



## Reducing Liability & Legal Risk for GCs

An Analysis of Current Legal Trends &  
Practical Pointers for GC Risk Reduction



How can GCs and in-house counsel reduce liability and legal risks – for themselves and their companies? The following summary of practical pointers is based on practice insights provided by experienced in-house counsel.



- 1. What are areas of greatest personal liability for in-house attorneys?** – Areas of significant personal liability for in-house attorneys can arise from: legal work unrelated to the in-house attorney’s employment; pro bono services; and informal discussions that end up being interpreted as legal advice.



- 2. How can the in-house attorneys protect themselves?** -- For personal liability coverage, in-house attorneys may want to consider liability insurance coverage under a separate “employee lawyers” policy.



- 3. How can an in-house attorney minimize litigation exposure?** -- To minimize the likelihood of litigation, in-house attorneys can create a “litigation avoidance” culture, establishing respectful relationships with employees, vendors, customers and partners that lead to resolving disputes and differences of opinion through discussions and negotiations (rather than adversarial proceedings). Take steps to permeate this culture throughout your organization.



- 4. How has social media impacted legal risk management (aka the need to move fast)? -**  
Because of the 24-hour news cycle and growth of social media, in-house attorneys have to be ready to reply quickly to adverse information regarding their company/client. However, the right message and tone have to be communicated via the appropriate forms of traditional and social media.



- 5. What is an early step to be taken when faced with litigation?** Finding the truth early in the litigation process is critical. In-house attorneys should move quickly to discover all material facts to determine the strength/weakness of their legal position. This may involve an investment in legal and factual analysis, but is essential to understanding the risk presented.





**6. What about cybersecurity and privacy?** Of all the risks in-house attorneys face today, two of the greatest and least understood may be cybersecurity and privacy. As the law evolves in both areas, in-house attorneys must not only monitor legal developments nationally and internationally, but they must also ascertain the standard of care that must be met in each jurisdiction.





- 7. What issues arise for the in-house attorneys in maintaining attorney-client privilege in risk management?** In-house attorneys are often called upon to provide a combination of legal and business advice. Questions may arise as to when, where and to what extent the attorney-client privilege may apply. In-house attorneys should maintain a heightened level of sensitivity regarding this area, especially when confronting potential litigation.

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