

CEP Magazine – January 2019 Going from shame to change

by Richard Bistrong

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Dorie Clark, in *Reinventing You* (a book that I read in prison that moved me from despondency to hope about my future), shares how “reinvention, and overcoming past perceptions, can be a daunting process.” She addresses how “dramatic and painful events can lead to true growth, and a meaningful change in how you, and others, see yourself.”^[1] I thought of Clark’s counsel when I read a recent article in *The New York Times*, “Volkswagen’s Effort to Stop Scandals Needs More Work, Report Says,” where Hiltrud D. Werner, a member of the Volkswagen AG Board of Management for Integrity and Legal Affairs, stated during a press event how “it’s not easy going from shock to shame to change.”^[2]

The journey that both Clark and Werner describe can affect individuals as well as corporations. But looking back on our enforcement feeds and reporting of corporate and/or personal misconduct, can those moments of ethical collapse be embraced by compliance and business leaders as an opportunity to spark what might be difficult and awkward conversations about what happened? In other words, can we collectively use such moments as learning and leaning-in opportunities, not just for a region or limited group, but for an entire enterprise?

I am often asked, “Richard, why not put your experience in the rearview mirror? Why do you keep reliving it?” And I’d like to share the “why,” as to widen the discussion about my own journey from “shame to change,” and what it might mean for corporate and compliance leaders whose organizations have been through an ethics and compliance failure, or who might want to use other real-world examples to strengthen their own integrity initiatives.

The start of my journey

The decision to share my story started in early 2014, when I was released from 14 months in prison for violating the Foreign Corrupt Practices Act (FCPA) and other trade laws. I was counseled during the seven years prior by the Justice Department (DOJ) not to read anything about the FCPA or compliance, so as not to prejudice my testimony as a cooperating witness. Upon my release, it was like emerging from a news blackout. It was an incredible and unforgettable experience to deep dive into what was clearly an experienced and resourced field. It was intimidating as well, and I started to ponder, “What possible value could I bring to the discourse?” I remember writing to one compliance provider who blogged about my case and asking him if he wanted to chat about what happened. I wanted to share my first-hand perspective with him, and he responded, “Thanks, but no thanks.” I still remember that comment so clearly, and while I certainly appreciated and respected his decision, I thought, “Well, if that’s the reception, better to just move on.” As Clark’s book warned me in prison, be prepared for the “daunting.”

And if you did an online search for “Richard Bistrong” circa 2014, you would have seen a very robust stream of

news about a failed government sting where I was the cooperator, with stories of drug addiction, inappropriate text messages with my FBI handlers, and a rehashing of my criminal conduct in legal/compliance blogs as well as traditional print media, including *The New York Times*, *The Wall Street Journal*, and *The Washington Post*. It wasn't a pretty story, even if it was a self-inflicted one.

And that's when I realized that by embracing that past instead of running from it, including those personal and professional crucibles, that by addressing the "good, bad, and ugly," I could deep dive into what happened, with the hopes of sparking conversations about real-world risk and real-world lessons. By being transparent and thorough, as opposed to minimizing a 20-year journey from a high-flying international sales VP to federal inmate, a world of possibilities could open up. I thought about how elements of my story might provide value to commercial and compliance teams that face similar risks — not based on a hypothetical story board, intranet message, or wall poster, but on what actually happens.

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