

## *Leadership in the Compliance Department*

One of the dynamic tensions in any corporate Compliance, or Legal, Department is when to lead by fiat and when to lead by consensus. I was reminded about that dichotomy when reading a recent article in the New York Times (NYT) Corner Office section, entitled “*Before the Meeting Adjourns, Tell What You’ll Do Next*”. In an interview by Adam Bryant with Bill Flemming, President of Skanska USA Building Inc., said that the former is “not leadership; that’s a boss.” Flemming used a quote from Russell Ewing to capture some of his thoughts on the difference: “A boss creates fear; a leader, confidence. A boss fixes blame; a leader corrects mistakes. A boss knows all; a leader asks questions. A boss makes work drudgery; a leader makes it interesting. A boss is interested in himself or herself; a leader is interested in the group.”

Flemming believes that organizations where the boss makes all the decisions are not as strong as those where the leaders listen and works with a team or person to come up with a solution. He explained that he did not want someone to simply announce a problem to me and expect him to solve it. Flemming articulated what he desires from an employee as follows: “You tell me what the problem is, you tell me what your proposed solution is, and I’ll give you feedback. I don’t always want to give you an answer on what to do. I want you to think about what your answer’s going to be. I’ll always have an opinion about something, but I want people to form their own opinions.”

Flemming believes that this technique is more powerful because if an employee is deeply immersed in the problem or the issue, that employee probably knows a lot more about it than Flemming is going to know. While a leader can provide some insights based on experience, and perhaps give a different view, most probably the employee who brought the issue will be more intimately involved with the issue. The employee will have thought through a resolution to the potential issue as well.

All of the above is driven by an interesting maxim that he works for the people under him. Or as Flemming was quoted, “First, I work for the people below me. They don’t work for me; I work for them.” From this starting point, Flemming believes that teamwork is the key to good leadership. Business is “not an individual sport.”

Almost every lawyer I know has worked for, or perhaps with, a senior person who qualifies as a boss rather than a leader. I can certainly count a few bosses that I have worked for who were quite “dynamic” as bosses. However, I found that Flemming’s viewpoint not only helps bring consensus to any problem that you might face but also provides a personal commitment to his team and facilitates responsibility to others on the team. I think that these concepts could be very useful to the compliance practitioner whether working internally within the compliance department or with business unit personnel. If consensus can be reached on any important compliance related decision, it can certainly change the perception that a Compliance Department is “the Land of No” populated by “Dr. No.”

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