



MANAGING LEGAL RESOURCES

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- If you have any questions, or require further information on these materials, please do not hesitate to call our office at: (818) 241-0103.



WHY THIS TOPIC?



Agenda

- How to Use Lawyers
- Privilege Management
- Investigations
- Risk Management
- Tips



HOW TO USE LAWYERS



What are you trying to solve?

- Strategy
- Expertise
- Second Opinion
- Bandwidth



PRIVILEGE MANAGEMENT



The Courts

- Upjohn
- In re Grand Jury



Purpose

- Dominant/Primary purpose test
- If, as internal counsel, you are copied, but advice is not solicited, it's not privileged
- Where legal advice is sought, but relates to business concerns, privilege applies

Know Your Role

- Legal v business advice (Aetna)
- If, as internal counsel, you are copied, but advice is not solicited, it's not privileged



INVESTIGATIONS



What should you do about investigations?

- Complaints → litigation
 - Relying on investigation to defend litigation
 - Wellpoint
- VISA v First Data Corp

Hypotheticals

- CEO complaint
 - Duty to Investigate?
 - How?
 - Who?
- Complaint about a peer

RISK MANAGEMENT



Risk

- Governance
- Culture
- Appetite
- Tolerance
 - Legal's overlap and gaps with other parts of the business

Hypotheticals

- Online/mobile banking provider
- Wells/US Bank/Bank of America
- Swiss Bank



TIPS



Why Lawyers?

- Perspective
- Team



Time v. Cost Analysis

- Making the determination



Summary

- How to Use Lawyers
- Privilege Management
- Investigations
- Risk Management
- Tips



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