

CLIENTS WANT LAWYERS TO MEET STRICTER COMPLIANCE STANDARDS - AAMM

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Clients are increasingly demanding that their legal advisers adhere to stricter codes of compliance, according to Paulo de Moura Marques, partner at Abecasis Azoia Moura Marques & Associados (AAMM).

"In heavily regulated sectors, such as pharmaceuticals for instance, we are seeing companies demanding their legal advisers follow a very strict compliance code," Moura Marques says. "Lawyers are not just advising clients on their compliance procedures but also having to follow these procedures themselves."

Moura Marques adds that firms are expected to sign and adhere to contracts that mean lawyers have to be very cautious with regard to compliance matters. "Pharmaceutical companies are very conscious over the perception of inappropriate relations with the public sector after legislation such as the UK Bribery Act or the US Foreign Corrupt Practices Act," he continues. "Some companies insist on provisions, for example, should a lawyer be at a social event or lunch and is joined by a public

sector official who engages in a business-related discussion, they should leave."

Moura Marques says this is becoming an issue in public procurement too following the introduction of the public procurement code and the recent administrative procedure code. Some parties can be prohibited from bidding, and their lawyers forbidden from advising bidders on public contracts and procedures, if they are seen to have "insider knowledge". So, for example, if a law firm hired a former official from the Ministry of Transport, then there is the risk it could be precluded from future transport tenders.

Moura Marques feels some of the compliance rules are too extreme as lawyers already operate within the law. "After all, there are already disciplinary and criminal sanctions for offences such as bribing public officials or unduly using privileged information," he adds.