

Preface to 2026 edition

One of the most profound and thoughtful lessons one can learn and work to adopt is one made by Chip Conley, who said that integrity is the product, all taken together, of authenticity x invisibility x reliability. According to C. S. Lewis, it is doing the right thing even when no one is watching. Dee Hock, the creator of the Visa credit card, said that one should hire and promote first on the basis of integrity, second on motivation, third on capacity, fourth on understanding, fifth on knowledge, and finally on experience. Without integrity, motivation is dangerous; without motivation, capacity is impotent; without capacity, understanding is limited; without understanding, knowledge is meaningless; without knowledge, experience is blind.¹

The primary purpose and focus of this book, from its very first edition, has been for lawyers and others responsible for managing corporate information, knowledge, and expertise *to practice proactively and preventively*—to proactively prevent problems from occurring rather than having to fix them after they occur. Keeping the company and all of its employees out of trouble does not mean saying “no” all the time. It does mean, however, figuring out in advance how employees can take action and still be protected against being accused of acting illegally.

The most critical element in an effective records retention compliance program is how well either the corporate record manager or lawyers serving in this capacity provide the corporate officers and employees with trusted advice. A study that everyone responsible for performing these functions should read and study is the *Trusted Advisor*.² A brief summary of this study is found in this edition in §§ 2:1 and 14:12. This study concludes that a trusted advisor needs three basic skills: (1) earning trust; (2) giving advice effectively; and (3) building relationships.

Introduction to Part I: Fundamentals of Managing Corporate Records and the Processes for Effectively Doing it

Having a Compelling Purpose

Whatever one does in life, one needs a compelling purpose. Every corporate records manager needs a compelling purpose, which needs to be substantially more than keeping the records in order. It should

¹ Conley, *Emotional Equations: Simple Truths for Creating Happiness and Success* (2012).

² Maister, Green, and Galford, *The Trusted Advisor* (2000).

include keeping the corporate information and knowledge that will be vitally needed by the organization in the future. Reflections on this idea are contained in § 3:5.

Each person is born with a purpose and reason for living. As one wise individual once said, the purpose of life is a life of purpose. This is as true for corporate lawyers and those responsible for managing corporate information, knowledge, and expertise in corporate records as anyone else in the world.

Throughout this book, there are thousands of ways of achieving and sustaining success. Any one of them depends on the particular circumstances a company faces and all of the skills its people have. The point is that there is no single “right” way of successfully moving forward. Experimenting with new processes and techniques often identifies better ways of working, just like this book has done across the 30+ years of its publication. It will never be perfect, but hopefully it gets better and more complete with each new edition.

When one is trying to determine what one’s purpose should be by deciding on a future vocation, one should find out as much as possible from those already in that vocation. For example, if one thinks one wants to be an engineer, one should explore with as many current engineers what they like and dislike about their vocation. If they had to do it over, would they do that same thing again?

Being Persistent

You should value the quality of being persistent if your persistence is focused on something you find purposeful and meaningful, and is directed at something you are good at and you love.

For example, I am persistent about writing a significant new edition of this publication every year, and to do that I have to be persistent about doing the research needed to develop new materials for each annual edition so as to make the next edition significantly better than its predecessor.

To do that research, I read and study authors who have been recognized as the most important business thinkers of the day. To do this research, reading, and studying, I am persistent in my exercising on my exercise bicycle with a book-reading stand attached at least five—occasionally six—30-minute sessions, interspersed with equal periods of rest and writing, every day, seven days a week. I make note of important and valuable points an author makes and after each exercise session, I translate these points into my own words that I can then formulate into the next year’s edition.

Some people are persistent in their tweeting, blogging, Facebooking, or even denying that they lost the election. Some even set up a Web page, using something like Strikingly, which allows you to create a simple, beautifully designed one-page portfolio website in less time than it takes to change a light bulb. I am persistent in my writing daily because that is what makes me feel I am doing something meaningful and making some small difference in creating a publica-

tion to help companies add value to their operations.

One author² boldly proclaimed that persistence trumps passion, citing Thomas Alva Edison, who said that the reason a lot of people do not recognize opportunity is because it usually goes around wearing overalls looking like hard work. He also argued that practice and persistence matter more than simply being passionate about one's work.

Another world-renowned author³ says that in a world where virtually everyone has a screen and an Internet connection, the big divide will be “the motivational divide,” where those who have the self-motivation, grit, and persistence to take advantage of all the free or cheap online tools to create, collaborate, and keep learning over an entire lifetime will be those who achieve and succeed.

Persistence is a firm or obstinate continuance in a course of action in spite of difficulty or opposition. It is taking action rather than just sitting still. It is having tenacity, determination, and resolve to get a particular thing done and completed.

Persistence requires you to be resilient—resilient to all the temptations that take you away from your purposeful, meaningful pursuits toward reaching your goals for your work and life. And being resilient involves having affirmative and positive grit to keep you on your way toward moving in that purposeful, meaningful direction. There are two fundamental components of grit: (1) an essential work ethic and resilience, and (2) a consistence of interests—direction, knowing exactly what one wants and where one wants to go. In many fields, subject matter is not the most important predictor of success, but *determination* is.⁴

The bottom line is that if you want to find purposeful and meaningful work and out of your life, you have to be persistent and resilient.

Being Positive

Throughout this publication and in every new edition of it, I have and will be focusing on being positive in one's professional and personal life. Being positive includes learning from mistakes—one's own and those of others. And one cannot learn from mistakes without knowing and appreciating what those mistakes are and what one should do about correcting or avoiding them altogether.

Beyond learning from mistakes, the even harder thing is to understand, appreciate, take action when things are going right, and keep moving along on that track, constantly pushing forward in a productive and profitable way. This is knowing, using, and working to

² Poswolsky, *The Quarter-Life Breakthrough: Invent Your Own Path, Find Meaningful Work, and Build a Life that Matters* (2016). See a more extensive summary of this excellent book in § 27:3.

³ Friedman, *Thank You for Being Late: An Optimist's Guide to Thriving in the Age of Accelerations* (2016). See a more extensive summary of this excellent book in § 22:4.

⁴ Epstein, *Range: Why Generalists Triumph in a Specialized World* (2019). See a more extensive summary of this excellent book in § 21:1.

improve even further one's strengths, instead of trying to lessen one's weaknesses. There is just so much more to gain by doing what one's strengths permit one to accomplish. And that is a way to move one's work even closer to excellence and even perfection. Even though absolute perfection is unachievable, one can move closer in that direction by being positive, persistent, resilient, and determined.

Vision Is Not Some Empty or Hollow Concept

One's purpose in life should be visionary. Being visionary is being able to see the future before it comes into being. One's vision not only should feel exciting and compelling, but it should make one a little uncomfortable because it is bigger than where one currently is in their life. It is only when one's vision compels one to grow will it truly fulfill one's purpose in life.

Knowing what one wants to do and why—for whom and for what purpose—is the first step toward fulfilling one's vision. Unfortunately, many people never take action to make their vision a reality. Vision without action is like a mirage in the desert—nothing but a pipe dream. Action makes vision practical and real.

The concepts of having a purpose and vision may seem soft, indefinite, and difficult; they certainly are difficult but the ultimate purpose of this book is to help each reader find them for himself or herself. Each person's purpose and vision will be different from every other person's; that is why this publication addresses so many varied topics and subjects. Every reader needs to use those aspects that are in this publication to construct his or her purpose and vision to be as concrete as possible, yet most importantly as exciting and as compelling as he or she can make them.

The Critical Important of Willpower to One's Success

Roy Baumeister and John Tierney persuasively argue that the personal qualities that predict positive outcomes in life are: (1) intelligence, and (2) self-control. While a more complete summary of their research into willpower and self-control is found in § 26:6, here are some of the most critical points they make about the importance of willpower to one's success:

- Self-control is a vital strength and key to success in life.
- Willpower lets one change oneself and it is how one gives himself or herself strength to persevere.
- One loses self-control as their willpower is depleted, which is how the mental energy is fueled by the glucose in the body's bloodstream.
- Self-regulation failure is a major social pathology.
- Improving willpower is the surest way to a better life.
- Most major problems—personal and social—center on failure of self-control.

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- Self-control is the one virtue that people are least likely to recognize in themselves.
- Although raw intelligence is an advantage to success, self-regulation is even more important.
- In order to stay healthy and employed, one must treat almost every episode as a reflection of the general need to resist temptations.
- The effort to control one's emotional reactions depletes one's willpower.
- The conscious mind is subservient to the unconscious.
- Much of self-control operates unconsciously. However, conscious self-control makes the difference between success and failure in just about every aspect of life.
- Ultimately, self-control or self-regulation lets one relax because it removes stress and enables one to conserve willpower for important challenges.
- People with more confidence in their ability and their self-worth tend to be happier and more successful.
- The uses of willpower can be divided into four broad categories: (1) control of thoughts; (2) control of emotions—one cannot force oneself to be happy or alter one's mood by an act of will, but one can change what one thinks about and how one behaves; (3) control of impulses—the ability to resist temptation and one can control how one reacts; and (4) control of performance—focusing one's energy on the task at hand, finding the right combination of speed and accuracy, managing time, and persevering when one feels like quitting.
- The first step in self-control or self-regulation is to set a clear and realistic goal. Monitoring is the next step in self-control after setting a goal.
- The result of conflicting goals is unhappiness instead of action. The three main consequences of conflicting goals are: (1) one worries a lot, (2) one gets less done, and (3) one's health suffers, both physically and mentally.
- When the unconscious mind cannot finish the job on its own, it nags the conscious mind to make a plan with specifics like time, place, and opportunity.
- For contentment, it pays to look at how far one has come. To stoke motivation and ambition, one should focus on the road ahead.
- Emotion regulation does not rely on willpower. People cannot simply will themselves to be in love or to feel intense joy or to stop feeling guilty.
- Exercising self-control in one area of one's life seems to improve all others.
- High self-esteem: (1) increases initiative, probably because it lends confidence—those people are more willing to act on their beliefs, to stand up for what they believe in, to approach others, and to risk new undertakings; and (2) makes people feel good.
- People with high self-control consistently report less stress in their lives. They use their self-control not to get through crises but to avoid them.

- Self-control will be most effective if one takes basic care of one's body, starting with diet and sleep.
- Self-control is ultimately about much more than self-help. It is essential to savoring one's time on earth and sharing joy with the people one loves.
- People with stronger willpower are more altruistic and more likely to donate to charity, to do volunteer work, and to offer their own homes as shelter to someone with no place to go.
- Will power evolved because it was critical for people's ancestors to get along; it is still serving that purpose today. Inner discipline still leads to outer kindness.⁵

Lawyer Leadership: *Results-Oriented Lawyering*

In the end, leadership is all about results.

Peter Drucker

When all is said and done, more is usually said than done.

Vince Lombardi

The ideas, concepts, and principles from two recently published books can be immensely helpful to lawyers achieving the results all lawyers want to reach. Lawyers, as with most other professionals, are exceptionally results-oriented. Doctors want to cure their patients. Architects want to see the structure successfully completed. Engineers want to realize that the bridge was safely finished or the output of the newly designed circuit delivers as expected. And lawyers want our clients to see the results of their legal matter resolved in their favor, yet fairly and justly for all involved. If one thinks about it, the results that lawyers desire may be harder to realize than for some of the other professionals because of the inherent conflict lawyers face: achieving the result the client expects, while keeping that result fair and just to all parties involved. This why the ideas, concepts, and principles in these two books may be so particularly powerful for lawyers and everyone in the legal delivery profession.

The two books are *Results-Based Leadership* and *Getting It Done*,⁶ aptly descriptive titles for the messages they deliver. From *Results-Based Leadership* one can learn that:

Effective Leadership = Attributes x Results

Each term of the equation multiplies the other; they are not just cumulative. It is not enough to have mastered the attributes of leadership. Effective leaders must connect attributes to results. Having leadership attributes, they say, without achieving the desired results is like having the playbook without playing the game, a mere

⁵ Baumeister and Tierney, *Willpower: Rediscovering the Greatest Human Strength* (2011).

⁶ Ulrich, Zenger, and Smallwood, *Results-Based Leadership: How Leaders Build the Business and Improve the Bottom Line* (1999), discussed in §§ 25:6 and 27:2, and Fisher and Sharp, *Getting It Done: How to Lead When You are not in Charge* (1998), discussed in § 6:8.

academic exercise without any real-world impact.

Attributes focus on a number of different characteristics, including: (1) inner strengths, such as character, integrity, and energy; (2) things leaders know, such as technical know-how and strategic thinking; and (3) how leaders behave, such as setting a vision, flattening the organization, emphasizing teams, and empowering people. Leadership attributes include habits, traits, competencies, behaviors, style, motives, values, skills, and character.

Successful leaders:

- Set direction, involving understanding external events, focusing on the future, and turning vision into action.
- Demonstrate personal character by being a leader who followers can trust, relate to, and feel confidence in, and by being a leader who is honest, inspiring, fair-minded, and supportive.
- Mobilize individual commitment by turning vision into accomplishments by engaging others, translating future aspirations into day-to-day behaviors and actions required of each person, encouraging and channeling employees to mesh their actions with organizational goals, being dedicated to investing their minds, hearts, and souls to organizational pursuits, building collaborative relationships by sharing power and authority, and managing attention.
- Engender organizational capability by translating organizational direction into directives, vision into practice, purpose into processes, and making change happen by building an organizational infrastructure, leveraging diversity, deploying teams, and designing human resource systems.

Results-based leaders—who are direct, focused, and consistent—instill confidence and inspire trust in others. The criteria that will assist leaders focus on desired results are if the desired results are: (1) balanced—the leader does not build success in one dimension by ignoring or tolerating failure in another; (2) strategic—the results ultimately contribute to distinctiveness and competitive advantage for their organization; (3) lasting—the leaders nor the results do not sacrifice long-term success for short-term gains; and (4) selfless—the leaders work to benefit the larger whole of the organization, not just their department or group.

An example of this is a client who was seeking legal advice about employees' use of a corporate asset for what might appear as a personal purpose. The client was trying to justify the use, because when combined with the use for company business, the total costs to both the company and the employees were less than if the "personal" use were not permitted.

Working with the client, some boundaries or rules governing the use were developed so that the company achieved more productive use of the employees' time and the employees did not have to spend or waste their own time—clearly a "win-win" solution for all involved—yet it prevented the appearance of the employees enriching themselves at the expense of the company or otherwise getting an undeserved benefit.

The point of this example is the solution was results-driven, yet not to the extent of leaving the client without the greatest legal protection possible.

Achieving balance can be accomplished by:

- Achieving clarity about long- and short-term goals and desired results.
- Satisficing or recognizing that some results are more important than others and the minimum standard of achievement may be sufficient for those that are not so important.
- Connecting desired results to each other, like improving employee morale may increase the positive care they give customers.
- Linking to values instead of bouncing from goal to goal.
- Accepting change and continuously seeking new ways to improve.
- Communicating effectively about trade-offs, priorities, values, and connections.

Results-based leaders focus on the organization's capabilities of:

- 1. **LEARNING**—the ability to innovate, generate new ideas, and leverage knowledge.
- 2. **SPEED**—the ability to act with agility and to have a capacity to change, move quickly, reduce cycle time, be responsive, and act flexibly.
- 3. **BOUNDARYLESSNESS**—the ability to collaborate in teams and across organizational units, and to act as a virtual organization.
- 4. **ACCOUNTABILITY**—the ability to have discipline, to reengineer work processes, and to create employee ownership.

Becoming a results-based leader requires modifying one's behavior and improving performance by: (1) beginning with an absolute focus on results; (2) taking complete and personal responsibility for the group's results; (3) clearly and specifically communicating expectations and targets to the people in the group; (4) determining what you need to do personally to improve your results; (5) using results as the litmus test for continuing or implementing leadership practice; (6) engaging in developmental activities and opportunities that will help you produce better results; (7) knowing and using every group member's capabilities to the fullest and providing everyone with appropriate developmental opportunities; (8) experimenting and innovating in every realm under one's influence, looking constantly for new ways to improve performance; (9) measuring the right standards and increasing the rigor with which one measures them; (10) constantly taking action realizing that results will not improve without them; (11) increasing the pace or tempo of one's group; (12) seeking feedback from others in one's organization about ways one and one's group can improve outcomes; (13) ensuring that one's subordinates and colleagues perceive that one's motivation for being a leader is the achievement of positive results, not personal or political gain; and (14) modeling the methods and striving for the results one

want one's group to use and attain.

The two most pointed points that the authors of *Results-Based Leadership* make are:

- FOR RESULTS TO MATTER, THEY MUST BE MEASURED.
- THE BEST LEADERS EXHIBIT HUMILITY IN VICTORY AND COURAGE IN DEFEAT.

These may be two of the most difficult challenges for most humans to meet. The results of many efforts are difficult to measure, particularly in terms of devising measures that all would agree are meaningful, because various measures often conflict. Examples abound of managers preserving their jobs by making their current quarter's financial targets only to see their long-term prospects tank.

One particular corporation has so skimmed on the staff of its legal department that its attorneys are so overloaded that it takes them forever to deliver their legal advice. Backlogs of a year or more on solving legal questions are routine. As a result, the captive corporate clients avoid their lawyers whenever possible. This repeatedly results in the clients needlessly getting into trouble because they have understandably avoided their lawyers.

The failure in this situation is one of both the clients and the lawyers—the clients for not investing more in their legal department, and the lawyers in not being persuasive enough for the clients to appreciate what a valuable service they potentially offer. Here, the results have not been effectively measured, nor has either of the parties exhibited either humility or courage.

From *Getting It Done*, we can learn that the basic elements that are highly relevant and essential to getting things done are:

1. PURPOSE—being clear on what one is trying to do.
2. THINKING—instead of aimless and haphazard action.
3. LEARNING—by testing ideas through experimenting in the real world.
4. ENGAGEMENT—of working with enthusiasm and interest and challenging one's self to become totally involved.
5. FEEDBACK—by being willing to profit from colleague's observations and advice.

Practical ways of getting others working toward better methods of getting things done are: (1) asking questions that gets others thinking about a collaborative problem and looking for a solution; (2) offering our own thoughts, and inviting others to use them, build on them, or correct them; and (3) doing something that will serve as a model for better behavior.

There are a number of paradoxes that lawyers need to consider when working on solutions to their client's problems. First, having everyone take part in thinking improves the quality of the thinking. Lawyers often are reluctant to admit that they never know how much they do not know. Often solutions come from the most unexpected places, including from something the client might say or ask about.

I once worked with a client who had a problem I had no good ideas how to solve, nor did the client. On and off I thought about this mat-

ter for several days and not a glimmer of an idea appeared.

I visited the client and was talking about a distantly related matter when he mentioned a concept that struck such a vital chord with me that I immediately thought might be the heart of a solution to the unsolved problem. In just a matter of a minute or two I was able to fashion the complete solution in my mind and on paper, yet without the initial impetus by the client, even though it was not in the context of solving his original problem, I would have never been able to do that.

Lawyers are also often reluctant to offer anything but a total and final solution. The relationship between plans and action should be a two-way exchange in which each benefits the other. One of the best ways to improve plans is to try them out, at least in some small way. A review is more likely to be productive if it happens when data is fresh. Continuous cycles of “prepare → act → review” are usually the most productive. A balance is required between accomplishing a job as originally planned and devoting time to thinking about better ways to do it. Again, active involvement of the client may make the eventual solution significantly better than the one the lawyer devised solely on his or her own.

Lawyers, like many other professionals, need to get their clients to change their behaviors in order to improve. In the end, however, we need to appreciate that our attempt to change the behavior of others will succeed only if we leave it to them to ultimately decide to change their approach. In many respects, the fundamental counseling role that lawyers should be making a foundation of their practices has been neglected by many of us because it is not only hard, but also not as straightforward as it might seem. *Getting It Done* offers some sound advice on how feedback or counseling may be given effectively.

All should understand and appreciate that feedback comes in several different forms, each with a different purpose. Giving feedback can and should have one, but only one, purpose at a time. These purposes are: (1) to encourage the recipient to improve his or her morale; (2) to help the recipient improve his or her skills; or (3) to make personnel decisions. There are three methods of giving feedback:

- **APPRECIATION** is an expression of gratitude or approval of another’s efforts. It is an expression of emotion designed to meet an emotional need, such as to motivate a person to continue or initiate an undertaking. It is directed at the individual as a human being.
- **ADVICE or COACHING** consists of suggestions about a particular behavior that should be repeated or changed. It focuses on performance, rather than judging the person. And the best advice on when to give advice comes from the recipient. That is when the person will be the most receptive. When it is offered as suggestions to do something differently it will be most effective when cast positively and specifically. For example, “Do more of X” rather than “Do not do Y.”
- **EVALUATION** is ranking the subject’s performance in relation to that of others or against an explicit or implicit set of standards. Evaluation should be performed only when needed to

make a personal decision.

Lawyers should distinguish these feedback or counseling methods in their own work with clients and help their clients understand and appreciate the distinctions in their giving feedback to all of those they work and deal with—their employees, suppliers, distributors, investors, and even customers.

Counseling can at times be frustrating, but that is probably the most valuable service a lawyer can offer. Many people are resistant to feedback, thinking it is a sign of weakness or not being an expert. When this seems to be the case, we need to think about the practices of some of the world's most recognized experts. Professional tennis players have full-time coaches; those of us amateurs do not. It is widely expected and desired that the President of the U.S. has hundreds, if not thousands, of experts more knowledgeable than they. Far from being a sign of weakness, seeking advice shows a drive to improve and the wisdom to seek new ideas. And each of us needs to remember that since we are the only one that can change our behavior, it is up to us whether and how we will adopt the counseling.

From these two excellent studies on the ways of focusing on results and the practical ways of getting them, lawyers need to think of the kind of results he or she ultimately desires. Dave Ulrich and his colleagues point out how important is the concept of balance in evaluating results in business or any profession—a balance between the results desired by employees, investors, suppliers, and customers, or all of the business stakeholders. The necessity of balance should play a critical role in the desired results of every lawyer.

Achieving results should be more complicated for those in the legal profession than for those in a number of other professions and occupations. For lawyers achieving results—results that are measures of success—should be a balance of winning for the client being served, affording fairness and justice for all involved, and bettering society in the process. Here are some concepts and specific ideas⁷ about achieving results I learned from a lawyer with whom I worked in the past and highly respected:

- Do not practice a “scorched earth” or “winner-take-all” strategy. Try to leave something on the table for others, and that something might even be something that your client does not “lose.”
- Do not be reluctant to ask for help—from other lawyers, from others in the legal services delivery team, from clients themselves, or from other experts.
- Deal with others as you think they want to be dealt with.
- Being sure that the solution is the right, fair, and just thing to do. And that it makes “common sense.”
- Work so that the result the public sees that your client is achieving meets the “*New York Times* test” of public scrutiny, public understandability, and public acceptability.

⁷ These are detailed in Chapter 25 of Dietel, *Leading a Law Practice to Excellence* (1992).

- Insist that the solution protects your integrity and reputation, that of your client, and of all the others involved.
- Achieve positive results that advance and better society.
- Find results that are practical, will not invite further controversy, and represent long-term solutions.
- Consider solutions that at first may seem unconventional.
- Have the proposed solution reviewed by another expert asking that person for a “second opinion.”

A final example may sum up all of the above with a foundational principle. Getting the results all the parties desire also involves delivering them as valued by all involved, both the service provider and the parties to whom it is provided. At bottom, this involves **TRUST**.

Once I was working with a landscape person on a potentially major project that was to be performed in several distinct pieces. The first part of the project involved about three hours of nurseryman time and no materials or supplies. The landscape person said the work would be done very reasonably and professionally. She was correct about the latter, but the bill for the work was at least twice as much as the work was worth. Here the point is I would never again trust the landscape person to do any more of the work. While the company may have made an enormous profit margin on the first part of this entire job, they sacrificed the potential of the entire project because of this first major misstep.

Without **TRUST**, few long-term relations survive. However, with **TRUST**, the principles of Result-Oriented Lawyering offer everyone in the legal services delivery team powerful concepts which can be used to significantly improve the delivery of legal services while simultaneously making the practice significantly more satisfying and rewarding for all of those involved.

Introduction to Part II: Beyond Corporate Compliance: Leading a Corporation to Success

To simply appreciate the motivation for this new part, readers should know that instead of focusing on compliance or coercion as the other volumes in the *Corporate Compliance Series* do, this capstone Part's sole purpose is to pull corporate executives and leaders and their lawyers into the mode of being attracted to the principles that will help them lead to their success. It was developed and constructed entirely from a positive perspective.

In this publication I have included the best advice and thinking about being successful in business from many hundreds of the best business analyses that I have read and learned and personally experienced over the last 60+ years, and brought them together in a concise and straightforward way so that business leaders and their attorneys can pick and apply those that are most applicable to their particular situations and circumstances.

The heart and purpose of this Part is to help corporate executives, attorneys, corporate personnel, and those serving in these capacities

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best understand the fundamentals of the businesses of which they are a part or are otherwise serving, because it is virtually impossible to effectively provide those services without a basic understanding of the principles of the business one is attempting to serve.

This Part describes the business principles that are necessary to achieve success in business. It does not provide the business course characteristics that are covered in academic BBA or MBA programs, such as accounting, finance, economics, or marketing. What it does cover, however, are the “soft skills” such as strategy, leadership, management, and successfully dealing with people to highly engage and motivate them to deliver excellent and exceptional performance.

This Part offers proven effective solutions on which business leaders and attorneys advising them can improve, perfect, and make even better for their particular circumstances. It catalogues ideas, processes, and methods that have been shown and demonstrated to work, so that businesses can profit through their application without having to waste valuable time and resources inventing them themselves. Some of these ideas and methods are not brand-new, but have survived and withstood the test of time because they are truly valuable, really do work, and can be critically important to achieving and sustaining success.

This Part is not just filled with ideas, thoughts, methods, and processes. It is also filled with stories that have motivated business leaders to achieve and sustain the successes they have realized and that readers can also do. These stories can fire leaders’ imaginations like nothing else, and corporations and their leaders cannot be overly or excessively imaginative. The Part also exposes and connects corporate leaders and their attorneys to ideas, philosophies, and experiences that they might not have been personally experienced themselves. And it gives executives and their teams ideas that they can share with their networks so together they can improve and perfect those ideas for their own companies.

Operating a business is so much more complicated and challenging than what one learns in business school, even the most prestigious ones. One just does not learn all the details, processes, practices, and techniques that are necessary to achieve and sustain business success. One graduates from business school as a novice or entry-level employee of a business. Years of learning on the job will graduate some novices into journeymen and journeywomen, and will move them into the mid-level ranks of their companies. It is only through years of careful observation, reading, and studying about expert experiences, and thoughtfully reflecting on what makes a particular business model one wants to emulate, that a business person may mature into an expert or master on his or her own right. Real leadership and management and business skills have to be learned on one’s own. This is what this Part attempts to document and explain in a straightforward, concise, precise, succinct, and understandable language.

This Part begins with a detailed examination of leadership which is at the core of business success. An effective leader cannot be pas-

sive and just lean back and watch and wait for things to happen. He or she must be aggressive in seeking out and anticipating what must be coming. He or she must have an active network to tap into the signals to what is on the horizon.

Being an effective leader is not enough however. A person in a leadership position must inspire his or her people to better themselves, motivate them to be passionate about the business, and engage them to produce excellent work. To effectively do that, a leader must convey the philosophy that people come first in the company and for all those associated with it. The leader must set the example he or she expects followers to imitate and take fully to heart. Is the leader a take charge person with a can-do attitude? Does he or she demonstrate this to everyone and cause them to be aggressive, self-starters? An effective leader energizes followers with a singleness of purpose to act as if they are owners of the business. They anticipate problems, solve them, anticipate opportunities, and make them happen by turning them into giant successes. True leaders inspire followers to be bigger and do things they are afraid of doing. And a leader must operate the company with all the positive principles that are covered and detailed in this Part. This cannot be done blindly. It must be done selectively depending on the specific circumstances his or her company particularly faces. This is far from simple and that is likely the reason so few companies are truly successful. Attaining and sustaining success is quite hard but the best leaders will never quit trying and continually learning and improving.

True leadership is about having a purpose and feeling passionate about it. If one is wired for meaning in one's work, that demonstrates the direct correlation between meaningful work and one's motivation because without meaning, it is difficult to stay motivated. But everything—enjoyment, satisfaction, productivity, and even success—increases exponentially when there is a sense of purpose behind what one is doing. One wants one work to count for something—something that makes a difference. The best leaders know why they do what they do and how that affects how they do it.

An Effective Corporate People First Program

There is no law or regulation that mandates companies make or put their people first. What is mandated is that the most compelling research, which is detailed in this Part, shows that the most successful companies continuously work very hard putting their people first. They may not do it perfectly, but their sincere efforts have repeatedly shown that this can be the single most important factor is their achieving their success. Success comes from making one's people matter.

This Part answers the most important question that can be put to a business about establishing and sustaining its success: *How does one keep their people in "compliance" or operating in the best interests of the business?* As it has been well put by one authority: *the behavior*

*and attitude of the people define the culture of an organization. And generally, people are often the weakest link in sustaining secured business operations.*⁸

A corporate culture of putting people first starts with putting their employees first, so that their employees can feel good about putting all their other stakeholders—their bosses, customers, suppliers, and communities—first too.

Adding to the fundamental business principles that began to be listed in this publication in the 2021 edition, there are several more.

Having a Purpose

Choosing love, integrity, and compassion should be some of the qualities of one's purpose. People can draw their sense of self from righteous principles and values, and remain firmly focused on the personal legacy they intend to impart on the world.⁹

Courage

Courage is more important than talent when it comes to finishing what matters most, for courageous action can build talent, but fear keeps one stuck in the confines of yesterday.¹⁰

Creative courage is that which challenges one to step outside of one's comfort zone and truly make an impact. Set aside the same old routine and break the status quo—because one can only rise to new heights if one first smashes the ceiling. To be creative with one's courage one has to step up one's game, flex one's creativity, and make big things happen.¹¹

Discipline

If a person is disciplined, he or she will thrive more and be happier. One's innate talent, creativity, and drive combined with discipline are what makes one a force of nature.¹²

Being Meaningful

Being meaningful is one's ability to find meaning in what one is doing and in one's life in general. Living a meaningful life is being

⁸ Ajmani and Dinesh, *Achieving and Sustaining Secured Business Operations: An Executive's Guide to Planning and Management* (2017).

⁹ Huie, *Purpose: Find Your Truth and Embrace Your Calling* (2018). See a more extensive summary of this excellent book in § 27:2.

¹⁰ Gilkey, *Start Finishing: How to Go from Idea to Done* (2019). See a more extensive summary of this excellent book in § 18:31.

¹¹ Altidor, *Creative Courage: Leveraging Imagination, Collaboration, and Innovation to Create Success Beyond One's Wildest Dreams* (2017). See a more extensive summary of this excellent book in §§ 16:3 and 16:5.

¹² Gilkey, *Start Finishing: How to Go from Idea to Done* (2019). See a more extensive summary of this excellent book in § 18:31.

able to make a difference in something that matters to a majority of people. It is having a purpose that is important to other people and that produces a useful result. It is being needed because of what one is doing.

While doing enjoyable work creates pleasure, doing meaningful work creates fulfillment and there is no reason why meaningful work cannot also be enjoyable work.¹³

One of the best explorations for “meaning” is Viktor Frankl’s *Man’s Search for Meaning*, found in § 11:7.

Being Positively Authentic

Being authentic is being one’s natural self in all of one’s positive attributes. One can be authentic by customizing one’s behavior to suit one’s own personal style. Customization is one’s ability to adjust and refine the way one performs the task itself to make it more comfortable and natural for one; it is finding one’s own personal way of performing a task so it feels natural as possible to one.¹⁴

Earning trust demands that one authentically care for one another.¹⁵

Being Motivated

Being motivated is having a desire, often a burning desire, to accomplish something meaningful and purposeful. It is what keeps one moving forward in a positive direction.

Being Totally Engaged

Being totally engaged is being in the state of flow, which is the state in which one is so engaged that one totally loses track of time. For more detail about the state of flow, see § 4:12.

Creating an environment of trust, growth, and progress creates and increases engagement.¹⁶

Being Resilient

Being resilient keeps one on track and moving forward, because it helps one avoid distractions. It helps one stay focused and keep their attention on the task at hand.

¹³ Gilkey, *Start Finishing: How to Go from Idea to Done* (2019). See a more extensive summary of this excellent book in § 18:31.

¹⁴ Molinsky, *Reach: A New Strategy to Help You Step Outside Your Comfort Zone, Rise to the Challenge, and Build Confidence* (2017). See a more extensive summary of this excellent book in § 18:31.

¹⁵ Turner, *Bet on Talent: How to Create a Remarkable Culture that Wins the Hearts of Customers* (2019). See a more extensive summary of this excellent book in § 16:8.

¹⁶ Turner, *Bet on Talent: How to Create a Remarkable Culture that Wins the Hearts of Customers* (2019). See a more extensive summary of this excellent book in § 26:8.

Thinking, Venturing, and Acting Outside of One's Comfort Zone

Thinking outside one's normal box opens up ideas and thoughts that spur innovation and creativity. It encourages experimentation and trying new things so as to advance what already exists. Staying comfortable keeps one in the same routine dulls one brain and does not expand one's thinking beyond that which one is already familiar. According to Jack Canfield, success lies just outside one's comfort zone.

Trust and Integrity

To earn the trust needed to engage employees, one must be trustworthy, which means being honest and supportive, being consistent, and following through with what one said one will do.¹⁷ And when transparency is not there, trust breaks down.¹⁸

Being Human

Being human means being genuine and caring for others, no matter one's position or the job that one does.¹⁹ It means being authentic and being oneself.

Being Fulfilled

Being fulfilled and satisfied with what one is doing can be one of the biggest blessings one can earn. This begins when one knows his or her purpose and is in a position to pursue it passionately. It is the reward that many seek but few attain. However, it is an objective that everyone should have, appreciate, and seek.

Entrepreneur and soul coach Rha Goddess has written a thoughtful, game-changing, and outstanding book offering a six-step approach on how to find and follow one's true calling—one's purpose—and redefine success.

Is one willing to believe in oneself? Every single person has a calling. For most, it is the thing one has to force oneself not to do. When one tries to ignore it, one cannot stop thinking about it. It is the thing that both terrifies one and brings one the most joy. Already living one's own? Great! How does one make the most of it?

The Calling will provide readers with a road map, via three fundamental shifts, on how to stay true, get paid, and do good. The steps that will help lead you there include:

¹⁷ Turner, *Bet on Talent: How to Create a Remarkable Culture that Wins the Hearts of Customers* (2019). See a more extensive summary of this excellent book in § 26:8.

¹⁸ Spaulding, *The Heart-Led Leader: How Living and Leading from the Heart Will Change Your Organization and Your Life* (2015). See a more extensive summary of this excellent book in § 18:10.

¹⁹ Spaulding, *The Heart-Led Leader: How Living and Leading from the Heart Will Change Your Organization and Your Life* (2015). See a more extensive summary of this excellent book in § 18:10.

1. *Recognizing*—it always begins with awareness. If one cannot see it, then one cannot do anything about it.

2. *Accepting*—means embracing and taking responsibility for oneself, one's life, and the things that want or need to be changed.

3. *Forgiving*—yourself and others.

The Calling will be the resource that people have been asking Goddess to write for years, and there has never been a better time for her to share her proven method.

It is possible to live an amazing life—one in which one gets to create what one desires, and one that actually honors one's passions, celebrates one's contributions, and aligns with the things that are most important to one. One can have a life where every interaction is meaningful and where every day one is joyous, fully engaged, and totally fulfilled. Everyone, no matter what one's story is, wants to be true to himself or herself, be well compensated, and be acknowledged for how one serves others and contributes to the greater good. Simply, it is possible to live one's life on one's own terms. All of this begins with the three core commitments of: (1) staying true, (2) getting paid, and (3) doing good.²⁰

Being Positive and Optimistic

Those responsible for corporate records will get more cooperation from those creating those records if they are positive and optimistic and carefully and clearly explain to those creating those records why the records are so vitally important to the company. One should nurture a positive outlook and encourage a sense of optimism and self-confidence. Even something as simple as regularly expressing a positive outlook on life can make a significant difference.

Lawyers responsible for managing corporate information and knowledge in corporate records should, rather than just knowing one's strengths, know and emphasize one's differences. Differences matter far more than one's strengths. Being different is better than being better, because it allows one to highlight the singular traits one already has. Rather than putting all of one's energy into being "better," one should focus on ways in which one is different—how one is uniquely suited to tackle certain types of problems of managing corporate information and knowledge in corporate records.²¹

Peter Bernstein wrote *The Innovator's Lament*: The information one has is not what one wants; the information one wants is not the information one needs; the information one needs is not the information that one can obtain; and the information one can obtain costs more than one is willing to pay. The question within a company becomes can an attorney serving as the corporate record manager

²⁰ Goddess, *The Calling: 3 Fundamental Shifts to Stay True, Get Paid and Do Good: Unleash Your Purpose* (2019). See a more extensive summary of this excellent book in § 27.2.

²¹ Hogshead, *How the World Sees You: Discover Your Highest Value through the Science of Fascination* (2014).

Company Culture

One's culture is the sum total of the character of individuals in one's company. The character of one's staff determines the character of one's culture. Character counts and character defines who someone really is.²³

“People First” Principles

- **People First Principle No. 1: *One should put oneself first in order to be able to put others first thereafter.*** Simply put, one needs to be happy about oneself in order to be able to effectively put others first.
- **People First Principle No. 2: *A company's employees must be their first customers—and their most influential ones.*** Business is not worth doing if one does not enhance the lives of one's employees. Excellent customer experiences depend entirely on excellent employee experiences. If one wants to wow one's customers, one must first wow those who wow the customers. One can begin to think about precisely how to do that under the circumstances one faces by understanding and appreciating some fundamental principles of the keys to personal success in business, including: (1) being humanistic with empathy and understanding, enabling one to better comprehend people's reasoning and motivations, and to recognize and appreciate the immense complexity of human behavior; (2) being open to constant and continuous learning through curiosity, imagination, and humility; (3) being self-confident; and (4) being able to balance multiple traits and practice good judgment.
- **People First Principle No. 3: *Understanding how people think, act, and behave is critical to understanding how they perform in their business roles.*** What is being learned about human behavior in brain science and the developing field of genetics will inevitably change how companies view those who work for them and those to whom they market and sell things.
- **People First Principle No. 4: *When it comes time to make one's plans a reality, people will always be one's most valuable asset.*** In a company, little can be done over the long term without people who are passionate about what they are doing. People are often not passionate about their work when they are not put first in the eyes of their leaders. Putting people first gives them the feeling that they are meaningful and make a difference for their leaders.

²² Found in Magretta, *What Management Is: How It Works and Why It's Everyone's Business* (2002).

²³ Turner, *Bet on Talent: How to Create a Remarkable Culture that Wins the Hearts of Customers* (2019).

- **People First Principle No. 5: *One's ability to put people first begins with humility.*** The very best leaders are confidently humble.
- **People First Principle No. 6: *One cannot put people first without being confident.*** Trust indicates the level of confidence employees have in their leader.
- **People First Principle No. 7: *How does a company put people first?*** A company has a responsibility to their employees to recognize their dignity as human beings. They put individuals ahead of profit and that is how they have achieved greatness. One must take care of one's people.
- **People First Principle No. 8: *Companies also put people first by serving them.*** Leaders are called to serve others.
- **People First Principle No. 9: *Successful leaders lead with humility and respect.*** They treat their employees as those employees want to be treated and, in turn, those employees treat their customers as those customers want to be treated. Employees' hard work and positive results reserve the highest respect and celebration.
- **People First Principle No. 10: *Top executives recognize that they have little direct contact with their customers and prospective customers.*** These executives treat their employees as their ambassadors to these customers and prospects so that these customers and prospects will feel respected and appreciated.
- **People First Principle No. 11: *Leaders are humble, confident, and decisive.*** Nothing can be accomplished without the belief that it can be.
- **People First Principle No. 12: *Being careful with language.*** One cannot take everything that is said literally or that what one reads to be accurate and true. People always need to question what is said and what one reads to assure it is accurate, complete, and true.
- **People First Principle No. 13: *A corporate greed mindset.*** A corporation, as an entity, cannot itself be of this mindset, as that kind of mindset can only be formulated and sustained by people responsible for leading and managing that entity.
- **People First Principle No. 14: *The value of networking.*** People rarely achieve success solely by themselves. They get help—sometimes a considerable amount. Collaboration and cooperation are significant talents one should cultivate. Working with others can fill in a person's gaps in which he or she has weaknesses. No one is strong in every aspect that one needs to be successful. One should consciously work to cultivate a network of talented people who one is comfortable working with. Networking is about building relationships, and one of the best ways of doing that is to help one's contacts achieve their goals. Adam Grant says that "givers" are among those at the top of the success ladder, so paying it forward is how everyone can rise up.
- **People First Principle No. 15: *Being purposeful and meaningful.*** Those who put people first have a purpose and

make their efforts meaningful. They know where they want to go and communicate that clearly and concisely to all those they work with so they too know the direction the company and those associated with it are headed.

My Detailed Goals for Writing This Publication

- To have lawyers more critically appreciate the vital importance of the information, knowledge, and expertise of the clients they serve.
- To have lawyers appreciate the need to capture, organize, and preserve the tacit knowledge that resides in their client's employees that will be forever lost when the employees leave their client's employ.
- To provide a systematic process for managing client records and the information, knowledge, and expertise they contain.
- To create the realization that managing records and the information, knowledge, and expertise they contain is not just a simple mechanical and clerical process but requires all the professional skills and innovation that professional records managers can provide.
- To provide the most comprehensive source and reference for managing records and the information, knowledge, and expertise they contain.

This volume is cast from a positive perspective of "what to do" instead of "what not to do."

Expectations One Should Have from Following the Advice in This Publication

By following the advice in this publication, one should expect to gain and achieve:

- The most comprehensive and constructive corporate information, knowledge, and expertise management system possible.
- A corporate resource of information, knowledge, and expertise that few of its competitors will be able to even come close to duplicating.
- A complete and integrated corporate record management compliance program.
- Resources that will permit the company to both protect and defend its interests.
- A corporate competitive advantage that very few other companies could achieve.
- A level of professionalism that few corporate information managers will have.
- A resource for addressing and answering even the toughest information, knowledge, and expertise challenges.
- A road map for continuing and sustaining the company's expertise in managing its information, knowledge, and expertise.
- Methods to use to teach corporate personnel to understand and appreciate the critical value of its information, knowledge, and expertise.

- A corporate information and knowledge manager who will be highly valued by the company's leaders.
- References to hundreds of sources to achieve corporate operations of the highest quality possible.
- Sources of corporate excellence that exceed even the "best practices."
- Multiple ideas about how to improve and sustain a superior corporate information, knowledge, and expertise culture.
- A corporate information and knowledge manager who will be able to contribute substantially to the company's value.
- An ability to become one of the best and most successful lawyers currently practicing because of having a passionate concern about the quality of the data, information, knowledge, and expertise in his or her client's records and that should be but is not yet in those records.

Conclusion

Finally, to end this year's preface, I want to emphasize a critically important point I made in the last nine editions of this volume: *when I summarize or paraphrase a study, book, or article, I try to capture the lessons and primary ideas, but not all the supporting stories, antidotes, quotes, illustrations, activities, and experiences that authors use to support the lessons and ideas. I would encourage readers interested in that supportive material to refer to the sources from which I extracted the lessons and ideas. Throughout this publication, I have cited many experts from a variety of fields, particularly through books that they have authored. When a particular point I have cited strikes an especially useful chord, I would encourage the reader to explore the cited reference in detail. The points I cite have been important to me, but some may be even more useful to an individual reader than I might have imagined, so do not hesitate to explore those further from the cited source.*

I hope readers will feel free to make suggestions about corporate information, knowledge, and expertise that is not covered or is not covered comprehensively enough in this book to contact me at endjed@msn.com with their suggestions of that which could be added to the book's next edition.