

# The Latin American Lawyer

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N.8 · 07.15.2019

## Trailblazers

BAKER MCKENZIE MEXICO  
FIGHTS WORKPLACE  
DISCRIMINATION

## Venezuela

LEGÁ BUCKS THE TREND

## Real estate revival

LAWYERS PROFITING FROM  
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CHIEF DANIEL TRUJILLO  
DISCUSSES NEW ROLE

In its race to plant its flag in as many Latin American jurisdictions as possible, Dentons has arrived in Chile, a jurisdiction it sees as a gateway to Latin America



# ON THE MARCH





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# CHILE STAKES ITS CLAIM

# W

Which Latin American country can truly consider itself as the 'gateway' to the region for foreign investors? Brazilians would argue that, given their country has the largest economy, they deserve this title, but from the perspective of international law firms, penetrating the Brazilian legal market has proved to be notoriously difficult. Mexico is the second largest economy in the region, and it is a country where international law firms have had considerably more joy when attempting to make a mark. The list of international firms with a presence in Mexico is a long one – among those that have built up strong reputations in the country are: Baker McKenzie, DLA Piper, Garrigues, Hogan Lovells, Jones Day, and White & Case.

However, Chile's reputation as the true 'gateway' to Latin America for foreign investors is growing. This point has not been lost on Dentons, which established a presence in Santiago earlier this year. Why? The firm is well aware that Chilean businesses, and foreign companies operating in Chile, are becoming increasingly important investors in other countries in the region. Dentons also sees that many businesses view Chile as a base from which they can expand their businesses into other parts of Latin America.

Chile, in comparison to many other Latin American countries, also offers a considerably higher level of security for Latin American investors. What proved particularly attractive to Dentons was the fact that Chile's constitution protects property rights, as well as guaranteeing the right to start a business. Meanwhile, the country also has a central bank that is independent of the executive. In addition, Chile's membership of the Pacific Alliance trading bloc (which also includes Colombia, Peru and Mexico), has the effect of increasing its attractiveness to international investors and law firms alike.

A Chilean office is vital for any firm that is serious about becoming a pan-Latin American player. For example, in 2014, leading Spanish firm Uría Menéndez acquired a 30 per cent stake in Philippi, Prietocarrizosa & Uría, which in addition to offices in Colombia and Peru, also has an operation in Santiago. Now, with the arrival of Dentons the Chilean legal market is hotting up – it can't be long before other international players enter the fray. 



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BRAZIL

## TozziniFreire appoints new tax partner

Brazilian law firm TozziniFreire has recruited tax partner **Thiago Medaglia** (*pictured*) from Cascione Pulino Boulos Advogados.

Medaglia specialises in corporate restructuring, mergers and acquisitions, and distressed M&A transactions. His expertise also includes indirect taxes and customs duties, as well as taxation of the aviation, financial, technology, infrastructure and real estate industries. Prior to joining Cascione Pulino Boulos Advogados, Medaglia was a partner at Felsberg Advogados.

CHILE, COLOMBIA

## Baker McKenzie promotes two Latin American lawyers to global leadership roles

Baker McKenzie has announced the promotion of two of its most eminent Latin American lawyers to global leaders of their respective practice groups.

**Antonio Ortúzar Jr.** (*pictured*), managing partner of the firm's Chile office and head of the office's mining practice group, was named leader of the firm's global mining group.

**Claudia Benavides**, who currently heads the Latin America dispute resolution group at Baker McKenzie in Bogotá, has been named chair of the global dispute resolution group, and is the first female to lead this group at the firm.







## MEXICO

## Basham, Ringe y Correa hires Manuel Guerra Zamarro to bolster intellectual property practice

Mexican law firm Basham, Ringe y Correa has hired **Manuel Guerra Zamarro** (pictured), former director general of the National Institute of Copyright (INDAUTOR), as well as former president of the Standing Committee on Copyright and Related Rights (SCCR), to bolster its intellectual property (IP) practice.

With more than 29 years of professional experience related to intellectual property matters including copyright, entertainment law, trademark, patents, new technologies and IP litigation, Guerra Zamarro has represented the Mexican government in several international assemblies on intellectual property organised by the United Nations and the World Intellectual Property Organisation.



## CHILE

## María José Henríquez promoted to partner at Morales & Besa

Competition law specialist **María José Henríquez** (pictured) has been named partner at Chilean law firm Morales & Besa. Henríquez, who has been at the law firm since 2016 and was previously the anti-cartel head at the National Economic Prosecutor's office, will assume her new role in January 2020.

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ABOGADOS

ENERGY

## Thompson & Knight recruits three energy lawyers in Mexico City

Thompson & Knight has announced that senior counsels **Israel Hurtado Acosta** (*pictured*) and **Rodolfo Rueda Ballesteros**, as well as associate **Diana Martínez Rodríguez**, have joined its Mexico City office international energy practice group.

Hurtado Acosta specialises in advising Mexican and international companies in the development of infrastructure and energy projects. Rodolfo Rueda Ballesteros' experience spans both in-house and private practice, and he focuses on energy, natural resources, and infrastructure projects. He has served as corporate secretary to the board of directors at Iberdrola Generación in Mexico, and as an associate at Galicia Abogados and a senior attorney at Peñoles.

Diana Martínez Rodríguez focusses her practice on oil, gas, and energy matters. She previously worked as an associate at 3H México.



NEW PARTNERS

## Mexico's Ibarra, del Paso y Gallego hires new lawyers

Mexican law firm Ibarra, del Paso y Gallego has recruited tax and real estate specialist **Carlos J. Perez-Chow** as a partner.

Ibarra, del Paso y Gallego has also recruited IP specialist **Juan Manuel Álvarez del Castillo Vargas** as a partner, who has 25 years experience in IP.

The firm has also recruited employment specialist **Jaime Rodríguez Eguiarte** as a partner.

The firm has also hired finance specialist **Rodrigo de los Ríos Gordo** (*pictured*).



MEXICO CITY

## Yuriria Mascott joins Baker McKenzie as legal consultant in Mexico City

Baker McKenzie has announced the recruitment of **Yuriria Mascott** (*pictured*) as a legal consultant in the firm's Mexico City office.

Mascott, who specialises in public administration – mainly in the energy and telecommunications and transport sectors – has previously worked for Mexico's state utility CFE, the Postal Service, and the Transport and Communications Ministry (SCT).



US

## Softbank hires Patricia Menéndez-Cambo as deputy general counsel

Japanese investment group Softbank has hired **Patricia Menéndez-Cambo** (*pictured*) as Miami-based deputy general counsel. Menéndez-Cambo previously held the position of vice president at law firm Greenberg Traurig, where she was co-founder of the firm's Latin American and Iberian Practice. Menéndez-Cambo also previously worked for Telefónica.



ARGENTINA

## Auren appoints Claudio Lamela as director of compliance in Argentina

Auren has recruited **Claudio Lamela** (*pictured*) as its new director of compliance and penal law in Buenos Aires. He joins a team of more than 370 lawyers in 54 offices across the globe. Prior to joining Auren, Lamela had held the posts of manager of penal affairs at Argentina's central bank (BCRA). He also acted as a consultant to the Argentinian Justice Ministry's commission for penal code reform.



VENEZUELA

## MENPA names three new partners

Venezuelan law firm Mendoza, Palacios, Acedo, Borjas, Páez Pumar & Cia (MENPA) has named three new partners. **Luisa Lepervanche** (*pictured*) has extensive expertise in the corporate sector, specialising in issues such as corporate governance, foreign exchange controls, banking and finance, regulations and international sanctions, as well as acquisitions and foreign investment. She previously worked as legal counsel for The Coca-Cola Company's subsidiaries in Venezuela and the Caribbean. **Diego Lepervanche** specialises in corporate finance issues, with significant experience in private equity and international acquisitions. **Maria Genoveva Páez Pumar** is an expert in tax and regulatory matters, with particular emphasis on administrative and judicial procedures. She assists Venezuelan clients that receive regular income from abroad, on tax planning.

# REAL ESTATE REVIVAL

Lawyers in Latin America are profiting from a boom in real estate work, with investors looking to acquire assets due to the high yields on offer

Real estate deals – as well as finance-related property work – are on the increase in Latin America as the sector attracts more and more investment due to rising yields, particularly in the region's capitals, such as Mexico City and Santiago, as well as Brazil's major cities. In particular, the retail real estate sector is generating significant work for lawyers as it experiences substantial growth partly due to the growing purchasing power of the region's middle class.

Recent developments of note included Mexico's largest real estate investment trust (REIT), Fibra UNO, launching a \$1 billion international offering of senior notes, maturing in 2030 and 2050, which was oversubscribed 4.5 times. The REIT was advised on the issuance by law firm Holland & Knight. "This placement is proof of the quality of the issuer and confidence of investors despite difficulties in the markets for Mexican issuers," **Guillermo Uribe Lara**, the Mexico City-based partner who led the Holland & Knight team, said.

Also in Mexico, law firm Jones Day advised Banco Santander México on a 1.66-billion-peso (\$86.9 million) credit facility granted to Inmobiliaria Conjunto Polanco, a subsidiary of retail giant Grupo Gigante, for the further development of the Miyana mall, one of the largest mixed-use developments in the Mexican capital, covering 1.5 million square feet.

Meanwhile in Brazil, the local subsidiary of Portuguese commercial real estate developer Sonae Sierra completed a merger with Aliance Shopping Centers, creating the largest shopping center operator in Brazil, with a total of 40 shopping malls across the country. Sonae Sierra was advised on the merger by local law firm Pinheiro Neto.



## HOLLAND & KNIGHT ADVISES FIBRA UNO ON \$1BN NOTE ISSUANCE

Holland & Knight advised Mexican real estate investment trust Fibra UNO on its international offering of \$1 billion in senior notes.

The offering was divided into two tranches: \$400 million at a rate of 4.869 per cent, maturing in 2030; and \$600 million at a rate of 6.39 per cent, maturing in 2050.

Both were issued in accordance with Rule 144A and Regulation S under the United States Securities Act of 1933. The offering took place on June 25.

The successful offering was oversubscribed 4.5 times, exceeding the initial target amount of \$800 million.

"This placement is proof of the quality of the issuer and confidence of investors despite difficulties in the markets for Mexican issuers," **Guillermo Uribe Lara** (pictured), the Mexico City-based partner who led the Holland & Knight team, said.

Bank of America Securities, Citigroup Global Markets, HSBC Securities (USA), Actinver Securities, BBVA Securities, Goldman Sachs, JP Morgan Securities and Santander Investment Securities acted as bookrunners.

Fibra UNO has been advised by Holland & Knight on all of its financing transactions since 2011.

In addition to Uribe, the Holland & Knight team also included senior counsel **Adrian Gay Lasa** and **Eugenio Grageda** and associates **Jorge González Carlini**, **Santiago Soldevilla Gutiérrez** and **Mirna Ordaz Avilés**.

New York-based partner **Stephen Double**, senior counsel **Lara M. Rios** and associates **Julia de la Parra** and **Laura Guemes** also advised on the offering.

### Practice area

Capital markets

### The deal

Senior note issuance

### Firm

Holland & Knight

### Partners

Guillermo Uribe Lara, Stephen Double

### Value

\$1 billion

## JONES DAY ADVISES BANCO SANTANDER MÉXICO ON INMOBILIARIA CONJUNTO POLANCO LOAN

Jones Day advised Banco Santander México on a 1.65-billion-peso (\$86.9 million) credit facility granted to Inmobiliaria Conjunto Polanco – a subsidiary of retailer Grupo Gigante – for the further development of a mixed-used residential and commercial real estate development in Mexico City.

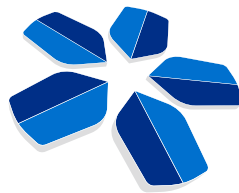
The development, Miyana, is one of the largest mixed-used developments in the Mexican capital, covering 1.5 million square feet. It opened in 2016 in the Polanco neighbourhood. Miyana includes a variety of restaurants, cinemas and grocery stores, including



Guillermo Uribe Lara







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franchises owned by Grupo Gigante. The Jones Day team advising Banco Santander was led by Mexico City-based lawyers **Alberto de la Parra, Arturo de la Parra, Eliana Gonzalez, Ricardo Gali, Irene Anton** and **Jose Paoli**.

**Practice area**

Real estate/finance

**The matter**

Loan for residential and commercial real estate development

**Firm**

Jones Day

**Partners**

Alberto de la Parra and Arturo de la Parra

**Value**

\$86.9 million



Alberto de la Parra



Fernando Zorzo

Sierra on a merger with Aliansce Shopping Centers.

The deal creates the largest shopping centre operator in Brazil, with a total of 40 shopping malls and annual revenues of up to 70 million reais (\$18.1 million).

Pinheiro Neto's team advising Sonae Sierra included partner **Fernando Zorzo**, tax partner **Flavio Veitzman**, competition partner **Cristianne Zarzur**, competition senior associate **Marcos Garrido**, senior associate **Cauê Myanaki**, tax senior associate **Diego Batista**, and associate **Gustavo Chauffaille**.

**Practice area**

M&A

**The matter**

Sonae Sierra Brazil's merger with Aliansce Shopping Centers

**Firm**

Pinheiro Neto

**Partners**

Fernando Zorzo, tax partner Flavio Veitzman, and competition partner Cristianne Zarzur

**Value**

Not disclosed

**PINHEIRO NETO ADVISES SONAE SIERRA BRAZIL ON ALIANSCE SHOPPING CENTRES MERGER**

Brazilian Law firm Pinheiro Neto advised the Brazilian arm of Portuguese commercial real estate developer Sonae

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A portrait of José Manuel Larraín, a middle-aged man with short dark hair, smiling. He is wearing a dark navy blue suit jacket, a light blue dress shirt, and a red patterned tie. His arms are crossed. The background is a plain, light-colored wall.

ON THE

MARCH





In its race to plant its flag in as many Latin American jurisdictions as possible, Dentons has arrived in Chile, a jurisdiction it sees as a gateway to Latin America

Dentons has been busy snapping up law firms across Latin America. The latest port of call was Chile, where the firm finalised the integration of Larraín Rencoret Urzúa. The newly created Dentons Larraín Rencoret will be looking to cash in on Chile's reputation as a gateway to the Latin American region given the high level of security it offers investors. In terms of the protection of property rights, freedom of association and circulation, and due process, Chile leaves many competing Latin American countries in the shade.



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Denton's combination with Larraín Rencoret Urzúa follows a slew of recent moves by the firm in Latin America and the Caribbean – Dentons has recently set up shop in Venezuela, Nicaragua, Guyana, St. Kitts and Nevis, St. Vincent and the Grenadines, as well as in Trinidad and Tobago.

“While our closest global competitor is located in only seven countries across Latin America and the Caribbean, with a presence in more than twice as many countries across the region, Dentons has a unique offering,” Dentons’ global chair **Joe Andrew** said at the time of the announcement of the firm’s combination with Larraín Rencoret Urzúa.

**I BELIEVE THAT THE 2008 FINANCIAL CRISIS, AND THE SUBPRIME CRISIS, SHOWED THE WORLD THE IMPORTANCE OF BEING PRESENT IN ALL MARKETS**

José Manuel Larraín

**DENTONS V BAKER MCKENZIE | THE BATTLE FOR LATAM DOMINATION**

One of Dentons main rivals in the battle to become the leading pan-Latin American law firm is Baker McKenzie. Dentons currently has nine offices in eight Latin American countries, while Baker McKenzie has 15 offices in seven countries.

**Dentons' offices in Latin America**



- Chile:** Santiago (1)
- Colombia:** Bogotá (2)
- Costa Rica:** Liberia (3), San José (4)
- Guatemala:** (5)
- Mexico:** Mexico City (6)
- Panama:** Panama City (7)
- Perù:** Lima (8)
- Venezuela:** Caracas (9)

**Baker McKenzie's offices in Latin America**



- Argentina:** Buenos Aires (1)
- Brazil:** Brasília (2), Porto Alegre (3), Rio de Janeiro (4), Sao Paulo (5)
- Chile:** Santiago (6)
- Colombia:** Bogotá (7)
- Mexico:** Guadalajara (8), Juárez (9), Mexico City (10), Monterrey (11), Tijuana (12)
- Perù:** Lima (13)
- Venezuela:** Caracas (14), Valencia (15)



## EVERY CORNER OF THE CONTINENT

Those moves came in the wake of a period of rapid expansion in Latin America and the Caribbean. There were mergers with Delany Law and Dinner Martin in the Caribbean and a strategic alliance launched with Brazil’s Vella Pugliese Buosi Guidoni, as well as a combination with Gallo Barrios Pickmann in Peru – these link-ups followed the earlier launch of Dentons Muñoz in Central America, Dentons López Velarde in Mexico and Dentons Cárdenas & Cárdenas in Colombia.

Dentons global CEO **Elliott Portnoy** said earlier this year that the integration of Larraín Rencoret Urzúa was part of the firm’s plan to build a “leading pan-Latin American and Caribbean firm” that will enable the firm to follow the clients Larraín Rencoret Urzúa currently serves to

“every corner of the continent and beyond”. The integration of the Chilean firm strengthens Dentons projects and infrastructure, banking and finance and M&A practices. In addition, Larraín Rencoret Urzúa is particularly strong in mining and natural resources, and energy and projects, and provides “robust synergies” with Dentons’ existing practices in these areas, according to the firm. And it seems this will not be the last Latin American merger for the global behemoth. Portnoy has emphasised that the firms’ strategy is to target combinations with the “most elite high-quality firms” in the region.

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**CHILE, AS PART OF LATIN AMERICA, IS PART OF A GREAT MARKET, AND IN THAT SENSE IS AN ATTRACTIVE GATEWAY DUE TO ITS SECURITY AND STABILITY.”**

José Manuel Larraín

Chile is attracting investors from all around the world, according to **José Manuel Larraín**, managing partner of Dentons Larraín Rencoret. “I believe that the 2008 financial crisis, and the subprime crisis, showed the world the importance of being present in all markets,” he argues. “Latin America is a market of opportunities, and Chile clearly plays an important role.”

### ‘TRUE PARTNERS’

Chilean businesses, and foreign companies operating in Chile, have become important investors in other countries in the region, and in this context the presence of Dentons in Chile responds to foreign companies’ need to establish themselves in Chile

## DENTONS IN CHILE | THE LOWDOWN

Partners 10

Associates 21

### Office managing partner

## José Manuel Larraín



José Manuel Larraín has been a partner at Dentons Larraín Rencoret for 16 years. Prior to that he was an associate at Carey y Cia. Earlier in his career he was an associate at Boodle Hatfield. He studied at the Universidad Diego Portales in Santiago and the University of Dundee in Scotland.



and other areas of Latin America, according to Larraín. He adds that this is to “give their global businesses viability, or to allow them to grow from Chile into other regions.”

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## OUR AMBITION IS TO BUILD A LEADING PAN-LATIN AMERICAN AND CARIBBEAN FIRM

Elliott Portnoy

However, opening a law firm office in Chile is not easy. Indeed, there are multiple challenges involved, according to Larraín. “The first is to grow and strengthen Dentons’ presence in Chile, and to grow while maintaining the same professional level and the good atmosphere that we are proud of,” he explains. “While the second challenge is to capture the interest of companies active in Chile so that they see us as true partners, and not just in local issues but also in their international interests.”

## EMPOWERED MIDDLE CLASS

However, Larraín says that Chile stands apart from other Latin American markets in the sense that its institutions offer more security and stability than those in some other countries in the region. “These are two important assets that companies value,” he says. “Chile’s constitution protects fundamental rights, such as property, the right to start a business, as well as freedom of association and circulation, due process, as well as a central bank that is independent of the executive, a political system

of checks and balances, a modern savings and pension system, and an educated, empowered middle class that is demanding of the governing class.”

Larraín adds: “At a time in history when institutions are being strongly questioned, Chile is a country in the region in which there are no restrictions for starting a business – Chile, as part of Latin America, is part of a great market, and in that sense is an attractive gateway due to its security and stability.”

## LEAGUE OF ITS OWN?

Dentons in Chile will be targeting a range of industry sectors including infrastructure, banking and finance, natural resources, environmental law, capital markets, labour and immigration, taxes, intellectual property, IT, and insurance. Larraín says that, while Dentons is certain to face competition from other firms in Chile, it will be difficult for them to match the firm’s high standards. “With Dentons we have a combination that makes us partners of each partner in each region, and we face the big challenges together, while conserving the particular characteristics of each region,” he explains. “Dentons is very attractive as a law firm but also very demanding, both due to the incorporation of the highest standards of service and for the high level of commitment of its partners worldwide.”

Larraín is confident that Dentons will be able to offer a level of service that competitors will struggle to match. He says: “It would be difficult for other firms to be as successful in Chile under the same standard and model as Dentons, and I don’t see a lot of space for more global law firms.” ■

# Forty40

UNDER

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# JURY



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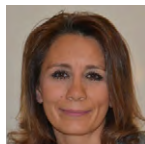
**Inés Núñez de la Parte**  
Company Secretary & General Counsel,  
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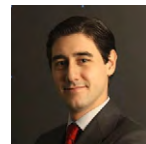
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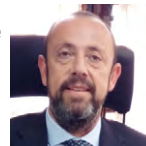
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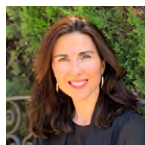
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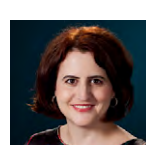
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# BUCKING THE TREND

At a time when many major law firms in Venezuela are reducing headcount due to the country's economic plight, Leğa is seeking to expand in order to capitalise on opportunities in the oil and gas, banking and finance, and technology sectors



LUIS EDUARDO LÓPEZ DURÁN

In a country where leading law firms are having to downsize due to widespread economic turmoil, leading Venezuelan firm Leğa is bucking the trend. While other major players in the Venezuelan legal market are reducing their headcount, Leğa is banking on growth and, in line with these expectations, the firm recently announced a merger with the smaller local firm Imery Urdaneta. As a result, Leğa brought on board Imery Urdaneta's entire team across its offices in Caracas, Valencia and Barquisimeto.

However, the move does not reflect growth in the country's legal sector in general, according to Leğa senior partner **Luis Eduardo López-Durán**. In fact, he says, Venezuela's legal market is shrinking. That said, López-Durán is confident that, as far as his own firm is concerned, there are significant opportunities for growth, particularly in the oil and gas, banking and finance, IT, real estate, life sciences and food sectors, which are all areas

where the firm has traditionally excelled. However, López-Durán also envisages growth in sectors that are more unfamiliar to the firm, such as sports, aeronautics and tourism.

López-Durán also anticipates an increase in arbitration and compliance-related work, while there is also expected to be considerable investment in Venezuela's infrastructure, which will be a major driver of economic growth in the country. He adds that sales of distressed assets, in addition to investors looking to start businesses in Venezuela will also drive growth at Leğa.

## RETURN TO 'NORMALITY'?

"Our experience has always allowed us to see both sides of the coin in economic cycles," says López-Durán. "There are always opportunities in the aforementioned sectors because Venezuela is an oil-producing and importing country, but with a strong

innovation streak and much resilience among those that have remained to continue working in the country.” However, López-Durán does not expect to see foreign investment in the short term. But he adds: “We don’t rule it out in the medium term, irrespective of the political spectrum.”

López-Durán says the oil and gas sector will have a fundamental role to play in Venezuela’s reconstruction and economic revitalisation. He adds that this is why the oil and gas production regions of Maracaibo, Maturín, Puerto Ordaz and Puerto La Cruz, will offer significant business and growth opportunities. And while foreign companies await a return to ‘normality’, in the sense of being able to freely invest in businesses, complete M&A deals, agree partnerships with state-owned firms and enjoy investment protection, companies in Venezuela have a different outlook, López-Durán says. “It’s difficult to understand the concept of ‘a return to normality’ after 20 years of a singular political regime,” he explains. “We believe that there are aspects of the political and economic system that will still be present in the next 12-18 months, but we also see a ‘return to normality’ in projects and services that will be reactivated.”

“

WE DON’T EXPECT TO SEE FOREIGN INVESTMENT IN THE SHORT TERM, BUT WE DON’T RULE IT OUT IN THE MEDIUM TERM.

”

### BAD NEWS

López-Durán says he has seen a “cautious optimism” among investors, as well as a desire to visit Venezuela and see “what is happening in situ”. This is despite the jitters caused by events

“

PEOPLE DON’T WANT TO GET CARRIED AWAY BY THE BAD NEWS, BUT RATHER GET PULLED IN BY THE OPPORTUNITIES THAT ARE HIDING IN A COUNTRY THAT NEEDS TO BE REBUILT AND WHICH HAS MANY RESOURCES TO FUEL THAT RECONSTRUCTION.”

”

in the country, for example international airlines have cancelled flights to Venezuela in recent months. “People don’t want to get carried away by the bad news, but rather get pulled in by the opportunities that are hiding in a country that needs to be rebuilt and which has many resources to fuel that reconstruction,” López-Durán says. “The Venezuelan diaspora is beginning to revisit projects with the confidence of someone with a firm base abroad.”

Leğa’s status as one of Venezuela’s largest law firms is not necessarily a result of its expansion, but rather because other firms are downsizing, according to López-Durán. “Leğa became the largest firm in Venezuela two years ago because the two global firms that led the ranking significantly

### LEĞA: FACT FILE

- 10** Senior partners
- 6** Partners
- 11** Junior partners
- 12** Lawyers
- 8** Consultants

»»



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## LEGA CO-MANAGING PARTNERS

**LUÍS EDUARDO  
LÓPEZ-DURÁN**

Joined the firm in 1994, became a partner in 1999. His area of expertise is corporate and regulatory work, with a particular focus on international trade, investments and foreign exchange. Prior to joining the firm, he was a lawyer at Haynes and Boone and Hoet Pelaez Castillo & Duque.

**CARLOS  
DOMÍNGUEZ HERNÁNDEZ**

Joined the firm as an associate in 1996 and became a partner in 2006. He specialises in civil litigation and alternative dispute resolution – his areas of expertise include corporate disputes, intellectual property cases, debt collection, bankruptcy and product liability.

reduced their lawyer numbers,” he explains. “Our vision over the last five years has been one of constant growth, seeking to consolidate the Venezuelan legal market to be a better partner and ally of our clients.” López-Durán continues: “We respect our competitors and celebrate their successes, but our vision is very different because we haven’t sought a way of survival, but to be a factor for change in the country by supporting our clients.”

“

OUR VISION OVER THE LAST FIVE YEARS HAS BEEN ONE OF CONSTANT GROWTH, SEEKING TO CONSOLIDATE THE VENEZUELAN LEGAL MARKET TO BE A BETTER PARTNER AND ALLY OF OUR CLIENTS.

”

Legã’s integration of Imery Urdaneta was an idea dating back some time, and in the time since it was originally mooted, there has been an increase



CARLOS DOMÍNGUEZ HERNÁNDEZ

in interest in the Venezuelan market among international firms, which could potentially jeopardise the future success of the merger. In February, law firm Holland & Knight announced it was launching a Venezuela focus group, with a team of 20 lawyers dedicated to exploring opportunities in the county and assisting potential investors. “We are beginning to get expressions of interest from many clients for a return to what was once a thriving market,” the Miami-based co-chair of the Holland & Knight team, José Sirven, told *The Latin American Lawyer* at the time. However, such moves do not worry López-Durán. He says: “Having already planned our fusion we are well prepared to face up to the opposition.” ■



# JOB PROSPECTS

Mexico's new employment reform aims to end the 'tyrannical practices' of trade unions, but is it good news for the country's labour lawyers?

Mexican employment lawyers face an uncertain future. The country's landmark labour reform, which was enacted in April, brings Mexico's labour laws more in line with those of the US, and also grants workers the freedom of union affiliation, while prohibiting companies' intervention in unions' activities. It is set to have a significant impact on law firms' labour practices with some lawyers anticipating that, as a result, there will be a decline

in labour-related disputes and therefore less work for firms. However, there is some reason for optimism among lawyers as it is expected there could be more work related to the negotiation of collective contracts.

The approval of the reform – which also provides guidelines for secret ballots to elect union leaders, while creating an autonomous, federal labour conciliation and registration agency and independent labour





RODOLFO TRAMPE

## THE REFORM WILL REDUCE THE AMOUNT OF LITIGATION AND ALLOW FOR THE PARTIES INVOLVED TO MORE EASILY REACH A SETTLEMENT

Rodolfo Trampe

courts – by Mexico’s bicameral legislature was seen as a prerequisite for the US senate’s ratification of the USMCA, the US-Mexico-Canada free trade agreement which replaces the 1994 North American Free Trade Agreement (NAFTA). US Speaker of the House Nancy Pelosi had said prior to the reform’s approval by Mexico’s senate that the USMCA would not be ratified by the US congress until Mexico implemented the reform. Following the reform’s approval, the USMCA was ratified by Mexico’s senate on June 19, just hours ahead of its passage through the US senate, which took place the same day.

## EMPLOYMENT CASES SET TO FALL

The new legislation is expected to put an end to what are seen as tyrannical practices by unions and obligatory membership, which has in the past made them a powerful force, though they have not always been seen as operating in workers’ best interests. The new legislation will also prevent foreign companies from dictating labour laws, giving trade unions more say in contract negotiation. It is the first major reform to laws under the government of President Andrés Manuel López Obrador, who took office last December and who described the reform as “a huge advance for Mexico’s workers”. The reform also grants employees the right to engage in collective bargaining to draw up work contracts, and introduces regulations to prohibit workplace discrimination.

However, to what extent employment lawyers will benefit from the reform is unclear. The new legislation is expected to reduce the number of labour cases law firms are asked to deal with, although their workload could also increase with the negotiation of collective contracts, according to **Rodolfo Trampe**, partner

at Van Wobeser y Sierra in Mexico City. “The arbitration centre will carry out the pre-judicial stage at a federal level, and the reform also includes the creation of local-level conciliation centres, designed to prevent cases reaching the federal labour court, and which, from our point of view, will reduce the amount of litigation and allow for the parties involved to more easily reach a settlement,” Trampe says.

## LENGTH OF TRIALS REDUCED

**Jaime Rodríguez Eguiarte**, partner at Ibarra Del Paso y Gallego in Mexico City, agrees that the bureaucratic process for labour conflicts will be speeded up, as obligatory conciliation will reduce the number of conflicts that reach the courts. “We expect there to be fewer labour trials due



JAIME RODRÍGUEZ EGUIARTE

WE EXPECT THERE TO BE FEWER LABOUR TRIALS DUE TO THE OBLIGATORY CONCILIATION BEFORE A LAWSUIT IS FILED

Jaime Rodríguez Eguiarte

# \$1.223 billion

Mexico’s GDP in 2018



# LA FIRMA MEXICANA LÍDER EN SERVICIOS LEGALES POR MÁS DE 100 AÑOS

- Cd. de México
- Querétaro
- Monterrey
- León

1912  
**BASHAM**  
ABOGADOS

to the obligatory conciliation before a lawsuit is filed, and in the cases where a suit is filed, the courts will reach a verdict much more quickly than through the existing local arbitration processes,” he explains. “By transferring labour tribunals to the executive power, they will have a bigger budget and be more professional, and that will have a direct impact on the length of trials.”



KARLA JIMÉNEZ

According to **Karla Jiménez**, an associate at Cuesta Campos y Asociados in Mexico City, the country’s labour laws have “traditionally been pro-worker, and the new labour law is also very protective of the employee”. However, she bemoaned the fact that the reform refers to specialised and non-specialised employment, but does not clearly define ‘specialised’ jobs. She adds: “All jobs require specialisation, albeit of varying levels and skills.”

One of the positive aspects of the reform, according to **Óscar de la Vega Gómez**, managing partner at De la Vega & Martínez Rojas in Mexico City, is that it makes collective decisions by trade

# 3.5%

**Mexico’s unemployment rate – defined as the number of people actively looking for a job as a percentage of the labour force**

*source: tradingeconomics.com*

unions more democratic by requiring that a decision to go out on strike or make revisions to a collective contract must be supported by 30 per cent of a company’s workforce. He continues: “The reform also prohibits exclusion by guaranteeing job security for workers who decide not to join or remain part of a trade union, and also guarantees that an employee’s contribution to a trade union can only be in accordance with their written agreement.”



ÓSCAR DE LA VEGA GÓMEZ

**THE REFORM ALSO PROHIBITS EXCLUSION BY GUARANTEEING JOB SECURITY FOR WORKERS WHO DECIDE NOT TO JOIN OR REMAIN PART OF A TRADE UNION**

Óscar de la Vega Gómez

He also points out that, in addition to complying with Washington’s demand that ratification of the USMCA depended on the reform, the legislation also complies with other international commitments Mexico has entered into, such as with the International Labour Organisation and the Trans-Pacific Partnership.

## DECLINE IN LEGAL WORK

But another impact of the reform is that employment disputes-related work for lawyers is expected to decline. Trampe says that there may be a reduction in the number of “labour cases, due to the obligatory use of the conciliation agency”. He also says it is vital that the agency is made up of duly trained officials. Trampe adds that there is a need to “foster a new culture of labour rights among lawyers, in which negotiations take place based on objective criteria”. However, on a positive note for lawyers, Trampe says lawyers’ workload related to the reforms to collective contracts is likely to increase, as is work for trade unions, companies and the authorities. ■





## INNOVATION: A LAWYERS GUIDE

Lawyers are widely seen as untrustworthy, lacking in empathy and unable to provide easily understandable advice, what innovations can they adopt to improve their image?

Lawyers need to be more innovative in order to distinguish themselves in an increasingly competitive market. But what does 'being innovative' actually mean in practice? One of school of thought is that innovation begins with a change of mindset. In practical terms this means that lawyers need to fundamentally change the way they operate, though this can obviously be a difficult and often painful process. In an attempt to analyse this issue, a group of lawyers from Europe and Latin America came together at the recent Legalcommunity Week event in Milan to develop a series of practical steps lawyers could take to be more innovative. One important step involves

in-house lawyers tailoring the information they provide to meet the requirements of the intended audience. "You need to use the language of the recipient you are addressing," said **Sandra Mori**, data privacy officer at Coca-Cola Europe. "You should not be ashamed of using language that managers will understand, even if it [the opinion you give] takes the form of a cartoon, for example." The key to adopting the appropriate language when communicating with other members of the business is making the effort to understand such colleagues, said Mori. "Adopting the right language involves saying 'tell me how different you are and I'll learn to speak how you speak'." As a consequence,



it is vitally important that lawyers develop skills that supplement the legal training they have. For example, social and communication skills are becoming increasingly important for lawyers. "You [lawyers] are always free to be yourself," said Mori. "Now the profession is focusing on

those who did something else in addition to a law degree – we want to hire people, not just lawyers.”

## UNDER ATTACK

**Luis F. Lozano Olivares**, senior legal director at Toyota Mexico, said innovation was especially important for lawyers in industries that are “being attacked by non-traditional competitors”. He added that it was important for lawyers to be more concise when they provided legal opinions, ideally including all the information on “one page”. Meanwhile, Lozano Olivares also said that political correctness was creating an obstacle to effective communication. “We’re in a world where euphemisms are proliferating, this makes communication difficult, and makes it difficult to communicate ideas directly.” Lozano Olivares added: “I encourage young lawyers to really participate in the business, we send lawyers to work on the production line to understand the business. Event participants also heard that in-house lawyers would be prepared for the challenges they face in their roles if they did business degrees and ensure that they are “effective in their communication internally”. Why is it so important for the legal sector to be more innovative? **Carlo Gagliardi**, managing partner of Deloitte Legal in Italy said that innovation was necessary because law firms faced a number of significant challenges, including the wider availability of legal information, and an increasingly mature legal market, in which there



are fewer barriers to entry. He added that lawyers also faced the problema of being widely mistrusted. “Lawyers empathy is very low – clients want quick solutions not 20 page opinions,” Gagliardi said.

## CHANGE YOUR MINDSET

**Sibilla Ricciardi**, CEO and co-founder of in2law, said clients want to find lawyers that

understand their business. She added that lawyers “need to understand clients’ goals, this will give them a competitive advantage”. Ricciardi also said that it was important that legal opinions summed up the key findings in the opening paragraph. **Alexandre Marcotte**, group legal director at Commercial AkzoNobel, said lawyers needed to change their mindset. He added that lawyers should not write “a long



## HOW LAWYERS CAN BE MORE INNOVATIVE

1. **Adapt your language to your audience** - Make legal opinions easily understandable and write them in plain language
2. **Develop other skills** – Get other qualifications, such as business degrees or degrees in communication, for example
3. **Be concise** – Try and sum up the key points of your legal opinion on one page
4. **Get to know the business you are providing advice to** – in-house lawyers should take every opportunity to work alongside colleagues in the business if possible
5. **Be more empathetic** – Make more of an effort to get to know colleagues and what makes them tick. 📞







ALEXANDRE MARCOTTE

memo that no one understands, instead just write an executive summary and say if you want to know more get back to me, also use plain English, not jargon, the way you communicate is important.” Marcotte also said that authenticity is important. “You build trust if you give a little of yourself, go for drinks or dinner, however in some cultures private life is private, some people don’t want to share so you can build trust by not asking,” he explained.

**Jacques Moscianese**, executive director and group head of institutional affairs at Intesa Sanpaolo, said law firms need to change the way they approach clients. He added: “There can’t be 20 pages of legal opinion with no solution, if I Google something, I can have the answer in three minutes –



JACQUES MOSCIANESE



lawyers also need to have a full understanding of the business they are going to work for because products are getting more and more complex.” Providing concise legal opinions that sum up the key



JOANA ROUCAYROL

points in an easily digestible format are crucial. **Joana Roucayrol**, senior legal manager at Value Retail, said: “Insert all the steps on one page, though this is a very tricky exercise for lawyers as they like to impress with jargón,” she says. Roucayrol added that it was also important for lawyers to develop empathy. “You’re working with a person not a set of skills, having empathy means you can make win-win relationships, not power relationships, it’s about knowing people, knowing what they like and dislike – communication degrees will become more important for lawyers.”

# MAISTO E ASSOCIATI

## ITALY FOSTERS INBOUND TRANSFERS OF FOOTBALL STARS

Very recently Italy introduced attractive tax measures aimed at fostering professional sports. In particular, Law Decree No. 30 of 30 April 2019 (the "Decree"), converted by Law 28 June 2019, n. 58, has amended the already existing rules for inbound workers, introducing an ad hoc regime for professional sportspersons transferring the tax residence to Italy as from 2020 onwards.

Under such regime income of sportspersons benefit of a 50% exemption for purposes of personal income tax (and local surcharges). The tax benefit has a minimum duration of five tax periods (the year of transfer of tax residence and the subsequent four years) and, subject to certain conditions, could be extended up to a maximum of ten tax periods. The new regime is particularly attractive to football players who may benefit of the tax exemption with regard to the Club remuneration (which is qualified as employment income), including payments received for the use of the image rights of the player.

The application of the regime is subject to certain conditions which rely on the tax residence of the beneficiary. In Italy, similarly to several other jurisdictions, the tax residence of individuals relies on the 183-day threshold in the calendar year. In brief, the criteria for tax residence are, alternatively, a) the enrolment in the official register of the Italian resident population; b) the taxpayer's centre of personal and economic interest on the Italian territory (domicile); c) the taxpayer's habitual abode on the Italian territory (residence). If any of the criteria outlined above is fulfilled for the most part of the calendar year, the individual shall be considered Italian tax resident for the entire tax period (unlike the UK, for example, Italy does not apply the split-year rule)

This stated, in order to claim the benefits of the regime, the following three cumulative conditions must be satisfied:

- the player must take up the Italian tax residence

as from the fiscal year ("FY") 2020. This condition should be satisfied by players transferred to Italian clubs in August 2019 who shall become Italian tax resident in the fiscal year 2020 (subject to a careful review of the personal facts and circumstances).

Accordingly, income paid in the FY 2020 shall benefit of the tax reduction, whereas income paid in the FY 2019 shall be subject to ordinary income tax;

- the player must not qualify as Italian tax resident in the previous two FYs prior to that of acquisition of the Italian tax residence. For players transferred to Italian clubs in August 2019, who qualify as Italian tax resident as from the FY 2020, the condition at stake must be satisfied for the FYs 2018 and 2019. In case the player returns to Italy, the condition would be satisfied if the latter left Italy in August 2017 (summer transfer window) or in January 2018 (winter transfer window), as in both cases the 183-day threshold would not be met for the FY 2018. In all these cases, however, the residence status must be tested against a careful review of the personal facts and circumstances);
- the player must remain Italian tax resident for at least two FYs. Such requirement should be met to the extent the player remains in Italy up and until the entire sport season 2020/2021. Indeed, if the player leaves Italy in August 2021, he would still qualify as Italian tax resident in the FY 2021 being the 183-day threshold not met (again the conclusion must be tested against a careful review of the personal facts and circumstances).

The player could request to the Club the direct application of the tax exemption; in such case, the Club would apply the withholding taxes on half of the income paid to the player. Prior termination of the regime, e.g. because the player leaves Italy after one year, triggers the claw-back of the personal income tax as well as the application of administrative penalties which, depending on the case, could apply to the Club (in its capacity as withholding agent) or to the player had he declared a lower taxable income.

It is expected that the regime shall foster in the upcoming years the transfer to Italy of international football stars and other famous sportspersons.

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Toyota Mexico's general counsel Luis F. Lozano Olivares wants external lawyers to continuously work at becoming more efficient and he gets frustrated when they lie about their expertise

# EFFICIENCY DRIVE



LUIS F. LOZANO OLIVARES



The legal team at Toyota Mexico is a big believer in the value of using external legal advisers. The company's philosophy involves outsourcing pretty much all of its legal work. This is, of course, good news for law firms – however, Toyota demands that all the external lawyers it uses continually innovate to ensure the services they provide are as efficient as possible. It's a strategy that seems to be working, with the Toyota Mexico legal department widely considered to be one of the most sophisticated in-house legal teams in the country. The team works with 12 external law firms. Toyota Mexico's legal government and industry affairs senior director and general counsel and compliance Luis F. Lozano Olivares says that it is vital that the members of the in-house team have

an in-depth understanding of the business – in order to facilitate such an understanding, members of the team are sent to the company's factories to discover how the manufacturing processes work. He also expects his team to work to improve their communication skills so they can have better relationships with the other parts of the company. *Iberian Lawyer* spoke to Lozano Olivares, who was formerly an associate at Baker McKenzie, to find out what the company wants from its external legal advisers, how the legal department has changed since he first joined Toyota, and what his biggest frustrations are when dealing with legal advisers.

**What do you expect from the external law firms you use?**

Toyota's legal team is focused on serving the business, which is where innovation is needed. We expect the law firms that provide us with a service to ensure they keep modernising and making their service more efficient.

**How are you using technology to improve your legal team?**

In North America we are systematising processes and modernising the systems to make the service more efficient. Toyota also uses technology for product innovation in order to better meet the needs of our customers worldwide.

**What are the potential uses of artificial intelligence for in-house legal teams?**

So far, I do not see many opportunities internally, except for review and document analysis, as well as for research into legal precedents. I think artificial intelligence offers the biggest opportunities for law firms.

**What was the legal team like when you joined Toyota? How has it changed?**

There was no legal department at Toyota Mexico. I was rendering my legal services to Toyota from an external firm. However, 15 years ago I founded the legal team and structured the practice.

**How big is your legal team?**

Now we have four people, but we have a dozen law firms working for us. Toyota has very light structures and relies heavily on strategic partners, including law firms.

**How is the legal team structured?**

The legal team is assigned projects and the nature

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LUIS F. LOZANO OLIVARES

of the project determines which law firms will be involved. In some cases we involve our office in the US or offices in other parts of the world if we think we can benefit from the experience. We have regional and global meetings periodically to discuss issues in each jurisdiction and thus benefit from the experience of teams in other parts of the world.



WE GET FRUSTRATED WHEN LAW FIRMS LIE ABOUT THEIR EXPERIENCE OR AREA OF SPECIALISM – SOME FIRMS THAT OFFER SERVICES IN SEVERAL PRACTICE AREAS ARE GUILTY OF THIS



WE DO NOT BELIEVE IN 'ONE-STOP-SHOPPING', WE SELECT THE FIRMS DEPENDING ON THE PROJECT AND THE FIRM'S EXPERTISE



**What areas of legal work do you do internally?**

Contracts, generally speaking. All types of litigation and projects are managed in partnership with law firms, though all decisions are made by Toyota.

**What type of work do you outsource?**

Virtually everything is outsourced. It is very efficient to work like this. We can choose the best firm in each practice area. Our in-house legal department has been widely recognised as one of the best in Mexico.

**When choosing a law firm, what factors do you take into consideration?**

Everything depends on the matter in question. We do not believe in 'one-stop-shopping', we select the firms depending on the project and the firm's expertise. We have sometimes used up to five firms for a single project, with each firm having expertise in a particular area.

**What qualities do you look for when selecting an external adviser?**


They need to have experience, be firm and be efficient.

**What is your biggest frustration with outside attorneys?**

When they lie about their experience or area of specialism. Some firms that offer services in several practice areas are guilty of this. ■



DANIEL TRUJILLO

A close-up portrait of Daniel Trujillo, a man with short, dark hair and a slight smile, wearing a dark jacket over a light-colored shirt. The background is a blurred autumn scene with warm colors.

# WALMART'S TRUJILLO:

## LIVING LARGER IN AN EXPANDED ROLE

Now in charge of global compliance and ethics for the mega-retailer, Daniel Trujillo says scaling up means more complexity

by anthony paonita



**Daniel Trujillo** has been everywhere. An Argentinian by birth, he's lived on a few continents, and worked for multinationals everywhere from his native Buenos Aires to Milan to London. He's got a few degrees—a law degree, an LLM and an MBA—and speaks five languages, Spanish, English, Italian, Portuguese, and French.

Trujillo was promoted earlier this year from compliance and ethics chief at Walmart International, the part of the giant U.S.-based retailer that operates outside the U.S., to compliance and ethics chief of the entire company. While at Walmart International, he set up an award-winning compliance program that sought to ferret out problems before they became serious. Since February, he's been taking those lessons to the company at large. Iberian Lawyer talked to him a couple of months after he settled in his new post, to see whether managing compliance for the entire enterprise was a big change from managing just a part of it. We also chatted about how he hires his staff, and whether compliance should be separate or part of the legal department.

Did we mention that he also participates in triathlons around the world?

**What does your new role entail?**

I am the executive VP, ethics and compliance officer for Walmart Inc.

**How are the roles different? Obviously, the scope. But what's different other than its scale?**

The complexity that comes with the scale. Walmart is a company that comes with half a trillion USD in revenue, that operates in 27 different countries, including the U.S. The U.S. represents a big portion of it, over \$320 billion, we have 2.3 million employees or associates, we have 12,000 locations in those countries. And if you think the Walmart gets 200 to over 250 million customers per week, if you think that our program covers 14 subject matters, from anticorruption, antitrust, anti-money laundering, privacy, labor and employment, responsible sourcing, trade, health and safety, wellness, food safety, etc. With all those things, you think how many things can go wrong. You have to put together a program that's effective not only detecting when things go wrong but at the same



time doing preventive work and being able to build a good culture of compliance  
The level of complexity changes. In our international business we have 800,000 associates, worldwide we have 2.3 million. It changed a lot. The other things that changed a lot is helping the company drive change in various topics, related to those 14 subject matters.

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I GO MORE **FOR THE ATTITUDE** THAN THE APTITUDE.

**Shareholders are looking at supply chain ethics and compliance issues. Are you involved with that?**

Yeah. I think that for my job building a program for a company that really cares about compliance and integrity, it's always interesting for me that people come to me and say congratulations, you really get your leaders to come out and talk about compliance

and doing the right thing. I wish I could take credit for it. But they really want to do the right thing. They support the program and the size we have, and they give us the resources. There are many things that stakeholders are expecting us to do. So it's not only the leaders, but our associates, customers and communities where we operate. It's easier when your leaders care about what you do.

**When you hire someone, what's the process like? What kind of personality traits are you looking for? What makes you hire someone?**

For me, there are situations where I go more for the attitude than the aptitude. Times where I can't go away from going for both. But one thing I know is that the aptitude won't work without the proper attitude. I think the other thing is I need to have people who are adaptable, who can work fast, flexible, they like change, they embrace change. And for sure, the number one thing is that they believe in doing the right thing, that they have a high level of integrity.



**You speak a few languages, you've lived all over the world. Is the compliance unit a reflection of that?**

I believe in diversity. We have a team of 2300 associates in my group. Over 51 percent of our total group are female. We have good diversity. I also believe in diversity of background. I have many nationalities in the countries we operate in on my team. We hire a lot of attorneys, but we also hire people from other backgrounds—CPAs, tech people. A team is stronger when you have diversity in terms of thinking, not just gender or religion.

**I think in-house departments are freer when it comes to hiring...**

The way I see things is vision drives strategy, and strategy drives structure. Our vision is to protect our shareholders and associates while we enhance our customer experience. We have to do two things right. We have to help the business and the shareholders and associates. If we don't do both as the same time, we are failing. So that requires having a set of skills in the team for people to do both. We have to be good partners. And that doesn't come with any profession in particular. To be able to talk to the business, you need a good mix.

For example, I took an MBA because I thought it would help me be a better attorney, to better understand the business.

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**A TEAM IS STRONGER WHEN YOU HAVE DIVERSITY IN TERMS OF THINKING, NOT JUST GENDER OR RELIGION**

**I saw that Walmart is booming in Central America. That must present some challenges. Is it a difficult business environment? Your background must help. But how does a company grow a business there?**

There are countries where doing business is a little more complex. It might not be the country itself but the political situation or economic situation. One thing we do is we partner with them in understanding the complexities. We never compromise our integrity. But we need to

understand that doing the right thing in one country might be more complex than in other countries.

It doesn't mean we're changing our standards. But to be effective, applying your standards, you need to understand the nuances of a place. It happens everywhere, in Africa, Asia, Latin America. I've been lucky to have worked in all these places before coming to this role. And that's sometimes an advantage. But the company have leaders who know their markets very well.

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**WE NEED TO UNDERSTAND THAT DOING THE RIGHT THING IN ONE COUNTRY MIGHT BE MORE COMPLEX THAN IN OTHER COUNTRIES**

**What's your relationship with the legal department? Are you part of it or separate?**

The general counsel is my peer. We work together but we're not part of the same group. Many companies do it that way, but it's been effective for us to be working together but not being the same group. We both report to a global governance leader that reports to the CEO.

I've been in legal and compliance roles. I don't think it's one size fits all. But I like how it works at Walmart. I've been working 30 years, and I like to know legal analyzes the law, but I have to help the business. So I have to put something together that helps the business do what it does. It's a little bit like being a translator between what law tells us to do and ensuring that the business can operationalize that.

**One last question: What do you see as the biggest problem facing companies in legal and compliance in the next few years?**

It's not different from what we were discussing years ago. Finding the right talent with the right mindset. Finding individuals who understand what the business and culture is, and how to makes things effective, in a rapidly changing world. ■





In a country where women suffer significant workplace discrimination, Baker McKenzie's Mexico offices are taking a stand by introducing policies aimed at encouraging more male lawyers to get involved in childcare while also providing more support for women lawyers juggling a family and a career

Women in workplaces in Mexico have a particularly tough time. To illustrate one of the most extreme examples of their plight, it was only in May this year that the Mexican Senate unanimously approved a new labour law that grants basic employment rights such as social security and paid vacations to domestic workers, the overwhelming majority of which are women. Long-entrenched attitudes to women in employment in Mexico is clearly a problem. But Baker McKenzie's Mexico offices recently demonstrated they were willing to take a stand on this issue. In an effort to tackle the perception that childcare, for example, is a woman's job, Baker McKenzie in Mexico has introduced new policies that aim to encourage more of their male lawyers to get involved in the care of their children, while also aiming to provide women lawyers with young families with an environment that is more conducive to forging a career in the legal profession.



RAYMUNDO E. ENRÍQUEZ

WE BELIEVE THAT FLEXIBILITY IS ONE OF THE KEY ELEMENTS FOR CREATING WORK ENVIRONMENTS THAT ARE MORE PLEASANT AND MORE PRODUCTIVE

Raymundo E. Enríquez

What exactly have Baker McKenzie's Mexico offices done to address the issue of gender and the workplace? In a nutshell, the firm announced earlier this year that it would be introducing a new family leave policy in its offices across Mexico that aims to provide equal benefits for all parents, irrespective of gender or sexual orientation, by allowing employees 12 weeks' leave with 100 per cent of their salary on the birth or adoption of

a child, while mothers are entitled to a further 12 weeks during pregnancy while receiving a percentage of their salary. The flexible work policy, called 'bAgile', claims to allow for flexibility of working hours to promote 'family well-being', while the 'bActive' programme facilitates remote working, more flexible and shorter hours, as well as leave of absence.

## MORE PRODUCTIVE WORK ENVIRONMENT

**Raymundo E. Enríquez**, Baker McKenzie's Mexico managing partner says the new policies were introduced in accordance with the firm's belief that quality of life is of great importance for talent within organisations. He adds: "We believe that flexibility is one of the key elements for maintaining a better balance between personal and professional life, creating work environments that are more pleasant and more productive."

The firm also claims that such policies demonstrate to the people working at the firm that "we celebrate their diversity and promote actions that, in the short term, help to reduce inequality and discrimination, for any motive, in the environment of professional development in this country," according to **Tatiana Escribano**, head of the firm's diversity and inclusion committee in Mexico.

Why did the firm take the step of introducing such policies in Mexico? Enríquez says that both of the schemes facilitate greater work-life balance for men and women and set the parameters for exploring other ways of experiencing work and family life that are more in accordance with the current challenges faced by today's professionals. "We have a diversity and inclusion programme that is part of our corporate social responsibility strategy, and within that programme one of the themes we tackle is gender, as we believe it is

# 5.7%

Proportion of positions on major corporate boards in Mexico held by women – this compares to the global average of 14.7 per cent

(source: Credit Suisse)



urgent to take action to accelerate a change that will allow for better conditions for women within the professional sphere,” he explains.

## WE BELIEVE IT IS URGENT TO TAKE ACTION TO ACCELERATE A CHANGE THAT WILL ALLOW FOR BETTER CONDITIONS FOR WOMEN WITHIN THE PROFESSIONAL SPHERE

Raymundo E. Enríquez

### ‘MEN SHOULD SPEND MORE TIME WITH THEIR FAMILIES’

Enríquez claims the two policies will facilitate a number of changes. “One of those is the possibility of allowing for flexible working schemes in diverse ways for all members of the organisation, in order to open up other possibilities for ways of working that allow for a better life balance, attending to the personal needs of our staff, and of the business,” he says. Enríquez adds that the other initiative is a “family policy, which provides the conditions so that fathers have longer periods of absence than those outlined by the law, and other benefits allowing for them to more fully enjoy this stage of their lives.”

Enríquez says that one of the key aspects of the new initiatives is the granting of 12 weeks’ leave, with salary for mothers and fathers that have a child “including in cases of adoption”. He adds: “This is particularly important because it aims to provide the same conditions to staff regardless of their gender or sexual orientation.”

In Enríquez’s view, Baker McKenzie’s new policies on flexible working and the promotion of “family well-being” sets an example for other law firms in Mexico to follow.

“The policy pushes the gender agenda in our country in general, and incentivises other organisations to implement similar measures, which have a positive impact on society,” he says. “In particular, the flexible work policy can be adapted to the needs of our talent in terms of reducing travelling times and increasing

productivity – in addition, it is very important that men spend more time with their families and share in activities in the home.”

Baker McKenzie also argues that the policies provide better conditions for women to develop their professional careers. Enríquez says: “And for those that do not have children it is also important for them to achieve a better life balance.”

### ‘HABITS MUST CHANGE’

Despite the fact the policy was only launched two months ago, Enríquez claims that it has been very well received by the firm’s staff. “The vision and strategy that we have regarding diversity and inclusion is without a doubt a global one, and more specifically, the policy regarding flexibility is a global initiative that has been implemented across the firm, and Mexico is not the exception,” he says. However, despite the implementation of the new policies, Enríquez says that, for staff to take advantage of them, habits have to be changed, and this includes men taking paternity leave. “We are just beginning with this policy and we don’t know how people will respond, but we are convinced that the new generations are very motivated by the news and aware that family life is the responsibility of both men and women,” he adds.

## IT IS VERY IMPORTANT THAT MEN SPEND MORE TIME WITH THEIR FAMILIES AND SHARE IN ACTIVITIES IN THE HOME

Raymundo E. Enríquez

Enríquez claims the policy makes Baker McKenzie a more attractive place to work, given that life-work balance is becoming an increasingly important consideration when young lawyers decide where they want to work. He argues: “We are convinced that this will strengthen our value as a firm in the labour marketplace when it comes to attracting talent, and working on initiatives that foster an appropriate balance greatly contributes to achieving strategic aims such as gender equality.”

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