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## How the pandemic and social justice matters have changed the general counsel role



By [Jaclyn Jaeger](#) | Fri, Nov 20, 2020 12:13 PM

General counsel have taken on significantly more responsibility since the start of the coronavirus pandemic and amid the current climate concerning social justice matters, solidifying their role as a critical business partner, a recent study on corporate legal departments found.

Conducted by global business advisory firm FTI Consulting, in partnership with software provider Relativity, [“The General Counsel Report 2021: Rising to Today’s Challenges and Building Resilience for the Future”](#) found most chief legal officers across a wide variety of industries are experiencing moderate to significant difficulties in navigating today’s top challenges, including widely dispersed workforces and tackling diversity, equity, and inclusion matters.

“Last year’s *General Counsel Report* revealed a marked shift in the role of the GC from the ‘office of no’ to an important contributor to business

strategy,” said Daryl Teshima, senior managing director within FTI Technology, in a press release. “The events of this year have further accelerated this shift, with organizations now looking to their in-house legal teams to guide important decisions relating to pandemic response, inclusion, employee wellness, mitigating new and unexpected risks and contributing to the overall success of the business.”

One key finding from the survey revealed most general counsel must now fulfill the critical role of chief health officer and/or managing employee well-being. Among 31 general counsel interviewed by Ari Kaplan Advisors, 84 percent said they are responsible for or are primary decision-makers in determining company policies for bringing employees back to in-person work and ensuring workplace health and safety.

As one general counsel put it in the report, “As you start to reopen your office, the GC becomes the chief medical officer making decisions about contact of employees and body temperature thresholds. Where do I balance my role as GC and the well-being of my employees? The chief medical officer or ‘chief mom officer’ is a significant change when you are asking people to self-disclose, and the parameters around sharing that information is critical.”

The pandemic has catapulted GCs to the role of strategic decision-makers as well, where they are working alongside other company executives concerning the day-to-day operation of the business “to navigate revenue and expenses and make tough decisions about furloughs and layoffs,” the report noted.

## **Diversity and inclusion**

In another sign of the times, many GCs surveyed further said they're largely at the forefront of tackling diversity, equity, and inclusion programs within their organizations, "either as internal drivers and stewards of diversity, equity and inclusion, or as dedicated stakeholders in company-wide initiatives," the report stated. This is directly on account of the heightened intensity in calls for social justice and improvements in workplace inclusion and diversity, which has driven many companies to revisit or refresh their internal practices and diversity, equity, and inclusion programs.

Specifically, some said they have some role, oversight, or priority focused on diversity, equity, and inclusion initiatives for their company and/or legal department. When asked to rank the effectiveness of the program in managing and promoting inclusion and diversity on a scale of 1 to 10 (10 being extremely effective and 1 being extremely ineffective), just 13 percent ranked it between 7 and 10, while the majority (68 percent) ranked it between 4 and 6. Sixteen percent said their diversity, equity, and inclusion initiatives were ineffective or minimally effective, ranking it between 1 and 3 (3 percent did not answer).

A greater focus on social matters is also resulting in some companies evolving their training techniques. As one respondent shared, "The company's group general counsel is driving a shift in diversity and inclusion with reverse mentoring, where the senior leaders will be mentored by junior, diverse professionals to understand the world from their perspectives."

The survey highlighted numerous ways GCs today are, and can be, leaders in both their organizations and the legal field generally, including by being willing and able to adapt to the current

environment. As one GC said in dealing with the pandemic, “We will be dealing with this for a long time, so help your team appreciate that. We have to help our teams change their thinking for our universal survival and encourage them to have faith that it will end. Don’t pin it to a date or a near-term horizon. Assure your team members that we will learn and adapt along the way.”

Other GCs talked about the importance of listening, exercising empathy, and staying connected with your team. “In the pandemic world with a distributed workforce, it is critical to make sure you are connected with your team and speak to each member a lot,” one GC said. “Connection is really important. Some people are feeling isolated and alone so it is really important to connect with your team and know how you can support them.”