

CASES AND SKILLS STORY TAILING PORTFOLIO (to be continued)¹

How I was teaching people

From the start of career, I was involved in people development or compliance at every workplace.

Tax inspection conducted lectures for taxpayers. The audience reached over 100 persons - accountants, lawyers across the region.

It was the way to get experience and a small additional fee for occupation allowed for state employees.

The format mostly represented Q&A sessions about Rules of payments, penalties, procedures questions, courts practice.



The next huge project was the new Tax code implementation across the country.

Almost all rules renewed through over 1000 points. So the legal team learnt, interpreted, taught others, worked out the templates, approach and practice. From city level I was delegated to develop the districts inspections' bosses. Being a second years experienced lawyer, I've met about 5 serious, deeply experienced persons. At seems to me, I was doing well.

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Through whole time I was involved in routine processes such as compliance trainings, implementation projects, legal conferences etc. I dealt with templates and author's presentations, any formats – on-site or online conferences, video etc.

Then, living in Moscow, we met the new era of Personal Data regulation as the international Convention's been approved in Russia and the national legislation's come into force. A familiar entrepreneur asked me to take part in seminars across the country. I've asked for permission from my work and joined the new team with some slides. For a year, I provided for sessions for management from the contact centers. There were banks, cell operators, companies with technical service for clients and so on. It was interesting practice from a completely new sphere.

Based on people's reaction and polls, they were satisfied.

¹ All coincidences of pictures and cases are random



How I organized Legal service systems across the companies

As I started from well-organized state tax system, went through big companies operating under international rules, standards and management, I got and used their systems.

Based on experience, I have never been avoided to suggest, work out or implement new Rules, compliance elements or other measures.

I think, the main difference between in-house lawyer and outsourced team – is that the barristers solve the legal problem mostly through the courts, in-house teams – prevent improving processes and documents.

Big sized companies usually have compliance functions; but small one – a lawyer for everything.

However, as a routine principle, I'm for doing business under Law.

The entrepreneurship demands the high speed of decisions and activity. So the lawyers used to hear from business people, that they don't have a time to legal check.

Can't remind the case when we didn't meet the expectation of really urgent conclusion. I always stand for dealing with just market, commercial, environmental or some unpredictable risks, not others.

Following such approach, I used to start and conduct the audits, worked out, renewed Policies about contracts, pre-trial and trial processes, templates, others instructions and rules.

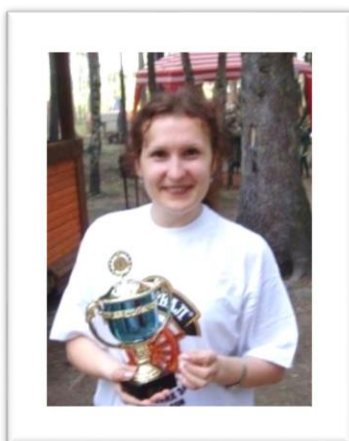
Once, Concern Calina (now Unilever) delegated me to work out and implement the Contract Policy across the headquarter and branches.

As they operated under ISO-management system, I would create using special forms. Several functions chiefs approved the Policy. I met a conflict about terms to check, so organized negotiation, pushed a little on parties through CTO to fix the problem. The policy was implemented and applied.

The core thing is to make strictly practice documents. Nobody likes long and complicated papers. Nobody usually reads them. So I try to avoid many paged, use schemes, algorithms. The atomization should be the best way to implement and applying.

The proper leanings and regular audits + feedback could help to provide for compliance.

The experience taught that the most issues with significant penalties are the matters of wrong practice, despite tons of red tape. And just a few incidents took place among controlled risks.



How I provided for labor audit

It was the time between full-time jobs. Looking for next carrier vector, I tried the new markets and occupations.

Have being before deeply involved in labor disputes and cases, I decided to get experience as an external adviser.

So I met the client – small enterprise. Discussed and approved the goals – to eliminate obvious risks of penalties, bring in order the papers.

At first, I interviewed the people – to estimate the current situation, reviled the risks. At the same time, I collected and put into the system the rules of state requirements and court practice.

Then, according to plan, I was moving from documents to processes to check, renew and change. There were some special check-lists for regular state control. So I eliminated about 10 obvious violations to provide the compliance with.

However, some dubious practices looked be the subjects for employees litigations, and I suggested changing them.

Finally, we had pretty complete survey with points to improve. Internal Rules, contracts, some document about Personal data, commercial secrets were significantly renewed.

I was a little behind the schedule, about a week. But it was discussed with the founder. The report described the main points of research, problem issues, changed documents, templates, eliminated risks, suggestion about dubious practices.

Should say, people took audit as a threat. Not everyone showed the intention to collaborate, to work out the violations, to use just professional skills to influence. Small business strictly depends on the founders' personality and experience. Not everyone takes mistakes as a challenge and a room for development.

To not being too criticizing, Russian labor Law, even has been deeply changed after Soviet period, is full of sophisticated rules, collisions, holes and contradictions. The court's positions usually different, without obvious trends. From the point of experienced lawyer, I used to deal with that through very special professional tools and measures. International Law's principles and Rules, the High courts' positions, the balance between the rights and duties of not-equal parties should be considered as well/

And it looks like tough task for HR team without legal education and experience. The penalties are not tiny. Violations and poor working conditions are the obvious reasons for problem with employees. So the regular audits or daily expert control should be used to organized the processes and prevent the issues.

It wasn't a good time for small business, so it's today. That's why I didn't continue. Experience from new sphere and new role brought me a lot about small business specifics.



How I was integrating people

Do you know the other person, who is more well-informed about everything in organization, than in-house lawyer?

We deal with people through all level of hierarchy and across the functions, get documents, information and processes. So highly developed skills of influence, collaboration with people are strictly necessary.

Coming into court scene, I couldn't say: I don't know, as they've refused me with information or documents. It has never happened.

We used to lead the internal audits, investigations, legal or company's projects, to collaborate with outsourcing specialists, to implement local Rules. And it's not enough to get information, we have to check and verify to completeness and accuracy.

There were cases, when I dealt with over 20 witnesses, 10 branches remotely, and with tough, strange, too busy, unprofessional, bias, unethical or even unfair people.

Legal function is responsible for critically important issues, but we are rarely authorized to order or restrict.

Should say, the moral power and good soft skills help to work out most of problem.

It depends on my goals, urgency and priorities, how to treat with people. But I can't remind totally fall cases. I avoid no methods, except unethical. Negotiations, explanations, mediations, writing requests, asking for help from any level, appealing to the bosses could be called progressively or in parallel. Should say, mostly situations were fixed with negotiations.

Solving problem does not eliminate the working relationship across the team.

I assume just excess of bureaucracy demands overdeveloped skills.

Corporate culture and real values are critically important for the effect of interpersonal contacts. Companies with good management and culture stimulate the cross functional collaboration to develop the processes and people.



How I dealt with technical and special information and issues

No doubt, that legal role isn't just about the procedural law. We have the experts and specialists in the litigations, but the judges are lawyers

That's why I used to be a lawyer, a translator and an interpreter from very special to legal language and over verse. The strong position, the integrity and accuracy, the relevance and admissibility of evidence are the responsibility of lawyers as well.

For instance, I provided for litigations about:

- ✓ Construction and reconstruction
- ✓ Taxes
- ✓ Licenses
- ✓ Safety regulations
- ✓ Road accidents
- ✓ Fare damage cases
- ✓ Real-estate registrations

And special issues with technical contracts, legal expertise, projects. I've never compared myself with the branches experts, but should say, some special things I have learnt in details – e.g. accountant and financial rules, technical licenses and building requirements, some standards about personal protective devises, assessment of working conditions, some production processes and technologies etc.

Should say, it helps to be good at Math, have structured, analytic, keen mind, interested in knowledge and expanding of horizon.

Mostly, the technical rules are Law, as well. That's why from time to time I met a position that «Lawyer has to know everything». It's wrong. Some specialized lawyers are the real experts in the technical fields. They precisely have several professional occupations. But it takes a lot of resources.

The legal role – to provide the efficiency in dealing with contradictions, gaps, misunderstanding and misinterpretations, prevention or elimination of obvious risks. And to see the issues not for lawyers, but for experts as well.

What kind of project I dealt with?

- ✓ Contract Management System implementation (legal team member - from discussion to new templates, dealing with working issues)
- ✓ Anti-bribery Policy implementation – leaded the process across the region
- ✓ SAP-system – was involved in as a function head across the region
- ✓ Cross-functional under legal leadership – serial changes of distributors contracts, production documents, refrigerators import, alcohol license compliance – across the region, a lot of local
- ✓ Implementation of regular management system across the group of companies – team member, leaded the legal part
- ✓ Change of business model – from distributors to direct delivery – team member for two regions
- ✓ ERP\CRM-system (Calina) – legal part – contract, processes of the legal function
- ✓ Tax code implementation – legal team member across the city
- ✓ Solo – audit projects – from negotiation, preliminary research, plan, fulfillment – to act, report, so on
- ✓ Some serial issues could be considered as projects – like from 8 to 20 Unions' issues in 6-12 months. They usually had flexible plan, cross-functional team, purpose, reports, and results.



Came to tobacco business, I have met the situation with no lawyer position in the region before they started to change the model from distributors' warehouses to direct delivery. We met the serious challenges.

As a part of team I was involved in a lot of issues with taxes, accountings, personal and litigations. We opened stores and offices across the region, negotiated with former distributors and new clients, obtained necessary papers, worked out and implemented the new Rules and procedures, fixed a problem with new CRM etc. It was time full of events, business trips, meetings and changes. It took us a half of a year to realize the project in Sverdlovsk region. Then they suggest me job relocation to North-West region to repeat the changes. There I met about 10 regional branches, so I was working with them remotely from Sankt-Petersburg office. We met the deadlines under terms and plans. That business is merged now by the distributor Megapolis.

There were two serial issues with the Unions

First one happened at production and store workplaces. Only several members were supported by regional Union. They initiated a lot of legislations, regular checking by Public prosecutor's office and Labor inspection.

We solved the majority issues to the favor of employer. Should say, there weren't too serious violations of rights. It was an international company with unions' issues in others countries. The approach wasn't aggressive but they used to discuss every step between country office and headquarter. So the serial disputes about documents, processes and procedures took our two-member team a lot of resources.

Then I met serious and strong Union with the majority of employees. However there were a lot of obvious violations of Labor law, employer supported the defensive position, preferred not to change anything but only paid fines from the budget. Predictably, there were a lot of court decisions not in favor of employer. In spite of them, nobody was punished.

It's just the logic outcome of current situation in Russia, when the officials regularly avoid the responsibility for serious falls. There should be the only path to change - people, rules, practices.

How to deal with trade unions, discrimination, and harassment cases and so on?

To prevent serious issues we should provide for negotiations, regularly feedback, trainings, internal audits, permanent improvements of workplaces, building transparent and clear payment conditions, tolerance environment etc.

The employer's task is to be proactive, flexible and people oriented. Top-management and compliance team should establish rules, show the examples, teach people, being aware about a situation on the ground. These assumed to be open, negotiable, reliable and respected, enough experienced and qualified.



How I operated in no time or lack of recourses

To eliminate some ambiguous points, I should provide for the changes of distributor's contracts across the region – over 100 for a month. And the significant part would be signed with former distributors...

It wasn't a piece of cake to explain why they should sigh. People rarely realize that every word sometimes matters. So I tried to persuade them with Sales and Logistic people. Finally, we changed mostly all contracts.

Then we were authorized to teach the sales managers how to use special measures to operate under trade law. We were out of clear presentation and good connection with the branches, and had a ton of special words and charts to explain. Needless to say, we were in no time to catch about ten extremely busy sales teams. My colleague advised me to make a video, so we did. Actually, it wasn't TED Talks level, but something alike. Then we shared video, received feedback and provided for Q&A.

Other case took place while I have been working as a legal team member at big sized production. Legislation has changed and brought us the issue if the Corporation has to immediately get a license for non-food alcohol production or not. There was obvious double interpretation. While we were discussing and waiting for official comments, local tax inspection came to stop the conveyor due to license absence.



Unfortunately, the officials had a lot of authority to change the rules without period for adaptation. I run headlong to the court, caught the judge among the proceedings and filled the claim. Production line has been saved. Then we provided for litigation and got the decision to the Corp. favor.

Interesting or challenging negotiations

As my legal practice started from the very special period – criminal nineties, Russian business childhood – there were some interesting cases.

Once we were talking with obvious criminally looking man – with great gold chain. At seems to me, he was close to swearing words for all talking, described his adventures with police and business partners. And yes, it was time of nihilism; he considered just fast money. A core case about the only railway to the warehouse was worked out through a lot of efforts.

Sometimes we met the very special new Russians – newly rich person and their relatives. They were out of manners, used to be rude, arrogant or even non-negotiated.

However, the cross-functional negotiations about serious issues, contracts are one of the most interesting and developing part of legal activity.

Business and negotiating culture is full of problem till now.

I could say, that it's always possible to reach a suitable result. If something is going wrong, I usually change the approach, way, level or point.

Plans/budgets, hiring people

Starting from the fourth year, I became the solo lawyer, responsible for the region support or across the companies, then as a function's head. That's why I used to deal with the whole cycle of the administrative procedures per year.

Grounding for the grades, headcounter, structure, plans and reports conferences were the common things. Some projects with outsourced staff and companies, core litigations demanded the cost calculations, so I did. It was mostly my task - to hire the lawyers to replace me while I was leaving for the next job or, then – for the teams, projects, outsourced service. Should say, it wasn't a piece of cake – to check the peoples' personality, competence and skills, to find out the fittest. However, there weren't any obvious wrong issues. I have never used tests, as they could say nothing about ability to search and analyze – the base skills for any lawyer. I interviewed and checked the mindset, the experience, the skills to learn, to reach the goals, level of culture and responsible attitude. Good lawyer – is always «piece goods».