

How to Communicate Preventive Law Strategy Results

Communicating the results of your preventive law activities effectively to internal stakeholder groups is a very important way to add value to the company. By helping these stakeholders understand what you have learned and accomplished, you will:

- Enable stakeholders to have a clearer understanding of situations or business processes that need to be managed more effectively so as to eliminate problems that erode the company's ability to achieve its objectives;
- Help stakeholders see patterns or trends that suggest how the company's culture or processes can be improved to deal with legal risks more effectively;
- Get feedback from stakeholders about future priorities for the law department to address;
- Help internal stakeholders to better understand the roles of in-house and outside counsel in collaborating to identify and remedy inappropriate legal risks;
- Broaden the perspectives of the stakeholder groups as to how preventive law principles should be incorporated into business processes; and,
- Demonstrate to stakeholders how the law department is using its resources to proactively reduce future litigation and expense.

In light of these benefits you can gain from effectively communicating the results, it is wise to develop an informal plan that identifies, for each stakeholder group:

- 1) **What you are going to communicate:** What information will provide them the most value for their purposes?
- 2) **To whom:** Who are the specific people with whom you should communicate?
- 3) **In what format:** What will communicate the substance most effectively? A one page memo? An email? A PowerPoint presentation in a group discussion meeting? An analytical report?
- 4) **When to communicate:** Should the communication be timed to link with the annual planning calendar or the fiscal reporting periods? Should some groups receive information monthly or quarterly?

Communications Options

Each internal stakeholder group has overlapping but somewhat different interests in your preventive law results. The table below provides an overview of the possible communication elements for each stakeholder group.

- *The scope and depth of your communications will depend greatly on how extensive your preventive law strategy is and what results are being produced.*
- If you have only a few projects underway, your communications activities will be more modest, although you'll still want to consider the interests of each stakeholder group in turn and plan your

communications according to what will be of value to each group. You'll also want to consider enlisting the aid of the corporate communications department to help you with various aspects of the planning process and implementation.

<p>Executive Officers</p>	<p>What to Communicate: A high-level summary that: describes the law department's preventive law strategy, the scope of activities, examples of project findings and steps taken to address them, identifies any trends or patterns with ideas for addressing the trends, describes the key benefits gained, and provides short table detailing the number of projects by business unit together with phrases describing improvements. Short statement identifying next year's overall plan. If appropriate: any findings that should be shared with the Board.</p> <p>To Whom: CEO, COO, CFO, and their key aides</p> <p>Format: One to two page summary with appendices: 1) table listing projects and activities; 2) short description of resources utilized</p> <p>When: End of the annual fiscal period, but before the CEO evaluates the law department's annual performance</p>
<p>Business Unit Management and Clients</p>	<p>What to Communicate: A summary similar to the one prepared for the CEO but limited in scope to the business unit. Brief description of the law department's preventive law strategy. Short descriptions of each process review project to include findings and actions taken, particularly with respect to the strengthening of internal controls. Summary description of problem trends or patterns identified through the projects and list of recommendations for management attention (if any) such as additional training.</p> <p>To Whom: Business unit management team; specific clients as appropriate</p> <p>Format:</p> <ul style="list-style-type: none"> • Short memo with appendices: 1) table listing projects and activities; 2) short description of resources utilized • PowerPoint presentation to be used in a group discussion meeting <p>When: Year-end management committee meeting or at an offsite planning retreat</p>

<p>Internal Audit and Compliance</p>	<p>What to Communicate: A description of the scope of work completed and with an analysis of any trends related to internal controls or legal risk management. Table listing each project (broken out by business unit) with brief bullets describing key findings, steps taken to address the findings, and any open action items that have not been completed by the law department or the business unit. Recommendation as to what type of legal risk problems Compliance and Internal Audit should include in their training and audit activities.</p> <p>To Whom: Head of Compliance, Head of Internal Audit, staff contacts as appropriate</p> <p>Format: Memo with appendix: 1) table listing all projects, findings, action steps and open action items</p> <p>When: Quarterly and year-end</p>
<p>Other Lawyers and Legal Assistants</p>	<p>What to Communicate: A description of the law department's preventive law strategy, summary list of projects underway or completed, anecdotes illustrating key lessons learned and the types of action steps used to improve legal risk management, anecdotes illustrating superior performance by law department staff. Examples of legal problems in business processes which the legal staff should be alert to identify. Summary of activities planned for next year.</p> <p>To Whom: All legal staff</p> <p>Format:</p> <ul style="list-style-type: none"> • Departmental newsletter or intranet layout • PowerPoint presentation to be used at practice group or departmental meetings <p>When: Twice yearly</p>

<p>Law Department Management</p>	<p>What to Communicate: Similar to the information provided to Internal Audit and Compliance. Additionally: a more detailed quantified breakout by business unit including the:</p> <ul style="list-style-type: none"> • Number of projects and their completion status • Number and names of legal staff working on the projects • Approximate number of hours involved for each project and business unit and the imputed value of this time • List of "significant" legal risks identified and steps taken to address them • Number of findings or projects grouped by legal risk categories (such as privacy, environmental, employment, etc.) <p>To Whom: General counsel and law department management team</p> <p>Format: Report with various appendices</p> <p>When: Quarterly and year-end</p>
<p>Board of Directors</p>	<p>What to Communicate: This will be determined by the CEO and the general counsel. Generally, the board will need to know about any significant legal risks, failed internal controls or code of conduct violations.</p> <p>To Whom: Audit committee members or all board members as appropriate</p> <p>Format: As appropriate</p> <p>When: As appropriate</p>
<p>Company Employees</p>	<p>What to Communicate: High-level summary of the law department's preventive law strategy and the value of prevention steps, description of some key projects that illustrate what has been done or is underway, highlights of key legal issues to be spotted by employees and what they can do to get help</p> <p>To Whom: All company employees</p> <p>Format: Company magazine, newsletter or intranet feature story</p> <p>When: Twice or three times annually</p>