

## **The Law Department of a Global Company: Challenges for a Lawyer**

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The usual question you would ask an ASERI student getting close to graduation day, is quite likely whether they would prefer working for an international organisation, or for a private business. Having prepared both my degree's and postgraduate thesis on the fight against corruption (either by the World Bank, or by the NGO Transparency International), you can certainly guess that the aforementioned dilemma was not even a doubt for me: I had quite clear in my mind what I wanted to do in life. Of course... plans do not always stick to their original version.

I currently find myself as being part of one of the most praised in-house law departments, in a truly global company, Cable & Wireless, encompassing geographies that include Russia, Japan, the Caribbean, not to mention the EU and the US. With a team of more than 50 lawyers worldwide, we are constantly committed to providing legal support to the business in one of the most dynamic and rapidly changing environments, providing Telecom and Internet Protocol solutions for business customers, often at the cutting edge of technology, hence at the cutting edge of the law.

Personally, I believe that even before applying legal concepts, or before negotiating and drafting contracts, or handling litigations, the key asset that

should be cultivated in order to perform efficiently in a global environment is the attention to diversity. The business is certainly global; the objectives and the strategies may be global as well; but, when it comes to execution and implementation, local peculiarities must not be ignored. And I am not referring to differences in habits of shaking hands; I am referring to substantial differences in conceiving the practice of business and in reflecting it into a contract; I am referring to local languages; ultimately, I am referring to cultural differences generally. A slogan I like states “Think globally; act locally” (MBA fans will recognise where such a slogan comes from). To me that is the fundamental key, even before the necessary technical skills to do one’s job.



Equally fundamental, is the ability to avoid conflicts, and when conflicts cannot be avoided, fundamental is the ability to handle them and to resolve them minimising their impact and making sure that the best interests of the company are preserved. Whether that is in human resources matters, or customer facing activities, or in reshaping the business through strategic partnerships, the importance of understanding the value of achieving a win-win solution is often what can make the difference.

Have you ever wondered why so many companies find it so hard to escape the pull of the past? Why do so many individuals keep resorting to learned behaviours, the habits and ideas that may have brought them success in the past, but which could leave them adrift in the fast-moving currents of the new economy? And have you ever imagined what could be the “magic”

that can release us all – organisations and individuals – into a world of power, creativity, connection and achievement?

I agree that it may sound an unusual question for a lawyer, but I believe this is how you'll make sure that in your work no two days will actually be the same. Working in a diverse and global environment, understanding diversity, coping with conflicts and finding the right answer to the aforementioned question, describes the challenges a business lawyer has to face.

One of the first tasks I was assigned when I joined Cable & Wireless consisted in making the point of the then current group policies and procedures for dealing with abuses of the network. In itself this meant dealing with issues such as spamming, hacking, illegal content, and so on. If you add a cross-jurisdictional approach due to the global scope of the project, you will realise that not only it means liaising with colleagues across various countries, but most of all it means trying to keep up with the latest developments of the law and the jurisprudence, in order to set up standards that potentially go above and beyond what required by the law. Without the pretension of getting a "clean" internet, the project was surely aimed not only at protecting Cable & Wireless's and its customers' assets, but ultimately at contributing to the fight against all sort of abuse that can be perpetrated online. Taking the legal requirements of the various countries as mere starting points to set our own acceptable standards, I am confident that the company's goal has been achieved. Now of course the challenge consists of never falling behind the unavoidable evolution of both regulations and abuse techniques and practices.

With the increasing opportunities to do business online and due to the

way the internet has changed how we all do business, the role and the value of information has reached levels that were simply unthinkable even a decade ago. As a consequence, in all jurisdictions, the protection granted to personal information and data has raised considerably, putting a (justified) burden on businesses which has changed the need for compliance from a mere “nice to have” element of corporate governance, to an indispensable and substantial part of every company’s compliance operating model. Employees, customers and prospects alike require nowadays an attention to privacy so that lawyers are involved on a daily basis, and frequently full time, to make sure that any personal data held by the business is then processed according to the purposes of collection, in full compliance with the law and, also in this case, according to company’s standards that go above and beyond what required by the law.

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From time to time, what could be defined as “pathologic” will put an extra challenge on the law department in that not only the department’s advice will be required without notice, but there will be the need of producing immediately applicable guidelines to enable the implementation of measures and decisions that are often extreme. Recently, in one of our European entities, an employee was found to have installed on his company’s PC various software used by hackers to fraudulently gain access into other PCs. Further evidence also showed that the employee had actually used such software and had actually entered into the Human Resources Director’s PC, that he had

access to his emails and that he had transferred information to PCs outside the company. The law department was then involved to provide guidelines in order to clarify the opposability of the evidence gathered up to that moment, the requisites to meet in order to access the employee's PC and emails and in order to obtain further evidence potentially involving more employees than the original suspect. Within a couple of hours after being involved, the law department produced a memorandum clarifying those issues, memorandum then fully endorsed by the outside lawyers involved. Immediately after, in strict liaison with the same outside lawyers, the internal Director of Security was able to fly out to the employee's location, to question him and, in accordance with local employment laws and procedures, immediate dismissal of the employee was decided. Currently, due to the gravity of the findings, we are ascertaining the appropriateness of prosecuting the employee in front of the local criminal jurisdiction.

Technology can be used inappropriately as just exemplified, but even more the use of technology can have invaluable positive benefits in increasing the efficiency and productivity of a department in a global company. With colleagues based in different countries, encompassing several time zones, the timely and easy access to information is key. That's why the development of online resources for both internal clients and department members, has allowed our geographically dispersed team to share information and resources effectively. Thanks to an internally developed and maintained legal intranet, we are able to share capabilities and capacity across geographies, to enable the legal resource to be securely applied where needed, when needed, anywhere

in the world, from any PC simply connected to the internet.

As anticipated, Cable & Wireless operates in a fast paced environment and the law department is currently fully engaged in supporting the company's efforts to reshape itself in order to gain full profitability in all countries where it operates. Redefining the business's strategy is certainly not a task of the law department, but our role is key when it comes to risk identification, assessment and management, and when it comes to define and support the finalisation of a new business structure. Such activities, so called "M&A" (Mergers and Acquisitions) - usually highly regarded by lawyers - are part of my assignments after almost a year within Cable & Wireless. Even if so far I have certainly had a diverse experience, I am far from having explored all the various aspects a lawyer can be involved with in a global company.