

'I WOULDN'T ACCEPT PAYING MORE THAN A FAIR PRICE'

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Law firms that bill excessively high amounts cause considerable frustration for Ascendi's Paulo Marinho, who wants external lawyers to have a detailed understanding of his company's business

It's vital that law firms have an in-depth knowledge of their client's business, while proactivity is also a trait that is highly valued in external lawyers, says Ascendi's Porto-based head of legal Paulo Marinho.

Ascendi is a Portuguese road infrastructure asset management company that provides toll collection, operation and maintenance services. The company has majority interests in five Portuguese toll road concessions.

Marinho says a law firm that is unwilling to understand the specifics of the business and its problems would be unlikely to win any business from Ascendi. Other issues that deter Marinho from awarding a mandate to a law firm include a lack of proactivity and excessive billing. He says that such issues can cause considerable frustration when using external counsel. Marinho admits that the company has made some "not so good choices" in the past when selecting law firms, but adds that fortunately, the impact of these decisions were not too serious. "I don't mind paying for a good service, but I would never accept paying above a fair price," he says.

Ascendi's business is divided into three areas: asset management, road operation and maintenance – including patrolling, motorist assistance, infrastructure and environmental monitoring – and the development of transport systems involving real-time traffic control and management, in addition to an electronic toll collection system.

Ascendi was awarded its first concession in 1999, shortly after the company was founded, and it currently operates five toll motorway concessions: Grande Lisboa, Costa de Prata, Beiras Litoral, Alta Grande Porto, and Pinhal Interior. Earlier this year, Ascendi won a Global Road Achievement Award from the International Road Federation for its infrastructure management system. Ascendi operates both electronic and traditional toll gates.

Marinho says Ascendi outsources work to external counsel if the matter is particularly complex, for example if it relates to insurance issues, negotiations with the Portuguese government and matters of arbitration, or if it involves engaging additional law firms to provide operational support.

Ascendi chooses its external advisers based on the nature of the matter in hand. "We work with several firms, according to the themes we need to address, and the special skills the firms can bring to each case," Marinho says. He adds that the company does have "favourite" firms but works with a range of providers, depending on the specialist skills the firm offers. "We mainly work with PLMJ and Campos Ferreira Sá Carneiro e Associados," he says. "The advantage of using a preferred law firm or

the same firm regularly is that they have knowledge of our business," Marinho explains. But he adds it is the firm's specialism that is the crucial factor in deciding to use them.

Outsourcing legal work saves Ascendi from having to spend on its in-house team, Marinho says.

"External firms allow us to not have to invest in gaining internal knowledge, and to focus our in-house team's resources on our core business, leaving only specific subjects to law firms," he explains. Marinho adds that it is a very busy period for the Ascendi legal team.

He says the biggest challenge in his day-to-day work as an in-house lawyer is maintaining the high level of performance that the company's internal clients and stakeholders expect.

Data protection concerns

Another major issue that the company faces is the new data protection regulations, according to Marinho. In August, a working group was created to prepare Portuguese legislation for the implementation of the new General Data Protection Regulations – the working group conducted a public consultation in September. The group is also tasked with identifying security measures for the processing of personal data that will form part of the new regulations, as well as presenting legislative options for their application. A draft bill will be presented in December.

"The impact of the regulations, which will be binding from May onwards, is a great concern because very strict rules and disclaimers must be considered," Marinho says. Compliance with new legislation will have to be monitored, and this could result in the issuing of compliance warnings to data controllers, as well as the imposition of fines and possible prosecution in the event of laws being breached.