

### *Take the A Train to Find Your Compliance Team*

Some organizations, such as the SCCE provide specialized training for compliance professionals. Others, such as Trace International, are beginning to offer such specialization and certification. My *This Week in FCPA* Colleague Howard Sklar wrote a great piece last year on who to call when you need some serious help for a Foreign Corrupt Practices Act (FCPA) issue, entitled “*Getting Advice*”, other than calling Ghostbusters it is the best single source for who you should call when the FCPA going gets tough.

However, as the compliance field evolves and matures, the need for more experienced compliance professionals continues to grow, there is the need to hire top notch compliance talent to do the day-to-day work of implementing, enhancing or running a compliance program. Where can you go if you want to hire some experienced compliance professionals to insert in your organization who can hit the ground running? I thought about that question when reading a book review of David Schiff’s “*The Ellington Century*” in a recent issue of the *Times Literary Supplement*. In this review, entitled “*Sentimentals*”, Stephen Brown noted that Ellington’s instrument was his band. While the Duke was very good at spotting talent, he was willing “to let it have its own voice, and more, to highlight and showcase it, and most importantly to involve it in the creative process.” When a musician came out of the Ellington Band, they had worked steadily with other great musicians and had learned from one of the greatest composers and arrangers of the past century.

How does that relate to finding some top notch compliance talent? It means there is no better place to look than people who have worked where compliance is under the microscope, usually because of a Department of Justice (DOJ) investigation or company which is under a Deferred Prosecution Agreement (DPA). In Houston one company that went through that process was BakerHughes. It’s Chief Compliance Officer (CCO), Jay Martin, is recognized as one of the leaders in our field not only here in Houston but across the country. The team Jay put together has now fanned out to become CCO’s at several other major companies here in Houston. Dan Chapman is the CCO at Parker Drilling, Brian Moffatt is the CCO at ENSCO, Rod Hardie is the CCO at Exterran and most recently Doug Walter was named as CCO at the newly formed company (albeit with a long and storied name) Phillips 66. There are probably others as well but I have worked or been on panels with each of the above folks and I can attest, they have all learned their compliance stuff and understand how to practice compliance.

Another place you can look is to law firms which have performed monitoring services. But here I would suggest that you look to the associate ranks for the lawyer who generally did the day-to-day spade work for the lead lawyer who had been appointed monitor. In my last corporate position, my company was under a Monitorship and we worked closely with the full team of lawyers in the law firm to implement, train and operate the company’s compliance program. Several of the former associates from the firm now hold prominent in-house positions and the

experience they gained in their oversight roles was no doubt very instrumental in their current level of (compliance) experience.

The talent is out there. If you wanted a very good musician for a project, last century you could turn to an alumna of Ellington's band. In the compliance arena, you can do no better than hiring someone who has been under the gun, so to speak, and worked for or with a company under significant DOJ scrutiny. So, sit back, listen to some great music by the Duke and ask around about who has gone through such an experience. If you want to populate your compliance team, it is a great way to do so.

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