

CEP Magazine – April 2020 Compliance and legal: Different but aligned

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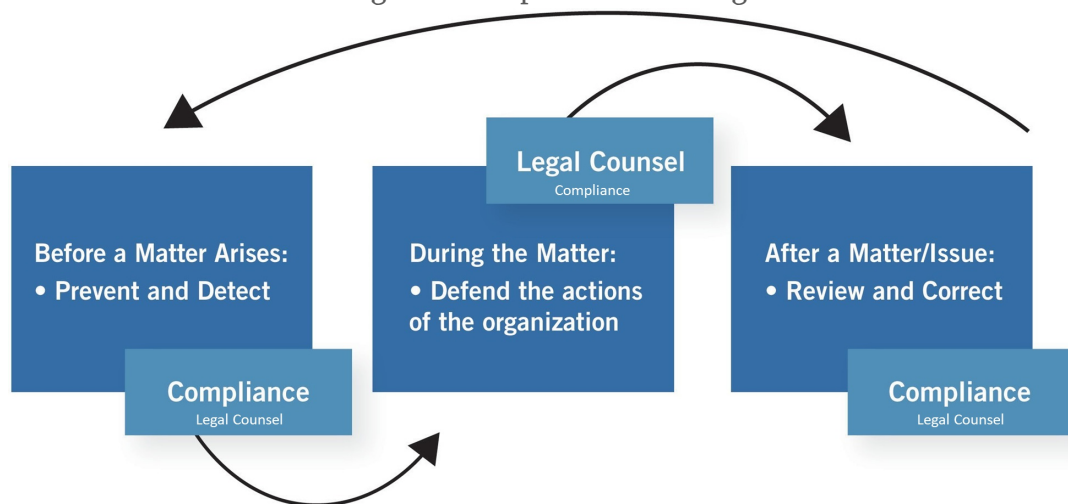
What's the difference between an organizational legal function—legal affairs, general counsel, etc.—and the compliance function? Several years ago when Deena, a compliance professional, was hired by Destinee, a general counsel, to build the first-ever compliance program in the organization's history, Deena heard this question a great deal. Even the most experienced compliance professional may still have questions, and there are several possible answers depending on who you ask. We believe it is worth sharing an answer to that question that worked for us.

The different functions

Personnel-wise, a legal function often includes attorneys, paralegals, legal assistants, etc., while the compliance function includes compliance officers, directors, analysts, and other professionals. It is understandable why these differences get confusing, because both of these groups deal with laws, statutes, regulations, and other rules. However, in our view, what distinguishes these two functions is *how* each group deals with these rules.

In a past presentation for the Society of Corporate Compliance and Ethics (SCCE),^[1] Destinee described the difference between compliance and legal using “the matter.” The matter is a legal problem, which could be criminal charges, a lawsuit, an Office for Civil Rights (OCR) complaint, or any other type of action against an organization that requires a legal defense. Figure 1 provides an overview of this difference.

Figure 1: Compliance versus legal



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