

‘LARGER LAW FIRMS OFFER CLIENTS A BROADER RANGE OF KNOWLEDGE’

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Good external lawyers are aware that their added value will be the practical insight they can offer into enforcement and court practice, says Samsung's Carla de Abreu Lopes

The advantage larger law firms have when competing with rivals to win instructions from clients is that they are able to offer a wider range of knowledge, says Carla de Abreu Lopes, legal counsel at Samsung Electrónica Portuguesa. That said, when choosing external lawyers, Samsung takes into account a firm's "prestige" as well as the track record of the individual lawyer who will be assigned to a case, Abreu Lopes adds. Meanwhile her approach also involves seeking references for the preferred firm, she explains.

"I work with several external law firms," she says. "Considering the scope of the outsourced work, which is very specialised and requires knowledge of the client's business, I tend to choose larger firms." Samsung sold 700,000 devices in the Portuguese market in 2017, according to consultancy IDC. In February this year, Samsung – which originated in South Korea – struck a deal with Vodafone for the Spanish launch in of Vodafone's V-Home platform of 'Smarthome' services for the Internet of Things (IoT).

The type of work that Samsung usually passes to outside counsel includes matters related to privacy and IT, as well as competition, environmental laws and tax issues. Abreu Lopes says it is important that external law firms work closely with Samsung in order to fully appreciate what the company requires from a legal perspective. "External lawyers must identify with their client's project, so that they will understand the client's needs," she explains.

Keeping it simple

The qualities Abreu Lopes looks for in lawyers include a high level of expertise in the relevant area, in addition to a practical approach and awareness of previous court decisions if relevant. "Choosing a specific firm matters when it is necessary to have a team that specialises in different fields of law," she explains. "In my view, the good external lawyer is knowledgeable in his or her field of law, but is also aware that their added value will be the practical insight into enforcement and court practice," Abreu Lopes says. Such knowledge and expertise will help in-house lawyers to better assess the risks involved and enable them to better explain the matter in simple, easily understandable terms to non-lawyers.

Abreu Lopes believes that another extra benefit of using an external firm – in addition to the theoretical, in-depth assessment of the matter – is practical insight based on the lawyer's experience and sound knowledge of law enforcement in the relevant area.

Meet deadlines

With regard to what factors make Samsung less likely to use a particular law firm, Abreu Lopes cites a lack of expertise in the relevant area, as well as an inability to meet tight deadlines. She adds that such firms would only be used for “less specialised or less urgent matters, assuming that it provides a good service.”

It is also important that law firms take the time to develop an in-depth understanding of their client's business, says Abreu Lopes, though she admits that this may sometimes take some time. “I was previously an external counsel myself, and I understand that, when being a provider of external legal services, it may be difficult to get to know all the specific features of a client and the particular market in which it operates,” she explains.

Managing risk

Abreu Lopes says one of the biggest challenges in-house lawyers face is ensuring risks are managed effectively. “Sometimes it may seem, without looking closely, that we are creating issues when preventing risks,” she says.

Abreu Lopes adds that, in addition to the usual day-to-day contract drafting and legal advice on compliance issues, privacy matters are another area that are currently keeping Samsung's legal department busy. This is especially the case given the forthcoming implementation of the General Data Protection Regulation (GDPR) across the European Union, which is scheduled to take place in May this year. Abreu Lopes says the GDPR will have a big impact on the legal team's workload in the coming year. She adds: “This year, technology companies will continue to innovate and to adapt to the digital world of connected experiences, including IoT. The year 2018 will be exciting, with new opportunities in technology, but it will also bring new challenges.”