

BUILDING BRIDGES

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In his role as general counsel at Total and president of ECLA, Jonathan Marsh (pictured) will be paying much closer attention to Spain and Portugal in the near future – the creation of Iberian law firm panels and the provision of greater support for the region’s in-house lawyers are high on his agenda



Jonathan Marsh's attention is increasingly being diverted towards Iberia. In his role as international general counsel at energy company Total, Marsh will soon be launching a process to create Total legal panels for different countries, including Spain and Portugal. Meanwhile, in his other major role, as president of the European Company Lawyers Association (ECLA), he will soon be developing plans to take ECLA's 'Legal Disruption Roadshow' – which explores how legal technology impacts in in-house counsel – to Spain and Portugal in 2020. The news about Total's plans to create legal panels for Spain and Portugal

will make law firms in the two countries sit up and take notice because the sheer size of the energy company suggests that it could be a rich source of work for lawyers in private practice. The Total Group has 100,000 employees and annual revenues of around \$185 billion. The company has 550 lawyers located in offices in 150 countries. "Within my division, downstream distribution of petroleum products to businesses and end user customers, we have 25,000 employees and annual revenues of \$66 billion, with 170 in house lawyers," Marsh explains. "Sixty nationalities are represented in our division's legal team, which is 60 per cent comprised of women."

SPANISH AND PORTUGUESE PANELS

Marsh says that Total has a global panel consisting of eight full service international firms, which the company uses "for large multi-jurisdictional projects". However, he adds: "We are about to launch a process at the individual country or regional level for local matters – stay tuned for results in Spain and Portugal." The Total legal team in which Marsh works is divided into regions – it has 50 lawyers in France, 30 in the rest of Europe, 60 in Africa, eight in the Americas and 22 in the Middle East and Asia-Pacific. "We are a geographically based organisation within the four main regions, and lawyers work on a dedicated basis for the different business lines, explains Marsh, who is based in Paris. "In France, we also have specific teams dedicated to specialty areas such as antitrust, distribution and licensing, health and safety, compliance and digitalisation." Marsh joined the Total legal team 19 years ago. In the two decades since, Marsh says the team has learned to work together more effectively. "We've broken down silos between departments," he says. "There's much more sharing of best practice, lessons learned, templates, and favourite clauses." Marsh adds that Total's in-house counsel have become business partners in the sense they support the business from the "beginning of their projects, as well as contributing to corporate strategy". He continues: "Our lawyers are multidisciplinary, taking into account business, personnel, financial and technical information, working on compliance and governance and shedding light on potential risks."

SELECTING LAW FIRMS

Generally speaking, there are no limits on the legal work that Total's in-house team is able to handle, however it does outsource contentious matters. "In disputes we work in close coordination with outside counsel who handle the actual pleadings before the relevant tribunals," says Marsh. "We outsource on a case by case basis," he explains. "We look at our ability to service the matter efficiently in-house as well as minimising legal risk and maximising potential gains – this leads to outsourcing matters which are time intensive and urgent, or involve significant legal or financial considerations, such as complex multijurisdictional litigation and M&A." Total reviews its legal panel every three years. The process involves inviting 20 "full service international law firms" to submit proposals which the Total legal team analyses in collaboration with the company's purchasing department.

UNDER PRESSURE

Marsh says the pressure is on in-house lawyers to develop new skills and “become increasingly hybrid” in their approach. He continues: “Digital technology provides a real boost for our profession. I view digital tools as valuable assets, including collaborative databases, blockchain technology, document-sharing, cloud computing, communication tools and electronic signatures.” Marsh adds: “Software and applications developed by legal tech produce automated contracts, bots provide answers to the most frequently asked questions, while artificial intelligence and predictive algorithms are gradually getting better at supporting decision-making and determining the probability of achieving the desired result.” He says that such technology reduces costs by decreasing the amount of time devoted to repetitive tasks. As a result, Marsh argues that “augmented lawyers can thus focus on putting their strategic and imaginative talents to work creating original solutions, enhancing their soft skills, learning more about the operations of the various businesses, developing their proficiency in communication and leadership, and gaining a broader view of the company – in short, demonstrating agility and cognitive flexibility”. So how can ECLA help in-house lawyers in Spain and Portugal? Marsh says one of the key benefits is the association's ‘Legal Disruption Roadshow’. He explains: “Through this series of conferences being held this year in Dublin, Stuttgart, Paris and Prague, we aim to explore how technological advances and the development of legal technology impact the everyday lives of in-house counsel.” Marsh adds that, in 2020 plans to continue the Roadshow in order “to serve Spanish and Portuguese constituents”. He continues: “By bringing together representatives from various leading European companies, both large and small, we aim to provide an outstanding networking platform to share best practices and solution-oriented skills within the legal community.” With Marsh targeting Spain and Portugal on two fronts – both in his role as general counsel at Total and president of ECLA – Iberian lawyers could be set to enjoy the benefits of the increased amount of attention being paid to their markets. As Marsh says, “watch this space”.

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