

Defining Culture of Compliance for Law Firms

While developing the "Culture of Compliance" materials for the Enemy in the Camp continuing legal education course, I struggled for an accurate definition of a "Culture of Compliance." There are lots of resources surrounding a Culture of Compliance - books, videos, lectures, white papers, etc. Few attempts have been made, however, to define it. I could not find a single attempt to define a Culture of Compliance in the context of a law firm.[1. ©2017 Brandon L. Blankenship, Image Credit: Hudson, Paul, Searching, CC flickr 31AUG2013.]

To me, law firms are unique organizations in this regard as several of their collective sworn duties give safe harbor to those who intend to work against a Culture of Compliance. For example, the duty of confidentiality encourages groups within the firm to safeguard client information not just within the firm but within sub-groups in the firm. This lack of openness has shown to be fertile ground for non-compliant attorneys and staff employees (sometimes referred to a Corporate Silo). To restate, the lack of openness resulting from the desire to protect client confidence gives a hidden enemy room to act out of sight.

In his book, *The Righteous Mind: Why Good People are Divided by Politics and Religion*, social psychologist Jonathan Haidt, explains why the definition is so elusive. The "Culture" is not one thing that can be identified. It is a set of connected things or parts forming a complex whole - a system. His definition is found in his search to define morals:

Moral systems are interlocking sets of values, virtues, norms, practices, identities, institutions, technologies, and evolved psychological mechanisms that work together to suppress or regulate self-interest and make cooperative societies possible.[2. Haidt, Jonathan, *The Righteous Mind: Why Good People Are divided by Politics and Religion*, P. 224.]

When defining a Culture of Compliance in a law firm (or elsewhere), each of these things or parts that make up the system has to be developed in such a way that they work together to form the Culture. Each thing or part omitted leaves room for a hidden enemy.

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