



CLIENT STORY

CLIFFORD CHANCE

Addressing ethical dilemmas and reputation risk. A series of global workshops designed and delivered in partnership with Clifford Chance.





headspring

executive development

Headspring was formed in response to calls for more flexible, practical, relevant and timely corporate learning.

We deploy FT journalists, IE business school faculty, and a global network of educators and practitioners, to provide co-designed, customised learning programmes in multiple languages worldwide. Companies increasingly realise that to survive and prosper in a period of unprecedented global change they must be prepared to adapt, and even undergo major strategic transformation—a process that requires their executives to develop new skills, knowledge, competencies and behaviours. This means that corporate learning programmes must fully understand—and then closely align with—a company's strategic goals, its internal challenges, and the external operating environment in which it operates.

Programme Summary

Making ethical decisions isn't always black and white.

A concern facing all 3,300 Clifford Chance fee-earners around the world is insufficient time for **reflection, engagement** and **debate** on ethical risks. The international law firm is addressing this now rather than reacting to possible future ethical breaches that would damage its integrity and reputation. It also sends a message to clients on how **seriously** Clifford Chance takes ethical behaviour.

Headspring co-designed, in close collaboration with Clifford Chance, a programme that aims to bring people together and discuss how to decide what's right and find the courage to act on those decisions. From Clifford Chance internal communication: 'As stated in the Clifford Chance Responsible Business Report 2016, it is important when advising clients that our lawyers are not simply achieving an outcome but are also acting with integrity.' The programme consists of a series of 20 workshops, delivered globally, whose objectives are to:

- 1 Embed the firm's ethical standards into the day-to-day mindset and behaviour of its people;
- 2 Equip Clifford Chance lawyers with the skills to judge what is right and apply good process when making those judgement calls – especially when the pressure to say 'yes' is high and the ramifications of bad judgment calls are severe;
- 3 Empower lawyers to find the courage to act on their decisions, and to help its clients do the same;
- 4 Bring them to reflect on how quickly, in our fast-moving digital new-reporting world, a business reputation built over decades could be potentially destroyed in one day by simply using the wrong statement or ignoring 'ethical red flags'

WORKSHOP LOCATIONS AT SELECTED CLIFFORD CHANCE OFFICES



21

workshops
in total



over

400

participants
to date

Selected educators

The workshops are facilitated by Michael Skapinker and Roger Steare. In the USA, David Miller facilitates with Michael:

MICHAEL SKAPINKER

FT contributing editor and columnist



Michael writes on business and society, and received the Work Foundation Members' Award for his contribution to the understanding of working life in 2003 and was named WorkWorld Media Awards Columnist of the Year in 2008. At the Editorial Intelligence Comment Awards he was named Business Commentator of the Year (2012) and Business Ethics Commentator of the Year (2015).

PROFESSOR ROGER STEARE

Corporate Philosopher



A member of the FT | IE Headspring global educator network and visiting professor at Cass Business School, Roger develops programmes in ethics, leadership and corporate responsibility. Following the Deepwater Horizon oil spill in 2010, BP incorporated Roger's ethicability RIGHT framework for ethical decision-making into the BP 2011 Code of Conduct. Roger conducts empirical research on moral character, judgement and behaviour, and co-designed the psychometric online profile MoralDNA™, used to measure moral values in organisations.

DR DAVID MILLER

Professional Specialist in Ethics at Princeton University



Before receiving his PhD in Ethics and joining the faculty at Princeton University, David spent 16 years in senior executive positions in international business and finance organisations, including eight years in London where he covered executive roles for State Street Bank & Trust as well as for HSBC. In addition to his research, teaching and programmes, he serves as an adviser to corporate CEOs and senior executives on ethics, values-based leadership, culture and the role of faith at work.

Workshop design



PRE-WORKSHOP – MORALDNA™ online assessment which measures our thinking preferences when making moral decisions.



WELCOME MESSAGE from the Regional Managing Partner.



HAVE I GOT NEWS FOR YOU Financial Times journalist Michael Skapinker sets the day with an interactive missing-word newsround.



HARVEY WEINSTEIN DILEMMA Michael Skapinker sets the table discussions based on a true story related to the Hollywood producer and originally uncovered and reported by the Financial Times. Participants discuss and reflect on what the role of a 'just representative of the law' should have been in this case.



ETHICS 101 Professor Roger Steare, Corporate Philosopher, walks participants through the current landscape of ethical reasoning in the corporate world, drawing from global as well as Clifford Chance's results from the online test, MoralDNA™. Why do we take the decision we take, forgetting what is right?



CLIENT DILEMMA: Using the ethical framework and learnings from the previous session, teams work through a fictitious new client scenario.



FEEDBACK

1

1: Have I Got News For You

- **WHAT:** Interactive missing-word quiz that uses FT news headlines on issues that test the ethical legal judgement of the participants through recent and current moral dilemmas – including:
 - FT's own scoop that exposed the scandalous activities of the London-based Presidents' Club
 - Early FT coverage of the Harvey Weinstein dilemma
 - Ongoing business issues, including Trump, Facebook, etc.
- **OBJECTIVE:** The headline, relevant to the specific market and location where the workshop is delivered, reports the news of an ethical fail by a well-known business person or company. Through the technique of story-telling, the activity aims to show the participants how ethical risks lie in every step of the way, and the consequences of ignoring 'ethical red flags'.



2: Harvey Weinstein dilemma

- **WHAT:** Michael Skapinker sets the story of Zelda Perkins, one of Weinstein's victims in the late 1990s, who at the time was offered a settlement by Weinstein's lawyers and a non-disclosure agreement. Nineteen years later, Ms Perkins told her story to the Financial Times and divulged what happened, revealing the terms of the NDA.
- **OBJECTIVES:** Working in teams, participants discuss and reflect on what the role of a 'just representative of the law' should have been in this case:
 - What are the ethical issues here?
 - What are the reputational risks here?
 - What moral obligations does an employment lawyer have if criminal activity such as sexual assault is repeatedly alleged by employees?
 - What about bullying and harassment more generally?
 - What can we learn from the Harvey Weinstein experience?

2

3

3: Ethics 101

Every participant of the programme is invited to take the MoralDNA™ online test before the workshop begins. MoralDNA™ is a personality profile designed to help people understand their moral values, how they prefer to make good decisions and do the right thing. The word prefer is emphasised because how people make decisions and do the right thing develops throughout their lives, and this can also vary according to the circumstances we find ourselves in. It sheds light not only on how we all make decisions about the ways we behave with family and friends, but also about our workplace culture and values.

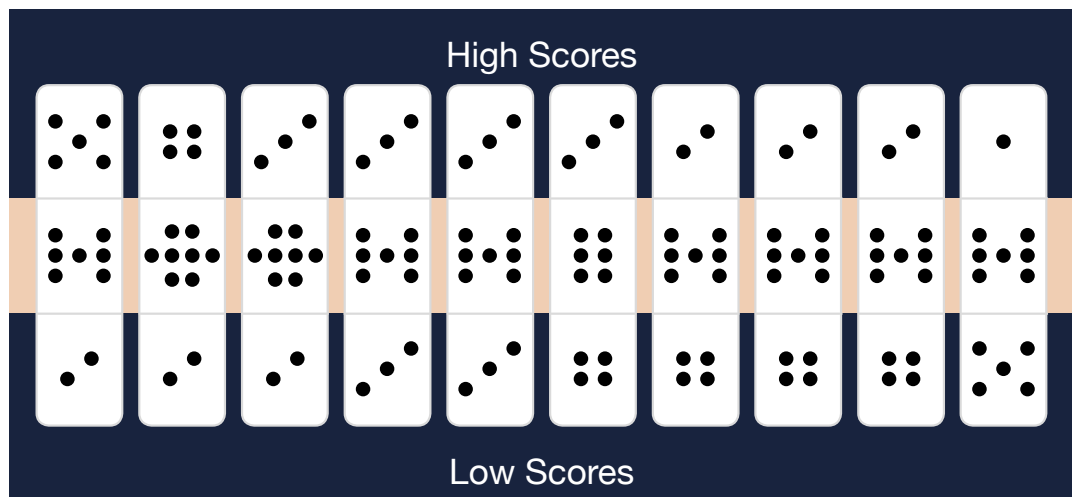
Many of the Clifford Chance programme participants prefer to take (or retake) the test after the workshop to reflect the learning process.

MoralDNA™ is GDPR-compliant and evaluation exploits an *Item Response Theory* algorithm to remove any perceived personal bias in the results.

Prof Steare talks about how 'Law, Love, and Logic' (respectively: Rules, Outcomes and Principles) influence (or fail to influence) today's global businesses. How do we deal with those principles as individuals and as professionals – and why? During his programme session he also presents the MoralDNA™ test results and discusses with the participants their positions on the chart in respect to ethics in personal life and at work, and their perceived moral values.

** The actual Clifford Chance MoralDNA™ results cannot be shared for reasons of confidentiality. However, the charts below show typical results for a professional organisation **

MORAL VALUES SCORES



Excellence Wisdom Self Control Fairness Trust Humility Honesty Hope Courage Care



Distributions of scores on the ten moral values



Each dots represents ten people in the team

4: Client Dilemma

■ **WHAT:** Groups are instructed to work on a case – involving a fictitious company seeking logging operation licences in an equally fictitious country – that stretches their attitude to solving ethical dilemmas – covering:

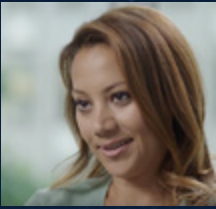
- › Spotting potential ‘red flags’ on corruption;
- › Dealing with ethical issues which may not be against the law but could potentially damage the firm’s reputation;
- › The firm’s commitment to doing business ethically (and the UN Global Compact, The Modern Slavery Act, etc);
- › The risk of bribery and corruption and the risks associated with taking responsibility for third parties;
- › Conflicts and sanctions issues;
- › Temptation to take on legal work that might not otherwise be accepted because of pressures on increasing the bottom line.

The case description they base their discussions on also provides five main notions, each relating

to a potential ethical red flag. Halfway through discussions, one final aspect is revealed which acts as a game-changer and confronts participants with the question of doing the right thing but risking losing a multi-million fee revenue client.

■ **OBJECTIVES:** After reaching team verdicts on the case, each group feeds back their ethical-based decisions. Workshop facilitator and FT journalist, Michael Skapinker, uses the headline generator to show how the words, language and sentiments they propose would look in a newspaper headline. **This proves to be a powerful tool that always receives mixed reactions of laughter, embarrassment and pride – whether the headline turns out to be a bad or a good one. Above all, it allows participants to see how a misused word or phrase can be used against the company if shared on social media that – in a moment – can destroy the firm’s reputation.**





BAHARE HEYWOOD

Chief Risk and Compliance Officer at Clifford Chance, has recorded a short video summarising her reaction to the design and delivery of the programme.

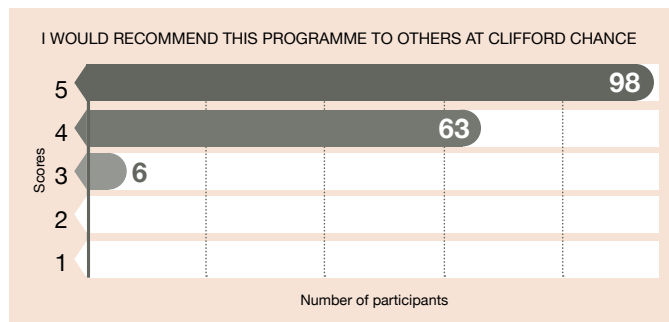
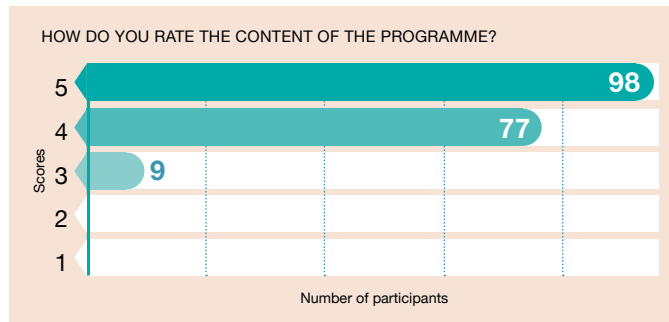
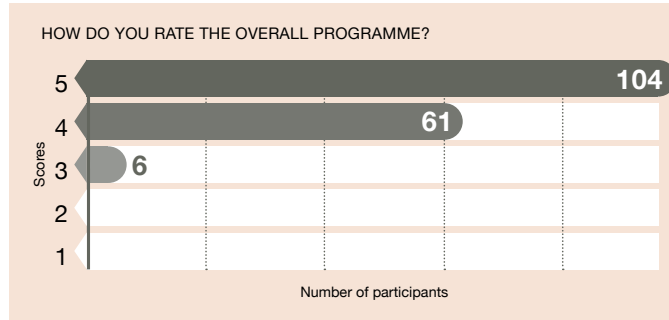
Click [here](#) to view the video online, or visit:

<http://bit.ly/CliffordChanceProgramme>

Feedback

The programme participants across the workshop locations provide instant feedback. More than 95% of participants rated the overall programme and content at 4 or 5 out of 5, and would recommend the programme to others at Clifford Chance.

Here are the consolidated responses to three key questions:



MY VIEW ON ... A NEW STYLE OF ETHICS TRAINING

*Amsterdam Managing Partner
Jeroen Ouweland*

"The firm's new workshop, created in partnership with *Financial Times | IE Business School Corporate Learning Alliance*, was very effective in helping us consider the role that ethics and values should play in the work we choose to take on. It really brought home this message by using mock newspaper headlines showing the potential public impact of the choices made by the participants. The difficulty there is that there can be significant differences in personal values. For example, if I'm very worried about climate change, to what extent does that affect my willingness to assist a polluting business that has little concern for the environment?"

For me, the key was that the course wasn't telling us what to do. Rather, it let us explore the consequences of our actions or decision through an ethical lens.

The question of whether we, as a firm, decide not to act on a certain matter is complex and not easy to answer, but I believe we should continually have this dialogue within our practice areas. We should allow all of our lawyers the space to question the work they do, if it conflicts with strongly held personal values or convictions, without it being held against them."

