

THE MONTH

April 2022

THE POWER OF COMPASSIONATE LEADERSHIP

(IN CRISIS AND BEYOND)

HOW TO DESIGN AND LAUNCH A SUCCESSFUL PRO BONO PROGRAM IN-HOUSE

DEFINE YOUR PURPOSE

SEVEN THINGS YOU CAN DO TO GET INVOLVED

"Don't try to start from scratch or reinvent the wheel...contact your law firm partners for guidance and possible opportunities for engagement."



GLL IN SOLIDARITY WITH UKRAINE

CHARITIES

Below, please find three verified charities that are supporting those affected by the Russian Ukrainian conflict. If you would like to donate to any of them, you just need to scan the QR code and it will take you to their donation page.



THE UN REFUGEE AGENCY

With teams across Ukraine and in neighbouring countries hosting refugees from Ukraine, UNCHR is providing protection and humanitarian assistance, including emergency shelters, repaired for homes damaged by shelling, emergency cash assistance and protection such as psychological support. Winter relief is also provided for displaced people in need as temperatures plummet, such as winter clothing and blankets. UNHCR has also provided training for Ukrainian civil society organisations involved in helping to protect refugees and other displaced families.



WORLD CENTRAL KITCHEN

Food relief is not just a meal that keeps hunger away. It's a plate of hope. It tells you in your darkest hour that someone, somewhere, cares about you. Working at a 24-hour pedestrian border crossing in southern Poland, WCK began serving hot, nourishing meals within hours of the initial invasion and are now set up at eight border crossings across the country. Additionally, they are supporting local restaurants preparing meals in five Ukrainian cities including Odessa and Lviv. WCK teams are also on the ground in Romania and Moldova and arriving soon in Slovakia and Hungary.



SAVE THE CHILDREN

Ukraine's children are in grave danger of physical harm, severe emotional distress and mass displacement. Save the Children is concerned for children caught in the middle of armed conflict, forced from their homes in freezing temperatures and exposed to injury, hunger and cold. Your donation to Save the Children's Ukraine Crisis Relief Fund can help provide children and families with immediate aid, such as food, water, hygiene kits, psychosocial support and cash assistance. Together, we can protect children in crisis.

THE MONTH

Is a monthly magazine with key takeaways, highlights and content driven by our community.

For our April edition, we selected a quote from Mahatma Ghandhi as the theme of this magazine, "Be the change you want to see in the world".

We are honoured to partner with and introduce you to Lawyers Without Borders (LWB), a global non-profit organization, with one ambition, to strengthen the rule of law to protect the disadvantaged. You will be hearing a lot more from LWB as we collaborate and support them over the coming months.

In this issue, we have explored what it takes to build and develop an in-house pro bono programme and outlined seven ways that general counsel can contribute to and support their community. You will also hear from GLL members who have shared how they are navigating the current sanction regimes, as well as the steps they are taking to support the people of Ukraine.

Grab a cup of coffee, turn off your emails and catch up on the latest insights from your community.

We hope you will find this a useful and enjoyable read. If you are ever interested in including any content then please do get in touch with Abigail Harris.

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Abigail Harris
Director of Content
Global Leaders in Law



Heather Nevitt
Editor-in-Chief
Global Leaders in Law &
Corporate Counsel



Rhiannon Winter Van Ross
Vice President
Global Leaders in Law

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How one in-house team has supported the people of Ukraine



Here, Natalie Bellwood, Global Head of Employment Law of DXC Technology shares how the in-house team have supported, and continue to support, the people of Ukraine. She also discusses how DXC Technology has been impacted by the sanctions on Russia.

Has your organisation been impacted by the sanctions on Russia?

Natalie: Yes. DXC Technology operates in over 70 countries worldwide. We follow the law of the countries we operate in, including the recent sanctions. **Fortunately, we maintain a rigorous sanctions compliance program and we have received and implemented timely expert advice on the applicability of these current sanctions on Russia.** In certain cases, particularly export control sanctions, we have operated a compliance program for many years which screens for sanctions compliance in third-party transactions and this program continues in place and is updated as required by newly issued or expanded sanctions. Our sanctions compliance program is overseen at the corporate level by our Ethics and Compliance Office, which is run by the VP Ethics & Compliance, under DXC's General Counsel, Bill Deckelman.

Global supply chains are also being disrupted by the invasion of Ukraine as well as the resulting sanctions on Russia. Our supply chain team is monitoring the situation constantly. Up to now, we have only seen minor disruptions, despite the fact that several key global companies have also announced their exit from Russia. We expect the situation will get worse, the longer the invasion of Ukraine and resulting sanctions continue.

What are your top tips on leading a team during a difficult situation?

Natalie: Communication, collaboration and empathy. It is critical that team members hear from us; they want to know about what we're doing to support our colleagues, what we're saying to our customers and how they can support their colleagues and other ways to contribute. Also, as a global team with a lot of experience, we are fortunate to have enough people to work together to share ideas and also share the additional workload created by the sanctions and DXC's decision to exit Russia. **It's important to recognise the efforts of everyone and to emphasise the need for collaboration.**

Fortunately, collaboration is a quality that has been praised by the Legal team for a long time now, so our team members know how much it's valued. In difficult situations such as this, they also see why it is so important and how it benefits the business and their own work and development. **Finally, it's important that our leaders show empathy for how the invasion may be impacting our people.** We have held global town halls with the legal team that have focused on mental health and resilience, sharing tips for how they can reduce stress and also just recognising that it's normal not to feel normal, particularly given the pandemic that is not over in many parts of the world.

How has your organisation or the in-house team supported the people of Ukraine?

Natalie: There are a number of different ways that DXC is caring for its people:

- **Volunteering:** the EMEA business is supporting employees who wish to spend up to 5 days volunteering. Employees can log their volunteering hours in an online platform called "DXC Cares", which is a platform that supports various fundraising efforts around the world.
- **Accommodation support:** DXC team members can volunteer to host displaced colleagues in their homes for a short period of time. Volunteers complete an online form and are then matched with displaced colleagues. We're focusing on Poland, Bulgaria and Romania initially, as this is where we know we have the most urgent need.
- **Temporary Work Arrangements:** the Global Mobility team has stood up an online process for employees in close proximity to Ukraine (Eastern Europe) to request a temporary relocation in order to provide some respite.
- **Donations:** DXC is matching employee donations to the Red Cross humanitarian efforts at 200%, which includes providing direct financial support to our impacted colleagues in Ukraine. So far we have raised almost \$1 million USD through employee donations and the DXC matching.

LAWYERS WITHOUT BORDERS

Global Leaders in Law are extremely excited to announce our partnership with Lawyers without Borders. Here, you will learn about who they are, what they do and what you can do to help.

WHAT IS LAWYERS WITHOUT BORDERS?

Lawyers Without Borders is a global nonprofit organization that for over 20 years has assisted lawyers, governments, civil society and students to strengthen the rule of law in their own countries.

By sharing lessons learned from our experience and from other countries, we help to protect the disadvantaged, promote judicial integrity and efficiency and advance human rights.

Staffed largely by pro bono lawyers, we work internationally with police, judges, prosecutors, prison officials, community leaders, paralegals, tribal councils and other local arbitrators to help them solve complex legal, organizational and community problems.

STRATEGIC INITIATIVES 2020-2021

Lawyers without Borders currently has more than \$2 million in grants committed to ongoing projects, including TIP-TAN in Tanzania (human trafficking); Verite Kenya (human trafficking); ATLAS in Paraguay, Thailand, Argentina, Liberia and Bolivia (child labor, forced labor and human trafficking); Verite in Jordan, Qatar and the UAE (human trafficking); and EPIC in Kenya (human trafficking). We are also continually upgrading our technological capabilities.

The COVID-19 pandemic clearly demonstrated the central role technology plays in providing the flexibility we need to advance our projects even in the most difficult circumstances.

THE NUMBERS TELL THE STORY A STATISTICAL OVERVIEW OF 2018-2020

27,174

Pro bono hours donated

\$11,876,250

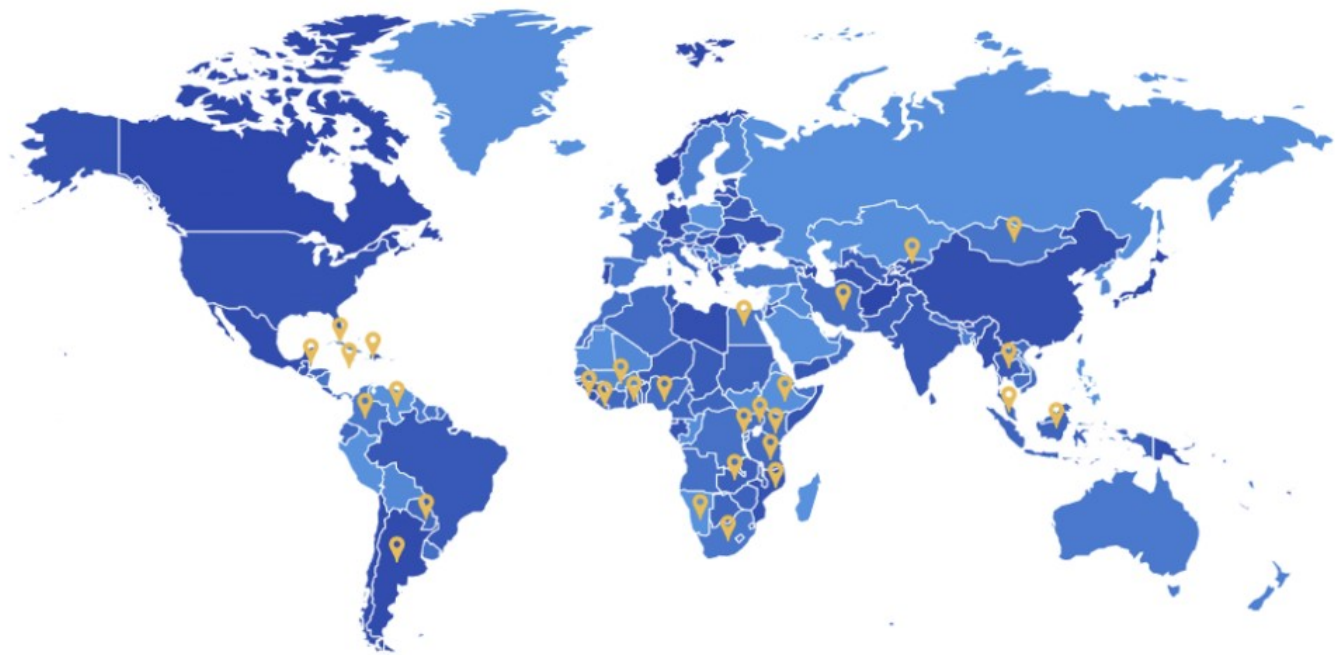
Total financial contributions from partners/ supporters (including cost share/pro bono)

\$1,176,292

Additional direct financial contributions pledged by partners/supporters

128

Assessments, advocacy training, workshops and other capacity building events conducted



5000+ high impact workshops, technical assistance projects and specialized presentations developed and implemented



WHY THEY NEED YOUR SUPPORT

You can help grow Lawyers Without Borders' programming to promote the Rule of Law across the globe

HUMAN TRAFFICKING ROUNDTABLE

Harness Lawyers without Borders & stakeholder expertise and experience to combat global human trafficking efforts

QUICK RESPONSE RULE OF LAW PROJECTS

Deploy Lawyers without Borders programmatic expertise for rapid response training

WILDLIFE CRIME ROUNDTABLE

Harness Lawyers without Borders & stakeholder expertise and experience to combat wildlife crime

SEVEN WAYS TO GET INVOLVED



Robin Taylor,
*Executive Director
at Lawyers Without
Borders*

Maybe you are wondering how you can make a difference? Finding time to volunteer, has many benefits and attorneys are in the fortunate position of being able to make impactful contributions to their communities. While volunteering can be rewarding, it can be difficult for attorneys to find the time with their long hours and client responsibilities. Here, are a few ways you can contribute and support your community you may not have considered:

1 VOLUNTEER

TO WORK AT AN ELECTION POLLING SITE OR HELP WITH VOTER REGISTRATION.

2 WRITE AN OP-ED

ON A TOPIC RELATED TO THE
RULE OF LAW OR ACCESS TO
JUSTICE.

CARRYOUT A FUNDRAISER

SUCH AS A 5K RUN OR HOST A DINNER.

ASK YOUR COMPANY OR FIRM TO

PARTNER

WITH A NONPROFIT OR LAW FIRM

ON A PRO BONO PROJECT.

5 SPEAK

TO A GROUP OF STUDENTS OR NEW LAWYERS
ABOUT THE RULE OF LAW AND
IMPORTANCE OF PRO BONO
SERVICE.

ADVOCATE FOR YOUR

FAVORITE NONPROFIT ON SOCIAL MEDIA.

7 DONATE TO A CHARITY.



THE POWER OF COMPASSIONATE LEADERSHIP

(in crisis and beyond)

Alex Lazarus, Business Psychologist, GLL Ambassador and Senior Leadership Advisor, shares insights on how leaders and teams can navigate difficult times.

"Take a look around the room... You may not see some of these colleagues again."

It's not every day that a team gets summoned into the room and is being told that the crisis that's about to engulf everybody may put not jobs, but lives, at stake. Imagine you are in that room. What is going through your mind right now?

There are crises and then there are extraordinary crises. Those that shake the world as we know it and remind us that we are a part of something bigger than ourselves. This is what happened to a client of mine. At the onset of the pandemic, when the virus was ravaging through continents, getting closer and closer to home, Denise Cook found herself in a stark room with others getting briefed on crisis response. As the Deputy Managing Director of BPS, an exemplar NHS pathology network and the fifth largest network in the UK, Denise, a natural team player,

was left under no illusion of the possible tragic consequences.

Fast forward two years and today Europe is grappling with yet another immense crisis. The brutal war in Ukraine stirs new psychological trauma and raises practical concerns of new magnitude both on a personal and organisational level.

With no test run and no playbook to learn from, how can leaders respond to some of the biggest challenges of their career?

The answer is – compassionate leadership. Not to be mistaken for sympathy or pity, it is far from overly "soft" approach at the expense of the task. Quite the opposite; compassion shows that actions speak louder than words. In the Buddhist tradition it is not just the desire but also the act of helping others to be free from suffering. With workplace and existential anxiety, it is the leaders' role to remove the

obvious triggers of discomfort; from opaque communication, lack of clarity of roles spiking inward competition, tension arising from favouritism in a team or uncertainty around the company's vision.

The business case for compassionate leadership is compelling. For those who role model it, the benefits are profound.

People led by compassionate leaders are quicker to come together and deal with what's tough in crisis. Communicating openly human to human, sharing difficult messages with compassion, paying attention to people's needs and acting to help build cultures of high performance. For instance, it is illuminating and alarming that this leadership approach in healthcare results in lower patient mortality and fewer human errors*. While lives aren't hopefully lost due to a human error in the legal profession, the

occupational mistakes caused by operating in a prolonged crisis mode can be costly and jeopardise clients' outcomes.

"It's a key leadership skill to be able to say, 'this is the task and it's going to be really difficult' and balancing a very harsh environment with crucial softer skills that you will need to look after your staff who are affected and impacted by the consequences of crisis or performing high impact jobs"

– Denise Cook, Deputy Managing Director of BPS, an exemplar NHS pathology network in the country

Extraordinary crises aside, compassion and high-performing teams are teammates in the best of times. Psychological safety resulting from compassionate leadership energises employees' creativity and innovation. It is also a panacea for constant change, risk of burnout and disengagement.

What are the behaviours and activities that underpin compassionate leadership? When Denise Cook's teams emerged from the pandemic, she turned to us at Lazarus & Maverick to help her further embed the compassionate leadership she's been championing in her organisation

during the crisis. Subsequently, we developed a leadership development programme for three cohorts of leaders responsible for 1300 employees. The programme elements borrowed from research by M. West (Caring to Change, 2017 Kings Fund paper) in Table 1 outlining a range of compassionate leadership activities and processes:

Table 1 Compassionate leadership and the processes that lead to innovation, from the individual level to the system level

Level	Compassionate leadership activities	Cognitive/emotional processes	Other processes
Individual	Listening Role-modelling reflexivity Coaching	Self-efficacy Self-worth at work Good relationships	Suggesting Noticing opportunities Trying, failing, learning
Team	Creating a psychologically safe environment Discovering meaningful differences and similarities Facilitating purpose	Psychological safety Appreciating each other Team identification	Discussion Review and implementation Team efficacy and potency
Inter-team	Exchanging information empathically Role-modelling perspective-taking Building awareness of mutual needs and interdependence	Multi-level perspectives Organisational identification Diversity matters	Lower inter-team conflict Higher inter-team collaboration Higher-quantity and higher-quality innovation
Organisational	Having a realistic vision Creating a culture of belonging Personalising purpose Using strategy as practice/a learning process	High levels of inclusion Secure attachment/high organisational identification	Organisational agility and responsiveness Organisational resilience Faster adoption of innovation
System-wide	Showcasing compassionate leadership practice Using strategy as a reflective learning process	Embracing failure as human and an opportunity for improvement System resilience Adopting a learning perspective	System-wide learning Robustness/resilience Faster diffusion of innovation

[Source: West, M, Caring to Change, 2017]

Team Coaching – Upskilling Leaders as Facilitators

We also added team coaching methodology in the programme design to help leaders practise and improve team leadership skills. Team coaching approach allows leaders and teams to reflect on their purpose, identity, the story they need to start telling themselves and others to face their challenges; their

values, relationships and their individual and collective mindset and well-being concerning the challenges ahead.

Conclusion

Crisis is transformational in nature. Operating in shock, deep pain and trauma has the potential to crush the human spirit. It can also reawaken human solidarity and remind us that we can do hard things. In crisis, some people

surprise themselves and others by stepping up with almost supernatural powers they don't usually need to mobilise. Releasing those innate strengths regardless of hierarchy and sustaining their resourcefulness is a core leadership skill in crisis and beyond. **The world events have signalled that we must be operate with compassion in today's leadership and leadership in the future.** Those leaders and teams who exemplify

compassionate behaviours will be better prepared to respond to whatever may come next. Building tough people with compassionate leadership may turn out to be their most valued legacy.

PRO BONO WITHOUT BORDERS

Here, Robin Taylor, Executive Director at Lawyers Without Borders, provides us with an insight into the wonderful work Lawyers Without Borders carries out.



In 2011, shortly after arriving at the U.S. Embassy in Nairobi, Kenya, Lawyers Without Borders (LWOB) asked me

to partner on a series of "learn-by-doing" trial advocacy trainings, many focused on wildlife crimes. At the time, there were only 74 public prosecutors in Kenya and only two assigned to wildlife crimes, each with caseloads of more than 2,500 matters. As a prosecutor for USDOJ, I received regular skills-based and substantive training. However, such training was not readily available to Kenyan lawyers. **LWOB's network of volunteer lawyers shared their trial expertise to train and equip Kenyan participants with the skills needed to handle criminal trials.** Watching participants received hands-on, experiential training and get on their feet in a safe setting, transformed them as lawyers. This innovative training not only made them better advocates, but enabled them to develop and present

critical evidence in court leading to more efficient and fair trials. **Since 2009, LWOB has provided more than 2,500 prosecutors, judges, defenders, law enforcement, civil society, with trial advocacy training in Africa, South America and elsewhere - all provided pro bono - meaning at no cost to the recipients.**

This marked the start of long and enduring partnership with LWOB, which existed informally for nearly a decade as I took on new DOJ assignments in Indonesia and a few years later in Germany. Working overseas on the rule of law and access to justice matters completely changed me and my family for good. Now 10 years later, it is the honor of my professional career to serve as LWOB's second executive director, a global not-for-profit founded by Christina Storm in 2000 to promote access to justice and the rule of law. I've found my life's passion at LWOB, helping to expand its pro bono network and

its international programs. **LWOB trains human rights defenders, promotes fairer trials through advocacy and skills development and combats complex crime, such as human trafficking, forced labor, child labor, anti-money laundering, anti-corruption and terrorism, as well as wildlife poaching and smuggling.** LWOB is stronger because it harnesses the skills of a vast network of lawyers and judges from around the world who support and assist with our projects in the field, logging more than 27,174 hours of pro bono service valued at more than \$11,876,000 from 2018 to 2022, alone. Learn more about LWOB's work in our recently-published Impact Report for 2018–2020.

Today, Kenya has more than 1,200 public prosecutors and units assigned handle many types of complex crime, including wildlife offenses. While only a dream in 2011, the Kenyan Prosecution Training Institute (PTI), conceived

by the U.S. Department of State, LWOB and the Kenyan Office of Public Prosecutions in 2017, is now a hub for in-person and online professional education for prosecutors. This state-of-the-art facility provides legal and leadership training to increase competencies, develop leaders and ensure prosecutors are equipped to bring complex criminal cases in East Africa. **LWOB has created curricula and built capacity on a range of topics from human trafficking to forensic science for prosecutors.**

One evening after a LWOB trial advocacy training in 2012, we invited Kennedy Odede, founder and CEO of Shining Hope for Communities (SHOFCO) to meet our LWOB team of volunteers at an event at my home in Kenya. He and his intrepid now-wife Jessica Posner had just started their grassroots organization to educate girls, as well as the residents of Kibera—Nairobi's largest slum—about gender violence, health and girls' education. Both Odede and Posner graduated from Wesleyan College, Kennedy receiving a full scholarship, remarkable for a boy who grew up in the Kenyan slums himself and dropped out of school at 13 years-old to work on the streets. Kibera's girls are amongst the poorest and most vulnerable, making them susceptible to abuse, rape, abuse and pregnancies. SHOFCO's girls' school for pre-school through eighth grade, supported over the years by our pro bono network and law firms, provides free tuition, two meals per day, an afternoon snack, school supplies, a curriculum and also a uniform. Some of LWOB's volunteer team met SHOFCO's first class of preschoolers. A decade later,

SHOFCO now has two schools, one in Kibera and another in Mathara and that first class of Kibera graduates are set to enter university this Fall.

In sharp contrast, we are seeing major setbacks in Afghanistan, with school for girls banned after sixth grade. The collapse in Afghanistan on August 15, 2021, was shocking, because after all of the advocacy, participation and capacity building, the government and its infrastructure were suddenly gone. The country's economy has faltered under Taliban rule, with banks running out of money, jobs being lost and food in short supply. According to one former female government worker, "What we thought was made of stone turned out to be made of sand." This same woman reported that she did not want to leave after the events of August 15, because "I had returned after being a refugee in Pakistan for 20 years to show the world that if the opportunity is given to Afghan women, they can make change." Another Afghan woman was gravely worried about her 12 year-old-daughter, because the Taliban does not allow girls to go to school after sixth grade. Our network in Afghanistan reports that many, including lawyers, are unable to work and are targeted by the Taliban. Women lawyers cannot work at all.

Following the outbreak of war in Ukraine, LWOB is working to help resettle refugees displaced by the conflict. More than 150 Afghans were living in Ukraine when Russia invaded. Having left one war-torn country, only to find themselves in another, many have had to flee. The is dire as many lack identification documentations, such as passports

for themselves and birth records for their children. One of our global law firm partners has assembled a team of 15 lawyers, paralegals and other professions working pro bono to locate and assist these refugees. They are reporting that without these basic documents, free movement, services, access to employment, the ability rent a home, even proving a legal relationship to their children is greatly undermined. These lawyers and professionals are uniquely qualified to assist and we need the support of our pro bono network now more than ever.

So, how do we keep moving the needle forward on the wicked and thorny problems of human trafficking, forced labor, child labor, terrorism, wildlife poaching, Afghanistan and Ukraine? Let this serve as a call to action to support and fund international pro bono work. Lawyers are part of an elite profession and enjoy high social standing. By virtue of their education and experience, lawyers can not only aid clients, but can influence the law, policy, education and social issues. Lawyers have influenced over corporate clients and can encourage the allocation of resources and tools, which can solve global challenges and support relevant causes, including the Environmental, Social and Governance criteria. We encourage you to learn more about how you can support GLL's and LWOB's journey to promote the rule of law and access to justice. The world needs more good lawyers. You can make an extraordinary difference by joining us now!

The Important Work of Lawyers Without Borders



Here, Paul Strecker, Partner at Shearman and Sterling, shares with GLL, an insight into the wonderful work that Lawyers Without Borders do.

Martin Luther King believed that the arc of the moral universe is long and it bends towards justice. But that curve is by no means fixed nor is its destination preordained. It is through the actions of many individuals over time that keeps it bending towards a more enlightened future. Promoting and upholding the rule of law is a key part of that progress.

Over the past 20 years Lawyers Without Borders has worked through the legal profession to promote the rule of law globally. Lawyers from around the world work as individuals or through their employers to provide pro bono support in a wide range of important areas, including criminal law, human trafficking, gender and domestic based violence and wildlife crime. **Lawyers Without Borders receives funding from law firms, corporations, governments and private donors to support these pro bono efforts.** As an international NGO, Lawyers Without Borders is strictly neutral and does not engage in lobbying or political advocacy.

Law firms have played a foundational

role in supporting Lawyers Without Borders, both through long term financial commitment and as its pro bono partners. Lawyers Without Borders offers lawyers the opportunity to work directly with other lawyers in developing countries and countries emerging from conflict to promote the rule of law, whether by providing judicial support, trial advocacy or other forms of legal training. **Through these programmes, long lasting collaborations and friendships are formed.**

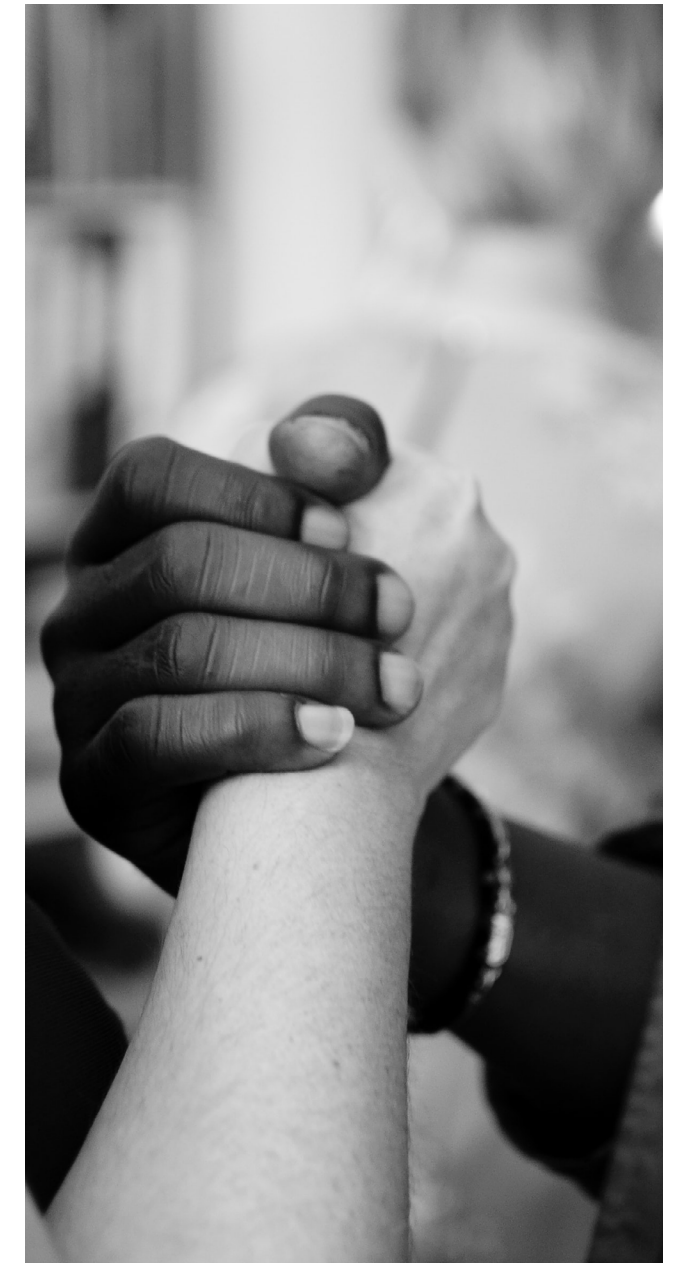
Part of Lawyers Without Borders' mission is to raise awareness of international human rights and rule of law issues among law students and to foster a commitment to pro bono in young lawyers. **It has established over 35 student divisions at universities in the UK and is adding divisions internationally. Every year the student chapters come together for a Rule of Law Innovation Challenge hosted by Lawyers Without Borders.** Each student team is paired with a mentor law firm to design an educational mechanism from a choice of topics relating to Lawyers

Without Borders' international programs. Previous topics include combatting violent extremism among youth, trial advocacy, human trafficking and rule of law projects in Afghanistan. The opportunity for law firms and law students to work together to deliver learning mechanisms that have real world application in Lawyers Without Borders' programs is truly remarkable.

Lawyers Without Borders hopes to replicate the success of its law firm partner model by developing partnerships with companies. The level of engagement by companies on rule of law issues is on the rise. Many companies are finding they can no longer remain on the sidelines on issues such as human rights and ethnic or gender based violence. In the U.S. and Europe companies are coming under heavier legal obligations to understand rule of law risk in their operations, such as the use of forced labour and other human rights abuses in their supply chain. **In the current conflict in the Ukraine, many companies are going beyond sanctions compliance to do more in terms of humanitarian work and support for refugees.** Lawyers Without Borders hopes to expand its engagement with companies to support the development of rule of law thinking in the corporate setting, including working with in-house teams on pro bono matters and establishing partnerships on specific rule of law projects.

On a personal level, being part of Lawyers Without Borders' journey through its partnership with Shearman & Sterling, including providing pro bono support on projects and mentoring law students on the Rule of Law Innovation Challenge, has

been very meaningful. As a board member it has also given me a perspective on the incredible opportunities and significant challenges Lawyers Without Borders has in promoting the rule of law. **Through new partnerships, we hope to make the most of those opportunities and to play a meaningful role in bending that curve toward a more just future for everyone.**



NAVIGATING THE SANCTION REGIMES, SUPPORTING THE PEOPLE OF UKRAINE



Caroline Griffin Pain is General Counsel and Company Secretary of Colt. Here, she shares how her organisation has navigated the sanction regimes and how the legal department can help the business pivot as and when sanctions develop. Read the full article on our website [here](#).

How are you navigating the sanction regimes and how can the legal department help the business pivot and change as and when sanctions develop?

Caroline: We immediately formed a Sanctions Committee chaired by the General Counsel comprising members of the senior management team and advised by key members of the legal and regulatory teams. We agreed a process and governance and then convened on an ad hoc basis to consider individual cases. We have been ably advised by Baker McKenzie.

How has your organisation or the in-house team supported the people of Ukraine?

Caroline: We have many fundraising activities in progress including auctions, donations etc. in every Colt country and Colt will match the money raised for the Disasters Emergency Committee, proceeds will help refugees from the Ukraine and beyond. Some of my wonderful colleagues in the GC team in Germany and Romania are providing accommodation to refugees. We will continue to consider how best we can support.

What are your top tips on leading a team during a difficult situation?

Caroline: Identify the issues and objectives up front, clarify roles and responsibilities, over communicate, invite colleagues to share concerns and ideas and listen with care. Always remember change and difficult times are stressful and priorities your team's welfare.

Are you part of any pro bono initiatives. If so which initiative has been the most successful and why?

Caroline: As a telco we are continuing to support our customers with communications to Ukraine by extending our free of charge calls to fixed lines and mobiles until the end of April. This applies to our SIP Trunking, Colt Intelligent Communications, Voice Line and Voice Line(v) services. We understand the importance of staying in touch during these difficult times.

"Always remember change and difficult times are stressful and priorities your team's welfare."

Q&A

WITH KINGSLEY GREENS MANAGING DIRECTOR

CHRISTOPHER HURST



Christopher Hurst, GLL Ambassador and Managing Director of Kingsley Green Recruitment, shares his thought and insights on Pro bono work.

Have you noticed any recruitment trends concerning pro bono?

Christopher: With the more junior candidates there has been a significant increase in people asking about CSR and pro bono opportunities. At the senior level, there is always interest but the dramatic rise is in the junior candidates.

How important is it for a GC and rising leaders to have pro bono work on their CV?

Christopher: It is nice to have and always reflects well on them and will help differentiate them, but it is certainly, at this stage, not a prerequisite.

The new reality of business means that organisations must be prepared for the possibility of unforeseen disruptions. As a result, do you think the skill-set required of GCs will fundamentally change over the next few years, or has it already changed?

Christopher: The role of a GC is always evolving and if you are standing still then you may be left behind. Core skills organisations look for are flexibility, versatility and crisis management. The last few years have been

challenging but that is when you need your GC the most. I have seen many thrive in these challenging circumstances.

When you are placing a GC in a top role what would you say are the top 5 things organisations look for in a GC?

Christopher: 5 things- breadth of legal experience, ideally having managed more than just legal departments e.g., compliance and Co sec, high EQ, Strong management and leadership skills and ideally strong international/ global experience.

When you think of a 'wow' GC what comes to mind?

Christopher: Wow – is the positive impact they had on others and around them and the high EQ mentioned above.

What would be your advice to a rising leader, or a GC looking to change organisations?

Christopher: Manage more than the legal department – compliance/co sec – become a business and not just a legal leader.

How can they make themselves stand out from the crowd?

Christopher: What are the current buzzwords in the market that everyone is searching for? Legal teams are hunting for strong data, co sec and compliance in particular. CEO/CFOs – want their GC to be a business and not just legal leaders.

How to Design and Launch a Successful Pro Bono Program In-House



Valerie Borden Farkas serves as Head of Legal EMEA for Bloomberg and is based in London. Here, Valerie shares how to design and launch a successful in-house pro bono program.

Bloomberg's Legal and Compliance department launched a pro bono program in 2016...tell us what sparked the initiative and how you went about designing and launching the program?

Valerie: Philanthropy and service have always been an integral part of our company's culture. It's in our DNA and stems from our founder's deep, personal commitment to giving back. We have robust employee volunteering and giving programs led by our Corporate Philanthropy team. Five years ago, we hoped to add a pro bono component to capitalize on the unique experiences and skills of our Legal and Compliance department colleagues.

Our approach was to start with a handful of meaningful opportunities that could accommodate different levels of interest. We then grew the program over time. **We formed a planning committee to define the program's initial objectives and to think through the logistical issues associated with managing a pro bono program.** The majority of our department is based in our global

headquarters in New York, so our committee focused on connecting with local non-profit organizations, law firms and other in-house corporate legal teams to better understand how they were engaging in pro bono to serve New Yorkers in need. From these conversations, we identified three initial clinic programs to offer to our team: helping veterans with disability benefits; assisting small business owners with a range of legal issues; and supporting green card holders with applications to apply for U.S. citizenship.

Our committee also needed to consider the "nuts and bolts" of administering a pro bono program. For example, who would manage each stakeholder relationship? How would we promote opportunities to our colleagues? What metrics would we track to measure success? Would we need a stand-alone malpractice insurance policy, or would we partner with a law firm to serve as the legal representative for each engagement?

If you are thinking about starting a pro bono program, I want to emphasize that other corporate teams have already tackled these considerations. Turn to your peers for advice! While every corporate legal department will have its own unique approach to pro bono, there is a lot of support and knowledge sharing within the corporate community, so do not hesitate to reach out to your network.

What benefits stem from the pro bono program beyond the primary mission of helping those in need who cannot afford legal representation?

Valerie: We launched the pro bono program to enable our team to give back to our community and support the causes that are important to our employees, but we quickly realized—much to our delight—that there are so many "secondary" benefits stemming from pro bono engagement.

Pro bono work helps develop and strengthen legal skills, such as

drafting, research and advocacy. Some volunteers are seeking a new experience; for example, a transactional attorney who may have never appeared in court. There are opportunities, such as transgender name change petitions, that require a brief courtroom experience. These are often incredibly rewarding for volunteers who get the chance to appear before a judge for the first time. Moreover, **for the colleagues who manage the pro bono program, this is a great opportunity to develop leadership skills and raise their visibility within the department and the company.**

When we take on a new pro bono matter, we typically form teams of volunteers. The wonderful sense of camaraderie and collaboration this fosters benefits us all, but especially newer colleagues. Bringing together people who do not already work together helps us to network with each other, as it deepens our relationships across the organization. To further promote team building, we also offer opportunities for our entire team to engage in pro bono during our annual department gatherings.

Pro bono is also a great recruitment tool. During candidate interviews, we love talking about the pro bono work that our colleagues are engaged in, as it helps give candidates a better sense of our team's culture.

Finally, a robust pro bono program contributes to the department's reputation and brand, both internally within the organization and externally within the pro bono community and other legal

professionals.

What are your three key pieces of advice that you would offer another general counsel that is considering setting up a pro bono program?

Valerie:

1. First, you need strong support from your global General Counsel — someone who is willing to be a fierce advocate of the pro bono program. In partnership with your GC, I recommend putting together a small team of passionate, enthusiastic colleagues and tasking them with designing the program. Having a chair or co-chairs lead this effort is helpful and provides a great leadership opportunity, as the chair(s) get to shape and develop the initiative, lead a task force and work closely with senior executives.

2. Second, you need the support of your Corporate Philanthropy team, as they are critical to the success of your program and will help your team align with your company's philanthropic initiatives and navigate the local non-profit community.

3. Finally, you need a strong external network within the local pro bono community. Those deeply committed to pro bono have formed an incredibly generous community of like-minded partners — law firms, legal service providers and other in-house teams. Tap into this network to learn more about your community's needs and to find inspiring ways for your team to engage in pro bono.

Read the full article on our website [here](#).

“Don't try to start from scratch or reinvent the wheel...contact your law firm partners for guidance and possible opportunities for engagement.”

THE “S” IN ESG



Environmental, Social and Corporate Governance (ESG), has received an enormous amount of attention. Julia Rix, Shareholder of Polsinelli, outlines what it really means for companies, investors, stakeholders and consumers? This article will focus on some of the “S” considerations.

What corresponding regulations, directives, guidelines, metrics need to be considered to know whether one is “ESG compliant”?

The answer, in short, is that today there is no singular way to achieve ESG compliance (although we are starting to see regulatory activity), rather ESG if implemented well, can serve as a useful framework for a company's risk management and value creation that will inevitably be a best practice for any company able to endure the shifting market and non-market conditions across a variety of sectors.

There is no single way that allows us to define or implement ESG, each of the factors used in a holistic ESG analysis is contingent on the industry, the company's business model and its unique characteristics. Absent regulations there is no established compliance criteria that all companies must abide by. ESG has evolved over the last 40 years or so to encompass far more than any incentive previously implemented by companies, including programs ranging from Environment, Health and Safety to, more recently, Corporate Social Responsibility. The evolution of ESG was led in large part by a demand for regulations on a global scale that address national and international environmental concerns, the request from

consumers for more transparency and the materiality of investor risk and returns. **The companies that manage to successfully define and implement an ESG policy and/or framework will have a competitive advantage in their market space and gain preferential positioning with their vendors and consumers.**

The “S”: Social Issues, which are hard to quantify or to measure for they include items such as education, physical and mental health, security, product and service safety, mobility of the workforce, technology, wages and diversity and inclusion, to name a few. Determining a metric or set of metrics that aims to cover each of these items is not only challenging but is more likely impossible as it would not do justice to all. **Then what exactly is it that companies today are being asked to shed more light and transparency on when it comes to their social behavior? And, more importantly, where does a company start?**

We should look across the ocean to the existing European Union (“EU”) acts and directives, such as the EU Taxonomy Regulation and the Sustainable Finance Disclosure Regulation, as well as the newly-proposed directive on corporate sustainability reporting (“CSRD”).

While older directives already include disclosure requirements the proposed CSRD adds the specific requirement to provide disclosures on “intangibles (social, human and intellectual capital)” thereby creating the need to develop standard(s) for companies to comply with the required disclosures that provide more insight on a company's social issues. The EU continues to work on the standards to be included in the CSRD and has issued numerous working drafts that intend to provide a preview of what will be required going forward.

In the meantime, it is worth noting that this proposed directive will not only apply to all companies operating in the EU, but also to all subsidiaries of US companies based in the EU, as well as US companies that are a subsidiary of an EU domiciled company. Considering the existing EU regulations and directives and the fact that it seems to be more a question of when and not if the EU passes the proposed CSRD we highly suspect that the United Kingdom will also follow with similar regulations in short order, therewith creating a good indication of what a company's ESG policy shall contain. **For a proactive approach we highly recommend reaching out to your trusted advisor to discuss the proposed**

directive and start to assess the implications for your internal stakeholders together.

It is also worth exploring what the “S” or “intangibles” can reference depending on the industry or the company that is looking to establish a standard as part of their ESG taskforce. Investors have more recently demanded more comprehensive disclosures regarding a company's human capital management. Such proposed disclosures are meant to address skilled labor shortages, uneven wage growth and evolving market trends that are deemed important factors when addressing a company's approach to furthering and building their workforce's skills to improve the company's profits overall. To further underscore the importance of each of these factors, in August 2020 the SEC deemed human capital management a significant material risk that will soon be part of financial reporting. Human resource leaders and labor employment counsel are well advised to start reviewing existing human resource systems for reporting capabilities and determine what kind of disclosures can be provided in the context of data privacy regulations, employment agreements and other regulatory, cultural and ethical considerations.

What other areas fall under the “S”? S is also the first letter of “supply chain,” for which the social component is the consumer and the ways in which product and service safety can affect the consumer. In the event of a supply chain oversight issue, some metrics to be considered are the damage to a company's reputation, its ability to retain customers and, in the event of serious issue, the impact to the bottom line in terms of costs, fines and/or penalties. Staying on the topic of the supply chain, both investors and consumers are

increasingly interested in how a company treats its human capital. Are human and labor rights being upheld? Human rights and labor issues have become a growing issue and have led to boycotts, consumer protests and loss of customers for multiple multinational companies in the past few years. Thus, this is an issue that needs to be addressed by those companies that have supply chains spanning across multiple continents and any companies that work with those that do.

How do all these distinct items create risk that needs to be managed and how does ESG help with managing that risk? Valid question. **A mature ESG presence has a direct impact on recruiting, employee engagement and retention.** Studies show that employee engagement has a direct impact on a company's profitability in that companies with high employee engagement tend to be more profitable. Therefore, ensuring employee engagement can increase earnings and lower the risk of potential reputational damage, turnover, or creating losses to the company's bottom line. Factors that weigh heavy when thinking about a company's workforce is also the company's integration into the market or community in which it is based, e.g. by proving to the local community that the company operates sustainably, hires a diverse local and also national workforce, creates convenience and a leaves the customer with a good experience. All of these factors will show that the company is engaged with customers' growing and evolving needs. If a company integrates well into local surroundings and furthers, supports and continually develops its diverse workforce, the company has the ability to enhance the local community's welfare, which ultimately benefits both

the company and the consumer. Last, but not least, **while all of the factors above already contribute to creating a diverse workforce, the metrics analyzed when looking at the “S” in ESG also include an analysis of the company's diversity, equity and inclusion policy.** This analysis generally looks to the company's hiring practices, community engagement efforts and procurement strategies.

In conclusion, those companies that check the “S” boxes that apply to their sector and perhaps those that relate to their immediate and extended neighborhood, such as through community efforts, promoting of education and diverse hiring practices, or otherwise, will find themselves setting standards for the sector and the consumers for the “S” in ESG. **Beware, however – while the “S” addresses these social issues, there are plenty of factors to be analyzed in the “E” and the “G” that also address social, diversity and inclusion issues.** For instance, the “G” will, as part of its analysis of a company's board, evaluate the board's diversity. **All that to say, that while the “S” is a good way to determine a company's approach to social, diversity and inclusion issues, it is not the only part of the ESG analysis one may want to look at when holistically evaluating a company's compliance or adherence to its ESG policy.** To the contrary, we always recommend that all factors are reviewed to ensure that those that impact the particular company's ESG policy is effective and can be implemented successfully.

Successfully Leading a Team During a Crisis



Here, Manuel Liatowitsch, Group General Counsel and Head of Corporate Center of Ringier AG discusses how to lead a team during a difficult situation. He also shares how he has helped his organisation navigate current sanction regimes.

Has your organisation been impacted by the sanctions on Russia?

Manuel: As a media & tech company – headquartered in Switzerland – we have probably been less impacted by the sanctions than companies in other industries. However, we have subsidiaries in many CEE countries and therefore feel the impact of the war, if not the sanctions, quite directly. Poland, for example, welcomed close to 2 million refugees from Ukraine and our companies and employees there, as in many other CEE countries, are heavily involved with helping the refugees.

How are you navigating the sanction regimes and how can the legal department help the business pivot and change as and when sanctions develop?

Manuel: For us, at the moment, it is mainly a question of dealing with the counterparty risk and making sure that we are not involved in any way with sanctioned individuals or entities. We are investing in further digitizing and automating the checks.

What are your top tips on leading a team during a difficult situation?

Manuel:

1. Set up a taskforce with different operational workstreams
2. Check in often
3. Keep everyone in the loop
4. Encourage people to contribute with ideas & initiatives
5. Increase internal communication
6. Set up aid & donation programs

How has your organisation or the in-house team supported the people of Ukraine?

Manuel: There are three initiatives from headquarters here in Switzerland that I would like to mention:

- We participated in the Swiss national Ukraine donations day by matching all donations from our employees.
- We started a program of monthly financial contributions from headquarters for any of our employees, who host Ukrainian refugees in their homes – in any country in Europe where the state has not implemented such a program themselves.
- Our digital TV-station BlickTV introduced special daily reports in the Ukrainian language for the rapidly growing Ukrainian community in Switzerland.
- In addition, there are literally dozens of admirable initiatives in many of our companies across CEE, including e.g. making our online marketplaces sites available for distributing donated goods and for posting available housing and jobs for refugees.

ADVISER INSIGHTS

Here, some of our Adviser members highlight the pro bono initiatives that they are most proud of.

AlixPartners

AlixPartners has supported Justice Without Borders, a charity which provides access to justice to migrant workers who are victims of labour exploitation and human trafficking so that they can seek rightful compensation.

The AlixPartners team assisted Justice Without Borders law firm partner with background due diligence and investigation work to identify the beneficial shareholders of corporate entities suspected of exploiting migrant workers through money lending schemes.



Lathrop GPM believes the privilege of practicing law comes with a responsibility to ensure that everyone has access to the legal system, regardless of resources. The firm is honored to work with legal service organizations and nonprofits in each of its office locations to represent the most vulnerable among us, including representing the wrongfully convicted with the Midwest Innocence Project, asylum and immigration cases with The Advocates for Human Rights, housing issues with Legal Aid of Western Missouri and child advocacy work with Jackson County CASA and the Children's Law Center. The firm's pro bono work is driven by the needs of its unique communities but also by the unique talents and passions of Lathrop GPM attorneys.

Investec

Investec's Beyond Business programme is a social enterprise incubation programme that we run in partnership with the Bromley by Bow Centre. The centre focuses on social economic regeneration in Tower Hamlets, London. Every year, successful candidates receive intensive support in business planning as well as training and expert advice through the Investec Beyond Business College, which is run by Investec volunteers from the business. These entrepreneurs also receive funding of up to £20,000 each to launch their new enterprises. Since 2011, Investec Beyond Business has launched 51 social enterprises with up to £30,000 of seed funding as well as provided professional advice from Investec volunteers. This has led to the creation of at least 375 jobs and a combined annual turnover of £6.5 million in Tower Hamlets, Hackney and Newham.

The latest cohort are tackling social issues such as reducing knife crime through boxing, providing nutritious energy bars to homeless people and upcycling waste into products.

MORRISON FOERSTER

Morrison & Foerster takes great pride in the improved educational opportunities that countless low-income children and children with special needs enjoy in districts around the country as a result of our decades-long commitment to impact litigation with our public interest partners. A story told by a senior partner in the firm's San Francisco office captures this pride. He met a teacher who, upon learning that he was a lawyer, eagerly told him that, because of a legal case, every classroom in her school had a notice on the wall telling parents that their children were entitled to adequate textbooks, clean and safe facilities and an appropriate, permanent teacher for their class—and informing parents how to file a complaint if these standards were not met. The MoFo lawyer proudly told the teacher, "That's our case," referring to *Williams v. California*, a case the firm brought to remedy grossly inadequate school conditions and whose settlement, including the notice requirement, is enshrined in California law.



More than 76,000 Afghan refugees have come to the United States since our nation withdrew from Afghanistan last summer. Many of those refugees had provided assistance to American soldiers, diplomats and journalists during the war. They now, quite rightly, fear persecution, reprisal and death if they return home. However, before they can put down roots in the U.S., they must first navigate the long and complex process of gaining asylum. Stoel Rives lawyers were privileged to help them.

In February, Stoel Rives began a year-long project dedicated to assisting Afghan refugees apply for asylum. Our pro bono attorneys work closely with Afghan refugees during an initial two-to four-month period to help prepare the Form I-589, develop detailed affidavits, conduct additional country conditions research and help gather other relevant

evidence for their asylum claims. The attorneys also assist clients in filing their claims and help prepare them for their asylum interview.

In just the first two months of the project our attorneys have been assisting 13 Afghans apply for asylum. "This project has been worked by firm lawyers in every department and at every level of experience. Our pro bono work is a way we express of our values as human beings, as Americans and as professionals," said Matthew Segal, the Stoel Rives partner coordinating work on the project.

For this project, Stoel Rives partnered with HIAS on their Asylum Pro Se+ Program. That program runs in partnership with the ABA Commission on Immigration.

In addition to the Afghan asylum project, Stoel Rives attorneys have taken on pro bono projects aiding disability rights groups, local non-profits and the wrongfully convicted.

EVERSHEDS SUTHERLAND



Nine years ago, we began representing "J" in an asylum case. A few days ago, she and her son became US citizens. Here, J feared returning to her home country of Rwanda because she would face physical, sexual and emotional abuse and possibly death at the hands of her husband—and her country wouldn't protect her.

J managed to escape to America in 2011 after enduring nearly two decades of her husband's abuse. In 1990, she had been forced to marry her husband after he kidnapped and raped her. Over 20 years, she continued to suffer from his abuse, enduring almost daily beatings and worse. He similarly abused her three children and raped her younger sister. During her marriage, Rwandan law and culture did not recognize rape and physical abuse within a marriage as a crime. In addition, J's husband, an ex-soldier, had threatened to shoot and kill her with the illegal gun that he kept in their home. Therefore, J was unable to seek and receive help and protection from the Rwandan authorities.

J came to Eversheds Sutherland from Catholic Charities. Her case presented two difficult legal issues. First, the only cognizable grounds on which J could claim asylum—her extensive domestic abuse in Rwanda—was relatively unsettled law. Second, asylum applicants are generally required to file an asylum petition within one year. Due to the circumstances of how J entered the US and her ongoing trauma, she did not file for asylum until nearly three years later.

Despite these legal hurdles, J and her son were recommended for approval for a grant of asylum in 2014. A few days ago, J sent Brian Rubin a Partner at Eversheds Sutherland, the below photo of her and her son, with the following note: "I want to say thank you so much for your help. I'm really happy with everything you've done to help us. And thank you to everyone so much who helped us."

The following attorneys and staff helped J and her son become two of our newest US citizens: Brian Rubin, Carmen Brun, Liz Cha, Ariana Cheng, Nicole Chessin, Lynne Dudurich, Sandy LoJacono and Amanda Oliveira.

Data As a Sinister Weapon



Here, **Lisa Burton**, GLL Ambassador and Chief Executive Officer of Legal Data Workspace, reflects on the negative impact data can have when being used as a weapon and offers key tips on managing data as a reliable reportable asset. Read the full article on our website [here](#).

As frequently mentioned in this column, **data is both an asset and a risk. Unfortunately, it is a weapon too.** For example, Ukraine suggests that “Russia continues to receive almost instantaneous meteorological data from foreign governments, which some experts say could be used to plot a chemical or biological attack in Ukraine.” Meteorological data is apparently vital in chemical warfare as the perpetrator cannot risk ‘blow back’ of chemicals through moving weather systems. Sinister stuff.

Another example of data being used as a weapon is racism within Football. The continued racist abuse that flows through Facebook, Twitter and Instagram, are from trolls traced back to non-Westernised countries. Even so, Instagram was the first social media to blink as the pressure builds. The platform does not use technology to proactively detect content within private messages, but it has announced new measures, including removing abusive accounts, in a bid to reduce the abuse people get in direct messages.

As Western individuals, we are all well aware that our buying preferences are continuously profiled evidenced by conversations about trainers that then miraculously appear as adverts on our open laptop screens. Most of us accept this is part of living in a digital age but there are some very dark implications of this, especially for our future generations. In being ‘fed’ data through personal preferences, the risk is we lose our ability to make informed choices. **There is so much digital information how do we know what to trust and what not to?**

As someone who identifies as Jewish, it is not lost on me that the first significant regulatory policy

enhancement to E.U. data protection regulations in more than 20 years, the GDPR requires companies to ask consumers whether they can collect their data, answer promptly if asked what it’ll be used for and disclose significant data breaches within 72 hours. As we all know, failure to fully comply with the law could result in hefty fines and consequences for a business.

The seriousness of the penalties reflects a European approach to privacy that can be traced back, in large part, to German history — and to specific experiences with personal data being used for the most heinous purposes.

As the Nazi regime rose to power, state control of businesses brought with it state control of information technology. Regulation continues to expand its reach around information technology and data, especially in already highly regulated markets. DORA, the Digital Operational Resilience Act, is draft legislation designed to improve the cybersecurity and operational resiliency of the financial services sector. While DORA is still working its way through the legislative process, it is expected to be approved in 2022. It will expressly focus on ICT companies that serve their financial services clients.

This will have a vast impact on MSPs providing Cloud and Managed Services encompassing evergreen platforms such as M365 and Google Business because although regulatory compliance must evolve with the business, a continually updated platform, means that functionality will evolve too. Regulatory compliance and tech stacks must be aligned to protect businesses with strong operationally living policies that can be measured and reported on a Data Balance Sheet.

In Summary, data as an asset and a risk to a business is one thing. Data used as a weapon is on the increase and as we are already experiencing in the Russian Ukraine war, it can be deadly. In a digitised global community, businesses must protect their employees, customers and partner communities to preserve the core fundamental principle of human rights and democracy.

At Legal Data Workspace, we are proud to support charities by providing free Data Protection Awareness Sessions and Training for their Boards and teams handling data.

I wanted to provide some top tips on one element that our free training encapsulates. For a Charity, seeing data as an asset and being able to put a figure on its value can be very empowering to attract further corporate support through donations, supply chains and their volunteering networks.

Our messaging is clear that companies today are deriving competitive advantage, intellectual property gains and even data monetisation from their data. For those companies that are actively monetising their data by reselling it to others, there is likely a very tangible way of measuring profits from the effort.

For the majority of companies that use data for competitive or marketing advantage, there’s one way to calculate if the use of data is what’s responsible for a certain profit number, whether that number comes from an increase in sales or market capture. They have to compare the results of their data-driven campaigns to campaigns that did not use this data.

Here are 3 key tips to help with managing data as a reliable, reportable asset on the balance sheet:

1. OPERATIONAL EXPENSE

If data is to be considered as an asset on a balance sheet, there must be a corresponding cost for acquiring or building this asset. Organisations have to value the hours spent on collecting, refining and enriching their data, as well as the personnel recruiting costs, storage and computing costs, facility costs and any other cost factors that go into data asset development. In some cases, organisations are already doing this with their return on investment (ROI) formulas where they track the costs going into data development and put it against the cost of acquiring the data as an asset—but this practice is largely done on a per project and not on a corporate-wide basis. This is where CXOs need to get to work.

2. DATA DEPRECIATION

As data ages, it loses its relevance and its value. Formulas will need be devised to depreciate data over the period of time that it ages (e.g., depreciation taken over three years, five years, etc.). To determine the correct depreciation cycles, regulators and CFOs will need to work together with CIOs to determine what normal lifespans for data are—and then factor in a viable depreciation formula against these lifespans.

3. DATA WASTELANDS

Enterprises have pockets of useless data. It might be data that dates back over ten years that is no longer relevant to what the corporation does, or data that has been routinely stored or backed up, that is temporary or that no one understands. There is an ongoing cost to maintaining these data wastelands and there will be time when the best practice is to purge them. If they are sitting on corporate balance sheets, they will also have to be expensed. The best move here for CXOs is to only admit data that has proven worth to the corporate balance sheet so that charge offs can be minimised.

“There’s this misperception that it’s a protectionist response, but the roots are much deeper. We trace them back to World War II and the atrocities of the Nazis, who systematically abused private data to identify Jews and other minority groups,”

Anu Bradford, Professor, Columbia Law School

HOW GC'S CAN EMPOWER THEIR TEAMS TO ACHIEVE SUCCESS



Anna Nicola, Director of Business Development at TransPerfect Legal Solutions spoke to GLL about how GC's can empower their teams to achieve success.

Success looks and feels different for every GC. Unsurprising the underlying business goals of the organisations they steward are similarly diverse... During the GLL Members Forum 2021 in Como, we explored how leaders can find the strength, vision and purpose to lead and achieve success through truth, focus and compassion. Unquestionably, those qualities together increase the prospects of success for legal leadership in any organisation. **The other inescapable reality for all GCs is that data and its proliferation is as much a part of everyday life as budgets, KPIs and risk analysis. How then, can GCs who do not regularly come from technology backgrounds, leverage data to achieve their goals rather than drown under its tide?**

Data as an asset

Few interesting facts. It is estimated that 2.5 quintillion bytes of data is created every day, but only 10% of the global datasphere contains unique data. During the COVID-19 pandemic, the rate of data breaches increased by more than 400%, because data is hackers' first line of attack.

The more sensitive electronic information that an organization possesses, the greater the risk of security threats, privacy breaches and runaway litigation costs, in addition to the direct costs of storing redundant data.

Nowadays, hardly any data lake excludes personal data. As we are all well aware, under GDPR individuals have the right to the erasure of

their personal information and DSARs (thousands of them) now hit all kinds of sectors.

Car manufacturers, cryptocurrency and broader digital asset companies, for example, need to think about the tension between their product liability and data protection regulations. In the first instance, organisations often fail to classify information in their data lake and distinguish customer intelligence from PII's. In the latter, the immutable nature of the blockchain and the difficulties in identifying a specific data controller, pose considerable challenges if not obstacles to GDPR compliance.

The new partnerships, business models and technologies originate a market diversity at an unforeseen pace and increased regulatory bodies' focus on consumer protectionist legislation. However, Governments cannot anticipate the demands of the new realities. Rohingya suing Facebook (Meta) over the Myanmar genocide contributed to putting the 'lawful but harmful content' on social media platforms debate up on the priority list. Nadine Dorries' latest statements clearly defined the government's position towards uncontrolled/unregulated user-created content, but inevitably fired up ethics, morality and free speech debates.

Where can GCs find the time to be the strategic thinkers the business requires them to be?

Whether it is an internal investigation, dishonest litigation, or a regulator knocking on the door, **GCs are trapped into a perpetual reactive mode.** Similarly, the support system around them will mirror this modus operandi: the wider legal team, the internal IT departments, external counsels and data-centric legal experts. In short,



all interested parties are called on duty when the house is already on fire.

Data-centric technologies to the rescue

Over the last decade, machine learning, analytics platforms and cloud computing duelled transformation strategies across industries. We as humans had to adapt, legal professionals included. New models, arrangements and tools have taken hold in the legal industry and led in-house teams to find ways to increase efficiencies and make smarter operational decisions while allocating more time to higher priority work.

Understanding where is the data, who are the custodians of the data you hold, if it's protected or dark is not an easy process. However, there

are tools to proactively organise, visualise and model structured and unstructured data to help protect or advance organisations' commercial or legal goals and help companies comply with the ever-changing regulatory landscape.

Humans can digest and understand concepts in a much more efficient way if the information is presented as an image. Technology allows us to model electronic information and translate it into infographics, helping professionals to visualise trends across different sources and ultimately empower them to make informed decisions, key to formulating strategy.

How impactful would it be to maximise the data you hold to protect the organisation, while enabling business?

Lawyers and technologists can design ways to identify, extract, store, aggregate and analyse information from vast numbers of sources. Corporations can (and should) take advantage of the efficiencies that can be found by using the data they did not know existed in their infrastructure. This empowers Legal teams to produce data-backed decisions and bolster their alignment with other business units.

GCs can maximise intelligence and talent within their team by implementing a consolidated data program management. This will amplify the impact the legal team has, leading the department to work with intentionality and contribute further to the company's success.

Finally, establishing strong relationships with external resources will help transform unforeseen obstacles and moving parts into opportunities to add value and bring an all-in mentality. Of course, there is one obstacle we did not consider in this article: having these conversations is a demand for GCs' time. Easier said than done.

New York Dinner 2022



The Loeb Boathouse Central Park

We were delighted to bring together our Global General Counsel Members and Law Firm Adviser Members at a celebratory dinner at the Loeb Boathouse, New York! The wonderful Heather Nevitt and Gina Passarella kicked off the evening with a welcome speech and Robin introduced the group to the inspiring work of the charity Lawyers Without Borders. Finally, we heard from long time GLL Member Jeremy Barton of KPMG, who interviewed the impressive Frank Gardner, BBC Security Correspondent, on the current geopolitical threats. It was so great to have everyone back in person!



London Dinner 2022



Spring Somerset House

Thank you to all of our wonderful London based members that attended our London Dinner at Somerset House. We would also like to thank Shearman & Sterling for partnering with us.

Members in attendance participated in a candid conversation, sharing how they have and continue to navigate the sanction regimes on Russia.



Meet the Team

Abigail Harris
Director of Content
Global Leaders in Law
aharris@alm.com



Elle Jeffs
Client Services Director
Global Leaders in Law
ejeffs@alm.com



Molly May Watson
Community Manager
Global Leaders in Law
mwatson@alm.com



Heather Nevitt
Editor-in-Chief
Global Leaders in Law &
Corporate Counsel
hnevitt@alm.com



Rachael Toovey
Membership Event Director
Global Leaders in Law
rtoovey@alm.com



Rhiannon Winter Van Ross
Vice President
Global Leaders in Law
rvanross@alm.com



Sarika Sandhu
Global Director
Global Leaders in Law
ssandhu@alm.com



2022 CALENDAR

THURSDAY 28 - SATURDAY 30 APRIL **GLL General Counsel Forum, International**
Villa d'Este, Lake Como

THURSDAY 12 MAY **GLL Middle East Exchange**
The Ritz Carlton, Middle East

WEDNESDAY 1- FRIDAY 3 JUNE **GLL General Counsel Forum, Americas**
Solage, Napa Valley, CA

TUESDAY 7 - FRIDAY 10 JUNE **GLL UK Mini MBA**
Somerville College, Oxford

THURSDAY 16 JUNE **London Dinner**
Auto Vivendi, London

FRIDAY 2 SEPTEMBER **GLL Africa Exchange**
Houghton Hotel, Johannesburg

THURSDAY 11 OCTOBER **GLL Women's Day Exchange**
The Ned, London

THURSDAY 13 OCTOBER **Dallas Dinner**
Rosewood Mansion on Turtle Creek

THURSDAY 20 OCTOBER **San Francisco Dinner**
Foreign Cinema

THURSDAY 24 - FRIDAY 25 NOVEMBER **GLL Exchange UK**
Cliveden House, Berkshire, UK

TUESDAY 15 - FRIDAY 17 FEBRUARY 2023 **GLL US Mini MBA**
Harvard Faculty Club, Boston

Lead Member Only

All events include accommodation except for the Mini MBAs, GLL Womens Day Exchange, GLL Forum Middle East and GLL Forum South Africa.

One lead member or team member



GLOBAL LEADERS IN LAW