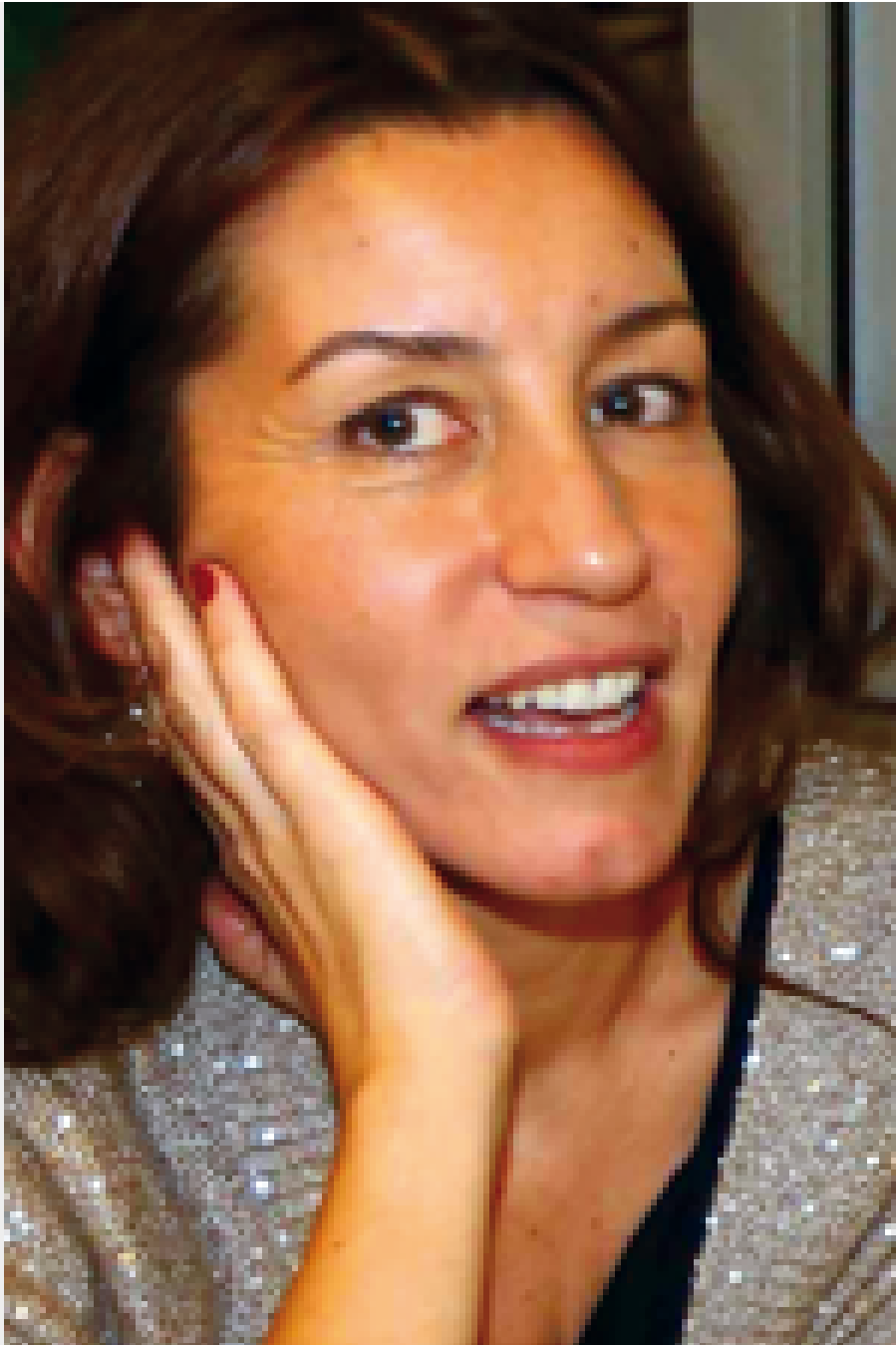


CLIENTS IN THE DRIVING SEAT - AUTOMÓVEL CLUBE DE PORTUGAL (ACP)

Posted on 06/08/2013



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An important 'added value' an in-house counsel can bring to their company when outsourcing major litigation is knowledge of the inner workings of a law firm, says Gabriela Barreto

Automóvel Clube de Portugal (ACP), a public utility institution, deals with road safety, defends motorists' interests, and is the main organiser of domestic motorsports events. As such, being in the driving seat is something that comes naturally to Gabriela Barreto, Head of Legal at ACP. And she believes that in today's market, the trend is for clients to drive the relationship with external law firms.

Flying start

Barreto studied law, then took a post graduate degree in tax and financial studies, which she says are two important elements that corporate lawyers need to master. "Understanding economics and tax can make a huge difference when it comes to providing the most comprehensive service."

In 1994, instead of going straight into private practice, Barreto built up her tax experience in the tax and auditing departments of Arthur Andersen. Four years later, she joined the tax department at Cuatrecasas, Gonçalves Pereira in Lisbon.

But M&A was always something that she had at the back of her mind to pursue, so when the opportunity came up to switch departments, she jumped at it. "It was a big challenge at the beginning to shift between practice areas," she says. "One thing is what you learn at university, the other is how to put it in practice, and the move to M&A was a steep learning curve!"

There was a lot of foreign investment in Portugal at that time, so they were incredibly busy working with multinationals. "It was non-stop," she says, "and that pace can get very addictive."

So, after four years, she decided to adjust her work life balance. "ACP was one of my clients, and Carlos Barbosa, its President, invited me to restructure their legal department. And while it's still a very busy life, it is more balanced."

Barreto is not just Head of Legal for ACP, but also for all companies within the group, including ACP Mobilidade (Insurance Company), ACP Viagens (travel agency), ACP Assistência (roadside assistance), and ACP Motorsport, which organises the World Rally Championship (WRC) in Portugal – one of the country's biggest sporting events, and second worldwide to Formula 1. "There is an incredible amount of legal work that goes into this, and at the start of each year we are dealing with everyone involved, from the FIA (the governing body of motorsport worldwide) to the promoters – Red Bull."

Understanding the world of motorsports was a challenge but she quickly learned on the job. "You hear words you don't understand, like 'pit lane' and 'parc fermé' (the secure area that cars must enter after qualifying) and you realise it's a very different world from being an M&A lawyer, but I love it!"

Co-drivers

Her team at ACP is made up of five internal lawyers, two of whom work exclusively for its members. "One of the benefits of membership is free legal advice in relation to motoring matters, something we are authorised to do by the Portuguese Bar Association," she explains, "on condition that it is for matters related to cars and for members only".

Barreto and the other two lawyers deal with all the company's corporate matters, as well as assisting the Board and Shareholders. And with branches all over the country, there is a huge amount of contractual work to do, dealing with everything from premises rentals and roadside assistance providers to insurance and motorsport events.

ACP is also a member of the FIA, and Barreto is on the five-person FIA Ethics Committee, a body safeguarding the integrity and reputation of motorsports, and also Legal Consultant to the FIA European Bureau. "This is where we discuss changes that are going to be approved by the European Commission or Parliament regarding motoring activity," she says. "And as a lobbying body they have been a great help to us and clubs like us worldwide."

Additional assistance

When Barreto started at ACP, and to be fully available, she had to outsource major litigation matters. "They are so time consuming, and we have so much other work, that if we didn't use external law firms, I would never be at my desk!"

Her 'go-to' firms are Cuatrecasas, Gonçalves Pereira and Morais Leitão, Galvão Teles, Soares da Silva & Associados (MLGTS). In particular, the teams by led by Miguel Esperança Pina at Cuatrecasas, and Francisco Cortez at MLGTS. But ACP is open to others.

In her view, one of the biggest benefits that an in-house can bring to the company is knowing how to get the best people for the job and to negotiate the best price. "I know lawyers, how they work, the pressures they face, but, most importantly, how they charge. And in today's market, there is no reason why the client shouldn't be in the driving seat of the relationship with their external law firms."