

EDITORIAL

GLOBAL CORPORATIONS IN A WORLD OF LOCAL MARKET SPECIFICS

How to Create a 'Glocal' Identity of Compliance

It is our great pleasure to introduce you to the inaugural edition of Compliance Elliance Journal, also known as CEJ. This project has been a labor of love over the past year and we are excited to publish some thought-provoking works.

But before we present the pieces, we would like to introduce CEJ and share our vision. We initially began our collaboration through our academic work in developing cross-cultural educational programs. Along the way, we realized that we shared a mutual interest, research, and scholarship in the area of compliance and ethics. Correspondingly, we decided that an open-access journal would be a fitting way to expand our vision of making the global compliance dialogue more easily accessible. It is our sincere wish to create an atmosphere encouraging the exchange of ideas between business and legal practitioners, academics, and students from around the world while also creating a platform to combine practical solutions to problems facing the compliance industry with scientific findings.

Keeping our goal in mind, we developed CEJ over discussions in-person in both Germany and sunny Miami, as well as virtually. In many ways, our collaboration is indicative of the present and future of doing business: thinking global with an eye towards innovation. For this reason, we thought it was fitting to choose “Global Corporations in a World of Local Market Specifics: How to Create a ‘Glocal’ Identity of Compliance” as the theme of CEJ’s inaugural edition. The articles that follow all address similar issues of the role globality plays in today’s compliance environment.

Our first set of articles deal with managing compliance risks in a globalized market place. It begins with Peter Kurer’s piece called “Legal and Compliance Risk in a Global World: Nemesis or Catharsis?” Kurer starts with an analysis of the globalized world as a “risk society” and links the compliance debate with the public demands for a highly regulated and legally controlled market. He then offers suggestions for how business leaders should develop strategies to address this. The journal then turns to another increasingly important risk in our technologically connected world: reputation risk. In his book review, John Girardo analyzes Andrea Bonime-Blanc’s important and highly recognized *Reputation Risk Handbook: Surviving and Thriving in the Age of Hyper-Transparency*. This book is essentially about how managers and other business leaders can develop effective strategies for understanding and managing reputation risk.

Then we turn to risks that global companies face and that are at the heart of this edition's topic: glocalization. In his piece entitled "Compliance: the New International Law," Theodore Banks provides a succinct overview of various domestic and international regulations that constitute what one could call the international law of compliance. This is followed by "GSK in China: A New Dawn in the International Fight Against Corruption" by Thomas Fox who provides a summary of the GlaxoSmithKline corruption case from China and shows how compliance fails under the conditions of globalization. He also develops recommendations for how businesses can best protect themselves from encountering similar situations. "Ten Ethics-Based Questions for U.S. Companies Seeking to do Business in Cuba" by Marcia Narine surveys the ethics issues facing U.S.-based multinationals that wish to do business in Cuba now that it is opening up to U.S. business interests. In addition, she poses some thought provoking questions that businesses may encounter in the rapidly changing Cuban marketplace.

We then offer a preview of what will be the theme of our second edition appearing in winter 2016: "Ambiguous Legal Issues in Internal Investigations and Audits." Correspondingly, Folker Bittmann contributes an in-depth article called "Internal Investigations Under German Law" that deals with internal investigations and the effects of national legislation. Taking into account his vast experience as a prosecutor of white-collar crime, he demonstrates how German laws affect internal investigations of companies and how prosecutors and internal investigators work together (or not) during an investigation of alleged wrongdoing.

Finally, we close our very first edition with a piece exhibiting the importance of collaboration in compliance and in teaching tomorrow's compliance professionals how to grapple with the multifaceted problems posed by today's compliance and ethics challenges which are exceedingly complex because they are both global and local – and, as Amir Dhillon's piece on LWOW X Compliance makes clear – require a glocal solution that best comes from a collaboration across industries, disciplines, and countries.

We are very honored to be presenting these intriguing pieces in our inaugural edition. It is our sincere hope that the issues raised spark dialogue across borders and we encourage the ongoing participation of business and legal practitioners, academics, and students in this project.

With our best regards,



Michele DeStefano & Dr. Hendrik Schneider
Founders and Content Curators of CEJ

MICHELE DESTEFANO

Michele DeStefano is the founder and director of LawWithoutWalls, a Professor at the University of Miami School of Law, and a Visiting Professor at Harvard Law School. Recently recognized by the American Bar Association (ABA) as a Legal Rebel, Michele researches and writes about the growing intersections between law, business, and legal innovation. She presents regularly at law firms, corporations, law schools, and legal organizations on Innovation, Teaming, Collaboration, Compliance and Ethics, Technology and Education, and Litigation Funding. In addition to teaching courses on the Changing Legal Profession, Entrepreneurship, and Ethics at Harvard Law School and the University of Miami, she is Guest Faculty in Harvard Law School's Executive Education program. Michele received her J.D., magna cum laude, from Harvard Law School and her B.A. from Dartmouth College.

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Dr. Hendrik Schneider is the head of the department of Criminal Law, Criminal Procedure, Criminology, Juvenile Law, and Sentencing at the University of Leipzig Faculty of Law. His current practice involves serving as legal counsel on corporate- and medical-criminal cases and advising on criminal matters surrounding issues of economic transactions and forensic investigations. Additionally, he acts as a compliance consultant with particular emphasis on the healthcare industry, including risk analysis, development and implementation of internal guidelines, change management, employee training, and sustainable protection. His current research focuses on white-collar crime, corporate criminology, and compliance. He holds a PhD in law and is admitted to the German bar.