprise Legal Management (ELM): People. Process. Automation.” The speakers were Lauren Giammona, Director of Operations, Business Affairs & Legal at PayPal, and Eric M. Elfman, founder and CEO of Onit.

Lauren outlined her implementation experience and shared her 7 key tips for selecting an enterprise legal management (ELM) vendor. *Legaltech News* wrote a [detailed article](#) summarizing the CLOC session. PayPal and Onit discussed how legal

departments can provide “continuous” value to the company, drive operational improvements and allow employees to work in the systems they prefer. The session highlighted:

- The importance of process, workflow and collaboration
- How a business automation tool solves needs beyond e-billing and matter management
- Key benchmarks and metrics that drive innovation and transformation in legal operations

[Download the case study.](#)

Managing Legal Risks and Cultural Issues in Cross-Border and Whistleblower Investigations



AltaClaro will present a complimentary [webinar](#) focusing on managing legal and cultural risks in cross-border investigations. The event will be Wednesday, July 26, 2017, beginning at noon Eastern time.

Expert panelists Jon Abernethy (Partner, Cohen & Gresser LLP) and Andrew Curtin (Global Head of Investigations, AIG) will join AltaClaro Founder & CEO and former Deputy General Counsel of Mitsubishi UFJ Financial Group, Abdi Shayesteh, will be

presenters.

In this interactive, live webcast, Abdi will moderate Abernethy's and Curtin's discussion of the following topics:

(1) Handling multi-jurisdictional approaches to privileged communications in the aftermath of the recent U.K. decisions in Eurasian Natural Resources Corporation Ltd. and The RBS Rights Issue Litigation

(2) Identifying potential cultural challenges and local laws that may impede an effective investigation and prevent a one-size-fits-all approach to designing internal processes and procedures within multinational organizations

(3) Implementing best practices when preparing for and coordinating effective internal investigations across international lines

[Register for the webinar.](#)

[When Employees Take Workplace Communication Offline](#)

By Natalie Lynch
[Lynch Law Firm PLLC](#)



Today, many people prefer texting over many other forms of communication such as calling or emailing the recipient. This is an efficient form of communication because individuals can send a quick message about something important to them within a few seconds rather than being busy on a call for several minutes. Despite its expedience, texting in the workplace can carry certain risks for employers and may pose some problems.

Potential Problems

One of the most serious concerns that employers have about texting in the workplace is its association with productivity. Employers do not want to see their staff distracted and busy concentrating on personal matters instead of the job at hand.

Another concern is that texting in the workplace can cause dangerous distractions. For example, employees may drive forklifts in industrial settings and may drive to complete sales calls or work errands. Texting while driving continues to be a major source of concern with distracted driving being the primary cause of accidents today.

Texting in the workplace also poses risks concerning privacy issues. Work videos sometimes go viral and often in a negative way for employers. Employees may send a video message to a friend, family member or rival that does not paint the employer in the best light. These messages can damage the company's reputation. Also, confidential information or trade secrets may be stolen when employees take pictures of this information and send it to someone else.

Creating a Policy

Due to the many risks that texting in the workplace can cause, many employers may decide to institute cellphone policies that discuss the use of cellphones, texting and calling in the

workplace. These policies set out the rules and expectations of the business. For example, there may be a complete prohibition on texting while driving for work purposes. Additionally, they may state that employees are not permitted to text while they are meeting with a customer or client in person. A common and important policy many employers implement is that no video or audio recording is permitted at work. The policy may outline certain disciplinary measures that the employer may have the discretion to take if the employee does not follow the rules. These actions may be progressive in nature, such as starting with a verbal warning and then moving up to a written warning. The employer should carefully consider a number of factors before implementing a cellphone policy in the workplace.

Considerations

While the simplest solution to avoid the problems texting in the workplace poses may be to ban all use of cellphones, this action will likely negatively impact employee morale. Many individuals depend on their cellphones to keep them in touch in important ways and employees may fear what to do in case of an emergency. A complete ban on cellphone use or texting may be considered antiquated and isolating to employees. When developing a policy for the business, it is important to consider the size of the business and the realistic ability to monitor employees' observation of the cellphone policy. Additionally, the culture and type of business is important to consider.

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