

'LAW FIRMS THAT DEVELOP LONG-TERM RELATIONSHIPS WITH CLIENTS PROVIDE A BETTER SERVICE'

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All the law firms that Itinere uses must demonstrate the 'highest level of competence, as well as the highest levels of honour', says Santiago del Pino Aguilera.

When clients develop long-term relationships with law firms, it allows the external lawyers to better understand the needs and response times that the client requires, and as a result, the external lawyers can then offer a higher value service, according to Santiago del Pino Aguilera, general counsel and head of legal at Spanish infrastructure management company Itinere.

Itinere – which operates seven toll-road concessions in the north of Spain, covering a distance of more than 600 km – uses external law firms as part of a strategy which aims to “optimise the use of its own resources”, according to Del Pino Aguilera. The company relies on a network of law firms, choosing which one to use depending on the matter in question. For corporate law, the company uses Garrigues, while it instructs Clifford Chance for administrative and financial issues. In addition, Itinere is advised by Herbert Smith on insurance matters, and by Deloitte on compliance issues. Meanwhile, the company also instructs Viallegis, as well as using some regional Spanish law firms such as Sanz Bravo Abogados in Galicia. “The company has developed a continuous collaboration for many years with various law firms that have different characteristics,” Del Pino Aguilera explains.

Accidents and damages

“Itinere's extensive experience in infrastructure in various countries and jurisdictions is the result of using local firms that specialise in concession systems,” says Del Pino Aguilera. “Due to the nature of the business, which involves managing roads that are in use 24 hours a day across various regions, we have many local issues that require the use of local law firms,” he explains. For example, problems on the roads, such as accidents or inclement weather, are local problems, and therefore there are issues that “need to be resolved at a local level”,

Del Pino Aguilera says. “A classic example is animals crossing a road and causing accidents, and the concessionaire is liable to pay the user in the event of damages.”

However, though external law firms are often instructed, Itinere's in-house legal team has a vital role to play, says Del Pino Aguilera. The work of Itinere's in-house department is primarily focused on administrative and corporate law, the latter relating to concessionary agreements that are signed by the company, as well as financial legislation that sets the framework for concessions concerning infrastructure assets.

External law firms hired by Itinere face the challenge of providing the high levels of service that the company demands, according to Del Pino Aguilera. He adds that this means that all law firms with

which the company engages must demonstrate the "highest level of competence, as well as the highest levels of honour". Del Pino Aguilera says a law firm's reputation, as well as that of its lawyers, is a crucial factor in Itinere's selection of law firms. "The challenge the company lays down to the law firm basically involves achieving the desired result, through excellence, efficiency and effectiveness," he says. "Law firms add value to the company's businesses by being an effective and continual attachment to the in-house team, suggesting better alternatives and innovative ideas in order to achieve the result the company desires."

Changing the rules

Regarding new legislation affecting the in-house team's day-to-day business, and thereby creating the need for external lawyers, Del Pino Aguilera highlights the recent verdict by Spain's Supreme Court regarding remuneration by concessionaires and the requirement for approval by board members and shareholders. He adds that the ruling, which raises compliance and tax issues, is an example of a "changing of the rules" that requires companies to take action.

"Modifications to laws are a permanent challenge for any in-house legal team," he says.

In addition, transport infrastructure regulations recently proposed in Spain will present a challenge for companies operating in the sector if they are approved, says Del Pino Aguilera. The measures include enhancing mobility for toll-road and car park users, with innovative proposals such as digitisation, he adds. Itinere is currently working together with Abertis, Ferrovial and Caixabank on an initiative called Bip & Drive, an automated payment system enabling drivers to pay tolls without stopping their vehicle.