

Iberian Lawyer




MAG

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Virus Alert

TOP IBERIAN LAWYERS
AND EXPERTS REVEAL
NEW TENDENCIES
IN CYBERATTACKS IN A
TELEWORKING SCENARIO

Ranking

IBERIAN LAWYERS
PRESENTS ITS "2020
TOP TEN SPANISH
CYBERSECURITY LAWYERS"

Spotlight Spain

CARLOS GONZÁLEZ SORIA,
INDRA'S HEAD OF LEGAL,
TALKS ABOUT TECHNOLOGY
AND CYBERSECURITY

Private Equity

JOSÉ A. NOGUEIRA FROM
RSN ADVOGADOS GIVES
CLUES TO DEVELOP
INVESTMENT CULTURE
IN PORTUGAL

Alternative Legal Services

TAILORED FIT LAWYERS:
EFFICIENCY, FLEXIBILITY
AND FAIR PRICING

Iberian Lawyer asks Portuguese and Spanish law firms how they are dealing with coronavirus within the global emergency scenario. Among other issues, they talk about legal impact, Cybersecurity and smart working

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LESSONS FROM A VIRUS

by desiré vidal

M

Most valuable lessons come from bad things and, if we don't learn from them, we are bound to face them again. In this global alert situation due to the COVID-19, learning will not unfortunately lead us to be able to avoid it but maybe to face it better and to get the situation under control sooner. We are not out of this yet and worldwide health experts explain that this virus,

as it has happened with others, is largely a consequence of that climate change that many deny. Those same experts tell us that it will not be the last, that it will happen again, so, mainly, we have to learn from the messages that this virus leaves us. In the meantime, with this mandatory stop, we have given the planet a break and pollution levels already show its gratitude.

At the time of this issue editorial closing, the coronavirus had infected 146,000 in the Iberian Peninsula and 13,300 people had died from the disease. Globally, 1,2 million had been infected and 70,000 could not overcome it. The light at the end of the tunnel came with the recovery of the Chinese populations where the first cases occurred. In a matter of two months, the COVID-19 has been invading territories and bodies, ignoring borders and posing both an enigma and a challenge to all, causing multimillion economic losses.

The coronavirus has forced us to leave the physical sphere precisely to protect ourselves, making us work, inform and even entertain ourselves in that other virtual dimension that until now was only plan B, with internet being its best ally.

All kinds of events have been cancelled, postponed or turned into webinars. In the case of Iberian Lawyer, the Labour Awards, originally scheduled for March, have been postponed to June 23, and the 2020 edition of InspiraLaw will be finally held on July 16 instead of in April.

COVID-19 has altered all aspects of our lives; social, labour, economic and, of course, legal, forcing us to improvise assumptions, and to structure exceptional laws and solutions for a completely exceptional situation. In this regard, law firms have prepared possible questions by offering their expertise to anticipate answers, making their systems more flexible, adapting them to the situation and the existing means, so that they don't leave anyone unassisted.

Looking for the positive lessons left by this virus, we could say that it has made us more aware. It has taught us, with tough medicine, to be responsible and to take care of ourselves in order to be able to take care of the others' health, to work from home and be as or actually more productive than in the workplace, even with children at home... It has made us more supportive, making us understand that when we are in the 'clinging on to life' business, there are no political colours or borders and that, although we are physically separated, we must all act as one. It has made us reflect on how life and the world, as we know it, can be rapidly changed, and force us to look inward. It has taught us patience by making us postpone our short-term goals. It has forced us to be well informed and to obey the rules for the good of all, as part of love and solidarity with others. It has made us more grateful, making us really see and value everything we have or had and will have again, although now, hopefully, with the lessons learned. 🇪🇺

WEBINAR

THE IBERIAN LEGAL MARKET IN THE TIME OF CORONAVIRUS

16 APRIL 2020 • 6PM (CET)



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SPANISH GOVERNMENT

Pedro Sánchez's office hires Cani Fernández as advisor

The President's Cabinet head, **Iván Redondo**, has hired Cuatrecasas' star partner, **Cani Fernández** as an advisor. Fernández (*pictured*) has been appointed as advisor to the Spanish President and will join the team led by Iván Redondo.

Cani Fernández leaves Cuatrecasas, a firm to which she has been linked for 23 years, on leave of absence, a request approved by its Board of Directors. Cani Fernández has been a Competition and EU Law partner at Cuatrecasas. She is specialized in Mergers and Acquisitions, Competition and Anti-dumping, Telecommunications, Energy and EU Litigation.



SPAIN ROYAL FAMILY

Juan Carlos I hires Sánchez-Junco as defense attorney

King emeritus **Juan Carlos I**, has hired a former anti-corruption Public Prosecutor for his defense, **Javier Sánchez-Junco**, to exercise his right to defense after last news pointing out that the king emeritus may be behind investments or structures "that may not be in full and strict compliance with the law".

Sánchez-Junco (*pictured*) is a former anti-corruption Public Prosecutor, now on leave of absence, well known in the 1990s for leading the case against Mario Conde in the Banesto case and the managing partner of Javier Sánchez-Junco abogados founded by him in 2001.

According to the press release, this lawyer will be from now on "the one who proceeds to give public account of the information that may affect him [the King emeritus] and that is considered appropriate," after the statement where **Felipe VI** announced that he renounces his inheritance and cuts his father's income over the "offshore fund".



MANAGEMENT

Albert Rivera joins Martínez-Echevarría as executive managing partner

Former Cs' president joins Martínez-Echevarría Abogados as executive managing partner, to lead the firm's new strategic project, after his resignation following Spanish November elections.

Martínez-Echevarría Abogados, founded in 1983 in Andalusia currently has more than 130 professionals including its founding partner **Rafael Martínez-Echevarría**, and various Magistrates and State Attorneys on leave of absence, with offices in 10 Andalusian cities, Madrid, Portugal, Turkey, Romania and Bulgaria.

Albert Rivera (*pictured second right*) has a degree in Law from ESADE and worked as legal counsel at La Caixa between 2002 and 2006, where he started in politics joining Ciudadanos party, with which he would run for the presidency of both Catalanian and Spanish government. After his appointment, he highlights "I am back to my profession, back to Law."

Weeks after his appointment, two Ex-EY lawyers, **Eladia de Carlos** (*pictured first right*) and **Cristina Alba** (*pictured first right*) joined Madrid office as new Tax Law area partners.



MANAGEMENT

DLA Piper elects Jesús Zapata as new Spain managing partner

DLA Piper has elected **Jesús Zapata** as new Spain managing partner replacing **Pilar Menor**, who, after eight years in the position, will lead the firm's international Labour practice and will be a senior partner in Spain. Jesús Zapata, DLA's Banking and Finance area partner, will be the new managing partner in Spain, starting May 1.

With more than 25 years of experience, Jesús Zapata is specialized in Banking and Financial matters and has participated in numerous important national and international transactions. He holds a degree in Law from the Universidad Complutense de Madrid and a Master's degree in Tax Advice from ICADE. Prior to joining DLA Piper, Zapata worked at Clifford Chance, SJ Berwin and Santander.



BANKING & FINANCE

Morais Leitão signs André de Sousa Vieira as new partner

Morais Leitão has signed **André de Sousa Vieira** as its Banking and Finance new partner to be part of its international committee, reinforcing the law firm's international strategy. André de Sousa Vieira (*pictured*) has dedicated his practice in the last 10 years to the Lusophone markets, with strong links to the main international financial markets. He is particularly recognized in advising International Financing projects on Energy, Natural Resources and Infrastructure sector.

The financial lawyer is a member of England & Wales, Portugal and Spain Bar Associations, having integrated Clifford Chance LLP into the London office between 2011 and 2020 and also assumed the position of co-responsible for Clifford Chance Portuguese and Lusophone Africa practice and strategy.

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LISBON

GA_P incorporates Nuno de Oliveira as Lisbon office Tax partner

Gómez-Acebo & Pombo announced the incorporation of **Nuno de Oliveira Garcia** as a new partner in its Lisbon office.

The lawyer, who joins the firm's team from Andersen Tax & Legal Portugal, where he has been responsible for its Tax Department for the last 4 years, now manages the Tax practice area of the Spanish firm in Portugal.

Before joining Andersen Tax & Legal Portugal, Nuno de Oliveira Garcia (*pictured*) worked at Morais Leitão, Galvão Teles and Soares da Silva & Associados between 2001 and 2015.



CORPORATE

WF-RCD recruits Muñoz-Alonso as Corporate Finance partner

DWF-RCD has announced the recruitment of **Guillermo Muñoz-Alonso** as a Corporate Finance partner. The appointment maintains the business's path of growth after its recent integration with DWF at the end of 2019, whilst bringing in an experienced lawyer with deep knowledge in the field of Corporate Finance.

Guillermo Muñoz-Alonso (*pictured*) has over 20 years of experience working in Corporate Finance, Bank Financing and Debt Restructuring, as well as in Mergers & Acquisitions and Private Equity. He advises a wide variety of companies on their Corporate operations and all matters related to Corporate Law.

Before joining the firm, Guillermo developed part of his career in both Magic Circle and national firms, and was the managing partner of the Garrigues London office from 2007 to 2011. He holds his Law Degree from the Universidad Autónoma de Madrid and has completed the Qualified Lawyers Transfer Test (QLTT). Guillermo is also a qualified solicitor in England and Wales. He was recognized by Iberian Lawyer as one of the most notable lawyers under 40 years in Spain and Portugal in 2013.



TECHNOLOGY LAW

PwC T&L recruits Pablo Fernández Burgueño as New Law of counsel

PwC Tax & Legal Services has appointed **Pablo Fernández Burgueño** as of counsel to strengthen its New Law area, led by **Ana López-Mesa**, dealing with Digital Legal Services practice, with a special focus on Cybersecurity, Internet of Things and Blockchain

Pablo Fernández Burgueño (*pictured*) is one of the most renowned lawyers in Technology Law. He is also member of European Police Office (Europol) expert groups on data protection and electronic currencies. To date, he was SmartHC's head of legal and founder of Abanlex, a firm specialized in Technology.

Pablo Fernández Burgueño holds a degree in Law, Political Science and Administration as well as a degree in International Relations from ICADE. He also holds a Master's degree in Telecommunications, Internet and Audiovisual Business and Law from the Instituto de Estudios Bursátiles. He started his professional career in the legal department of Bankia and, later on, worked at Cremades & Calvo Sotelo and Reiz Abogados.

COMMERCIAL LAW

María José Descalzo joins L&W as partner

María José Descalzo has joined Latham & Watkins Madrid office as a Commercial partner after leaving Uría Menéndez Descalzo (*pictured*) has an extensive experience in advising companies, investors and private equity firms on Commercial, Financial and Regulatory issues, with particular emphasis on the Energy sector.

She graduated in Law from the Universidad Complutense de Madrid and also holds a Master's degree in Stock Exchange and Finance from the Instituto de Estudios Bursátiles. Between 2001 and 2006, she worked at the former National Energy Commission (now CNMC).





EASTERN SPAIN

Garrigues appoints Francisco Soler new partner in charge of eastern Spain offices

Garrigues has appointed **Francisco Soler** as new partner in charge of Valencia Community and Murcia firm's offices replacing **José Luis Martínez Navarrete**, who has held the position since 2007. Francisco Soler (*pictured*) joined the firm in 1996. In 2005, he set up the Garrigues office in Shanghai, where he carried out his professional activity until 2011. Since then, he has been a partner in the Commercial Law department in Valencia, where he was appointed head of the area in 2015. He specializes in M&A transactions, Foreign Investment, Corporate Law and Commercial contracts. He has a degree in Law, Economics and Business Studies from the University of Valencia, a degree in Political Science from the UNED and a Master's degree in European Law from the Sorbonne University. He is currently a Law associate lecturer at the Catholic University of Valencia.



PROMOTIONS

Pérez-Llorca appoints five new partners

Pérez-Llorca has recently announced the appointment of five new partners for its Madrid office, bringing the total to 53. **Juan Oñate** has joined the Corporate team as a partner while **Isabel Moya**, **Javier García Marrero**, **Alberto Ibort** and **Rafael Díaz** have been promoted new partners.

Juan Oñate (*pictured, second right*) joins Pérez-Llorca's Corporate team to strengthen the Restructuring practice from a transactional point of view. Juan has developed his professional career in national and international firms where he has participated in the main debt Restructuring processes in the market. He is a Law graduate from the Universidad Complutense de Madrid and has more than 16 years of experience.

Isabel Moya (*pictured centre*) joined Pérez-Llorca in 2009 and holds a degree in Law and Business Administration from the Universidad Carlos III de Madrid. She is an expert in Labour Law and Social Security and provides advice on all Labour areas. Javier García Marrero (*pictured first right*), a judge on leave of absence, joined the Litigation and Arbitration Department of Pérez-Llorca in 2014 as counsel. He graduated from the University of La Laguna, and he is a judicial clerk since 1997. Alberto Ibort (*pictured second left*) joined Pérez-Llorca in 2011. He holds a degree in Law and Business Administration from Universidad Carlos III de Madrid and an Executive Master's Degree in Business Law from Centro de Estudios Garrigues & Harvard Law School. Rafael Díaz (*pictured first left*) started practicing law in Pérez-Llorca in 2010. From 2012 to 2014, he worked as legal counsel at Barclays Bank. He rejoined Pérez-Llorca in March 2014.



TAX & FINANCE

Cuatrecasas recruits Elizabeth Malagelada as a partner

Cuatrecasas has recruited **Elizabeth Malagelada** as new partner to reinforce its Tax & Finance area. Malagelada (*pictured*) joins from Fieldfisher Jausas where she worked from February 2019 to September 2019.

Her areas of expertise include International Taxation and design and implementation of asset finance structures, M&A and Restructuring opportunities, having advised some of the most relevant banks on Brexit plans.

She is a Law and Economics graduate from Universidad Pompeu Fabra, and was awarded Tax Lawyer of the Year by Iberian Lawyer in the 2019 Gold Awards.



LISBON

DLA Piper hires Miguel Mendes Pereira as partner

DLA Piper has hired **Miguel Mendes Pereira** as partner and head of the EU and Competition practice area and **Carla Marcelino** as senior associate in the same department

This step represents the reinforcement of a strategic area for the firm and a clear strengthening of the Portuguese team. Miguel Mendes Pereira (*pictured*) has more than 20 years of experience as a lawyer in the EU and Competition area, having also worked in the European Commission, the Competition Authority and the Court of Justice of the European Union. Carla has relevant experience in EU and Competition Law as a lawyer, having worked at the Organisation for Economic Co-operation and Development (OECD) and the Portuguese Securities Market.

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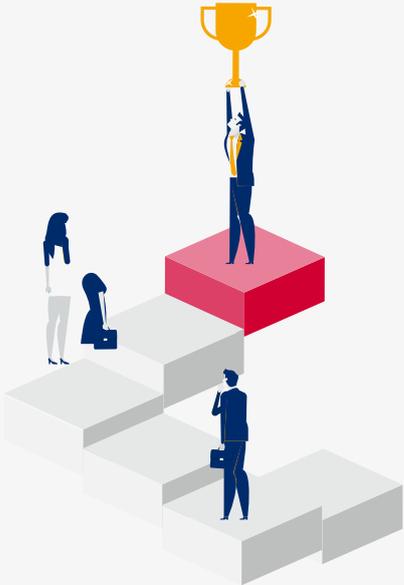
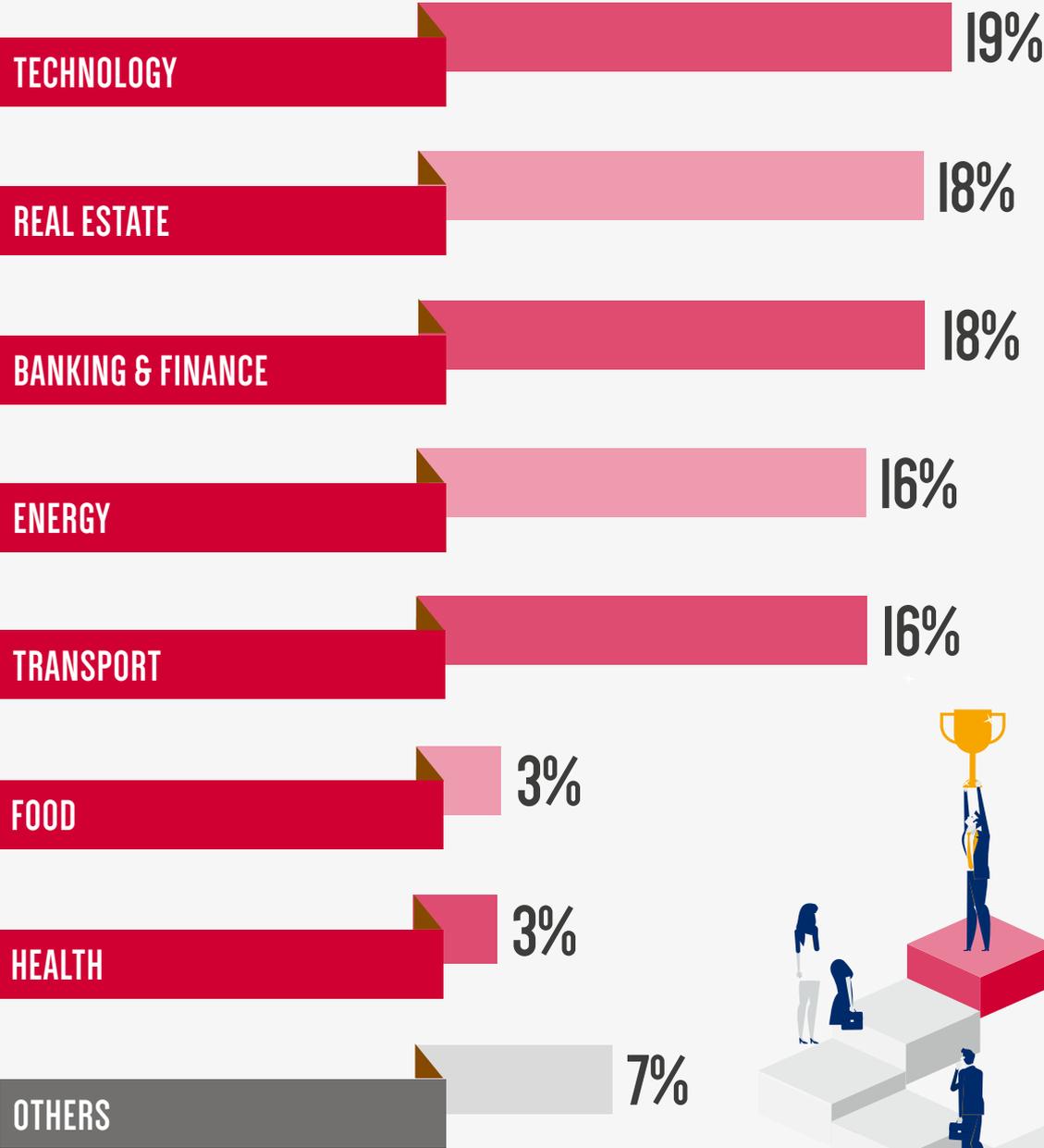
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TECHNOLOGY: GIANTS GO ALL IN

The Technology sector is growing faster than other economies, revolutionizing every industry and, consequently, lawyers are in great demand for advising on TMT deals and investments, supporting clients from start-ups to mature multinational companies with a business model based on technology. Law firms are embracing this boom structuring their tech-related departments to provide specific expertise to address all areas of technology.

Iberian Deals: **KEY SECTORS**



Period: February 17 - March 17 2020 (source: Iberianlawyer.com)



Venture investors are starting to structure capital in smaller tech companies specialized in a specific area of their sector. This is the case of Allianz acquiring a majority investment in ControlExpert, the international market leader in AI-based claims handling in the automotive sector, allowing the insurance giant to settle motor vehicle claims significantly faster with the use of AI.

Other notable tech deals in recent weeks that follow a similar pattern include Lycamobile Spain sale to MásMóvil group for €372m, adding this buyout to the list of Mobile Virtual Operators acquired by the fourth largest telecommunications operator in Spain, Spanish company Panda Security acquisition by Seattle-based leading global provider of network security WatchGuard Technologies, and MNI TechOnRails sale to Swiss company Duagon, becoming the group's global competence for railway engineering and software development for Iberian and South American markets.

This month we have also seen Spanish law firms and lawyers being internationally recognized for having excelled in technology-related matters, like Roca Junyent winning the 2020 Global Legal Hackathon with Igualex software, sending the firm's team to the semi-final, or lawyer María Jesús González-Espejo, who has been named one of the 5 most influential women in LegalTech in 2020 by the International Legal Technology Association (ILTA).

CUATRECASAS, EY AND PÉREZ-LLORCA ADVISE ON €372M LYCAMOBILE SALE

Cuatrecasas, EY and Pérez-Llorca have advised on Lycamobile Spain sale to

MásMóvil for €372m, fueling its growth in new and existing markets.

Founded in 1997, MásMóvil is a Spanish mobile network operator (MNO). The acquisition of Lycamobile Spain forms part of a string of buyouts for the company in recent years. These include the purchase of mobile operator Llamaya for €29.7 million in 2017, the acquisition of Lebara's Spanish business in 2018 for €55 million.

MásMóvil has opted to retain the Lycamobile brand in Spain. The deal is subject to the authorization of antitrust authorities (CNMC).

Lycamobile Spain, part the world's largest mobile virtual network operator (MVNO) was established a decade ago. Founder and chairman of the group, Allirajah Subaskaran, emphasised that the company's aim in penetrating the Spanish market was to be the region biggest mobile virtual network operator. Spanish firm Cuatrecasas advised Lycamobile on Spanish law. Cuatrecasas' team was led by partners **Marco Antonio Sanz Pérez**, **Juan Carlos Hernanz Junquero**, **Gerard Correig Ferré** and **Irene Moreno-Tapia Rivas** (Commercial), **Javier Rodríguez Alonso** (Tax & Finance), **Jorge Aranaz Benito** and **Sandra Silveira** and **Carlos Ara Triadú** (Litigation & Arbitration). MásMóvil received legal and tax advice from EY, as well as labour and compliance *due diligence*, and Madrid-headquartered Pérez Llorca also offered legal advice with a team formed by Corporate partners **Alejandro Alberte** and **Julio Lujambio** with lawyer Lucía Rodríguez, and Competition Law partner **Juan Jiménez-Laiglesia** along with lawyer **Jaime de Blas**.

Practice Area

Corporate/M&A

The deal

Lycamobile Spain sale to MásMóvil

Firm

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Lead Partner

Multidisciplinary team

Value

€372 million

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URÍA MENÉNDEZ ASSISTS PANDA WITH ITS ACQUISITION BY WATCHGUARD



Uría Menéndez has assisted Spanish company Panda Security with its purchase by Seattle-based WatchGuard Technologies.

On this integration, **Prakash Panjwani**, CEO of WatchGuard, highlighted: "by bringing the companies together, we enable our current and future customers and partners to consolidate their essential security services under one brand, backed by the innovation and quality that is a fundamental part of the DNA of both organizations."

Jefferies International acted as exclusive financial advisor and Uría Menéndez as legal advisor to Panda Security.

Uría Menéndez's team was formed by head of Corporate partner **Carlos de Cárdenas Smith** (pictured left), IP partner **Ingrid Pi** (pictured right), Corporate international counsel Alex Bircham, IP senior associate **Fernando Azcona** and Corporate junior associate **José Miguel Egea**. The transaction is subject to customary closing conditions, including regulatory approvals, and is expected to be closed in the second quarter of 2020.

Practice Area

Corporate Internacional/ M&A

The deal

Panda Security acquisition by WatchGuard Technologies

Firm

Uria Menéndez

Lead Partner

Carlos de Cárdenas Smith

Value

Not disclosed

GA_P ADVISES TECHONRAILS ON ITS SALE TO DUAGON

Gómez-Acebo & Pombo has advised MNI TechOnRails on its sale to Swiss company Duagon. Spanish company TechOnRails, specialized in the conception and design of railway signaling systems, has offices in Madrid and Barcelona, gathering over 150 engineers.

As IBL could confirm, TechOnRails founder **Ángel Saldaña** will continue to lead the company and becomes general manager of Duagon Spain.

With this integration, Duagon will be the group's global competence for railway engineering and software development as well as the sales and service centre for Iberian and South American markets. Gómez-Acebo & Pombo was the legal advisor of TechOnRails shareholders that also were advised on the transaction by V4 Financial Partners (M&A). The buyer, Duagon, was advised by KPMG on Financial and Tax matters while Baker McKenzie advised on Legal and Wingtec on the M&A part of the deal.

Gómez-Acebo & Pombo's team was led by **Álvaro Mateo** (pictured left) and also included lawyer **Alba Pérez** (pictured right). On the other hand, Baker McKenzie's



team was led by Madrid office Corporate and M&A team: partner **Maite Díez** and included senior associate **Luis Fuster** and special counsel, **Alba Anegón**.

Practice Area

Corporate/ M&A

The deal

TechOnRails acquisition by Duagon

Firm

Gómez-Acebo & Pombo and Baker McKenzie

Lead Partner

Álvaro Mateo (GA_P) and Maite Díez (Baker Mckenzie)

Value

Not disclosed

HL ADVISES ALLIANZ ON MAJORITY ACQUISITION OF CONTROLEXPERT

Hogan Lovells has advised Allianz X, the digital investment unit of Allianz Group, on a majority stake acquisition of ControlExpert, the international market leader in AI-based claims handling in the automotive sector, with a cross-border team that included Madrid office. The acquisition will enable Allianz to settle motor vehicle claims significantly faster and to use artificial intelligence in claims settlement. ControlExpert will retain its business model and operational autonomy, as well as its name, brand and identity. The counseling team was led by Düsseldorf



JOAQUÍN RUIZ ECHAURY

partner **Christoph Louven** and counsel **Guido Brockhausen**, and included a Madrid office team.

HL’s Madrid team was led by partner **Joaquín Ruiz Echaury** (pictured) and also included senior associate **Felipe Vázquez** and associate **Guillermo Ruiz**.

Practice Area

Corporate/ M&A/Insurance

The deal

Allianz Group acquisition of a majority stake in ControlExpert

Firm

Hogan Lovells

Lead Partner

Joaquín Ruiz Echaury

Value

Not disclosed

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IS THE LEGAL MARKET PREPARED FOR CORONAVIRUS?

by patricia cardoso

Coronavirus has spread through the world and has now millions in quarantine, as government and health organizations are still trying to find a way out of this pandemic situation. At the time we are closing this edition, there are 203 countries affected, more than 1,2 million people tested positive and over 70,000 dead. 270,000 have recovered.

Nations as Italy, Spain, Luxembourg, South Korea, Iran, France or the United States of America have been taking measures to shut down everything and close borders as we all face the worst health/humanitarian crisis of our time. In Portugal, the situation has been getting worst by the day and “State of Emergency” was declared on March 18. At the time of the writing of this article, there were 11,700 infected with Covid-19, 311 deaths. People are staying home to protect themselves. This change of habits as affected all businesses and the legal market is no exception. Firms are taking measures to secure the safety of their employees as well as continue to provide the best service to their clients. Iberian Lawyer talked to three law firms working in Portugal to know what is being done to prevent the damage of Covid-19.

PLMJ

In line with the guidelines of the health authorities, a prevention plan has been put in place which aims, on the one hand, to mitigate the risks to physical health and, on the other hand, to ensure personal comfort conditions for all workers, against a background of growing concern at a national level. For that matter, a set of prevention measures has been adopted in PLMJ as, for example, the provision of all necessary and appropriate products for risk prevention, including disinfectants and, if necessary, masks to be worn by those with symptoms of fever, cough or possible respiratory problems or the creation of a containment room, to which people with suspicious medical conditions will be referred. Concerning the daily professional routines, face-to-face meetings have been reduced to the minimum necessary and whenever possible replaced by distance meetings, using voice calls or video calls and professional travel requires pre-authorization. For those who have returned from travel or are planning to travel - either personally or professionally - on their return are required to be quarantined for a period of two weeks.

PLMJ requires the existence of prevention and contingency plans that always safeguard the safety of employees and, at the same time, allow legal services to be provided to clients without disruption. Naturally, COVID-19 has triggered a strengthening and adaptation of the mechanisms that already exist to deal with scenarios of greater operational challenge, together with a set of specific measures to deal with this particular issue, in full alignment with the guidelines of the health authorities and providing alternative procedures to ensure the normal functioning of the firm.

Besides, a multidisciplinary team has been formed to support clients in all dimensions of the very negative impact that COVID-19 is already having on companies. Thus, this team has a full-service logic but also a sectorial approach, able to accompany their clients from A to Z. PLMJ has produced documents that address the social protection measures approved following the risk of contagion by the COVID-19 virus and a second one in which they analyze the impact of Coronavirus on the companies' activities. These documents, produced by the Labour and Corporate M&A areas, aim to give attention to issues that are more central to the companies' operations and that bring obvious financial risk and very negative potential economic impacts that need to be prevented and mitigated. In a more sectorial approach, they are producing other relevant documents to analyze the impact of COVID-19, for example in the Energy sector. They believe that companies will need all the support in the coming months and therefore the production of relevant content will be a constant. Two of PLMJ partners explain what is been taking into consideration in Labour Law or Health, Life Sciences, and Pharmaceutical area. For **Nuno Ferreira Morgado**, partner, and coordinator of the Labour Law area, there are two dimensions. "In an immediate scenario, more reactive issues related to the main obligations of the company concerning the risks of contagion and the prevention and reaction measures that must be implemented. In a second dimension, advice on more strategic matters, namely obligations and consequences of various scenarios related to absences of workers; the possibility of applying the telework regime and measures to deal with stop situations that will necessarily have a negative economic impact, particularly related to the lay-off mechanism," he says. In the Health, Life Sciences and Pharmaceutical area, **Eduardo Nogueira Pinto**, coordinating partner, says that for now, they are working on the "adaptation of the way establishments operate in the health sector, according to the aggravation of contagion risks and requirements, at a regulatory level, regarding the manufacture, import, and distribution of individual protection equipment - to more preventive matters. Another very important issue is the need for greater collaboration between the public and private health sectors in managing the situation, especially in the acute phase when the coordination of all agents is central," he says.



EDUARDO NOGUEIRA PINTO



CAIADO GUERREIRO

CAIADO
GUERREIRO

INTERNATIONAL LAW FIRM

Since the first diagnosed cases in Portugal, Caiado Guerreiro has installed several hand sanitizing points all around the office, mainly in all entrances and exits, bathrooms and the cafeteria, with visual warnings to remind people of constantly washing their hands.

They also have been reinforcing the disinfectant gel dispensers, soap, and tissue paper boxes in every room in the past days, and implemented some recommended behaviors like avoiding shaking hands, either with colleagues or with clients, preferring video-calls instead of face to face ones, canceling all trips abroad and sanitizing every meeting room after every meeting that occurs. A sign was put in the entrance warning clients that an internal policy of not shaking hands was adopted, asking them to understand. A team was created to survey every employee about possible health problems and risk situations so that more susceptible people could be sent home faster. Currently, they are already sending some teams home to work remotely, through team management, tasks assignment, cloud storage and video-call/chat software. Possibly, somewhere in the next few days, everyone will be working remotely.

Previous to this situation, Caiado Guerreiro says they never had to deal with something of this dimension. They have had some cases where a person or two would work from home due to being suspects of some disease but they never needed making a formal process or regime for people in this kind of situation. Lawyers from the Corporate, Labour, Dispute Resolution and Tax departments have all done or currently preparing newsletters or articles about the subjects, mainly on how this situation may affect companies regarding their clients, their employees, the processes in court, etc. Beyond what was already done, they are counting on keeping some more materials for their clients to keep them updated about relevant developments. Some teams have already been assisting clients with questions regarding the current situation, such as problems with possible contract breaches, taxes, employee rights, layoff regimes and so on. For them, it's been difficult to answer to all these questions because there was no real legislation that could be applied to a case like the one we are living now and since the government is having several meetings and making day-by-day decisions, the best the firm can do is to try to keep up to date with all the information available and give their clients the best possible advice for them and their companies, as they try to implement those measures themselves.



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Senior Counsel
Philip Morris



António Neto Alves
General Counsel / Company Secretary
The navigator Company



Catarina Coutinho
HR Associate Director
CBRE



Isabel Charraz
Country Legal Counsel Portugal & Greece
Citibank Europe



Isabel Fernandes
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José Almeida Fernandes
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Semapa



Luis Graça Rodrigues
Legal regional Counsel
Indra



Maria do Rosário Vilhena
HR Head
Nestle Portugal



Patrícia Afonso Fonseca
Head of Legal
Novo Banco



Patrícia Mendes
Head of Legal & Compliance
Volkswagen Financial Services



Pedro Vaz de Alamada
Legal & Business Affair Manager
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Teresa Carvalho de Oliveira
Head of Legal
Vinci Energies



Tiago da Mota
Director of Legal & Business affairs
Jury meeting Portugal



Vanda Valente
General Legal Counsel & Compliance Officer
Bank of China

CCA

At this time, and given the worsening pandemic situation in Portugal of the Coronavirus, CCA decided to maintain only minimal services in physical terms and to put the vast majority of its employees to work from home. This measure was facilitated by the fact that CCA has all the means and platforms so that work and meetings continue to be carried out on a “home office” basis, ensuring the normal functioning of the activity. The “home office” is, moreover, a measure included in the regular functioning of the office and adopted since 2018 by all members of the company. As a result of this decision, CCA has drawn up a contingency plan that guarantees the minimum services in physical terms to safeguard that, in the strictly necessary, the necessary and urgent steps are taken. Since the beginning of March, they have been monitoring the situation and adopting restrictive measures and rules for the prevention of the virus, from

establishing a mandatory “home office” for 15 days for all employees who have returned from travel (regardless of destination) or who have been in contact with elements at risk; reducing teams to 50% - each department now has half of its staff in the home office and the rest working in the office; reducing all face-to-face meetings to the essential minimum, always opting for conference calls or video (Zoom, Teams, Skype); creating an “isolation room”; disinfecting all points of work daily and providing masks and disinfectant gel throughout the building. As a result of these measures, CCA naturally canceled all events and conferences scheduled with universities and other organizations, adopting an attitude of social responsibility towards its employees, customers, and society, so necessary in a situation of this gravity. CCA has established plans, as provided by law and following the rules of safety and hygiene at work and designs them with the support of the occupational health service... Because of the coronavirus, they had to reinforce and adjust the measures and processes already in place and extend them to all elements of the CCA simultaneously. CCA has prepared and disclosed a contingency plan with some guidelines regarding the coronavirus, naturally following the indications of the General Directorate of Health, informing about symptoms, diagnosis, treatments, and measures to be adopted for prevention and no transmission of the disease. On the other hand, they disclosed

internal rules in case of suspicious cases and the office acquired masks and gloves to be used in case of need and installed dispensers with disinfectant gel. The impact of the Covid-19 outbreak in Portugal is particularly felt at the work level, namely in clarifying both employers and workers about the most effective solution to be adopted in the current situation. Doubts are mainly related to telework, sick leave, and quarantine, namely at the contractual and social security levels. However, CCA believes that this pandemic may also lead to other relevant legal consequences from conflict resolution, regulatory and even criminal.



VDA**Cybersecurity during pandemic times**

For **Magda Cocco**, partner at Vieira de Almeida, “COVID-19 has brought numerous impacts and constraints that we already know in the physical world, but has also intensified the threats in the digital world. When working remotely it is essential to have increased attention on security, particularly in situations where free wifi networks are used, in order to ensure safe surfing of the Internet. This is of course critical for law firms”, she points out.

For companies and institutions that have invested in Cybersecurity “having security policies approved and disclosed by all employees, the challenge is less, but it is essential to maintain a ‘digital alert state’. COVID-19 is being used as an ‘engine’ for fraud in the physical and digital world. In fact, several fraudulent schemes related to the epidemiological crisis have been detected, which even justified that on March 13th Interpol published a circular/warning about the occurrence of fraud situations,” she says.

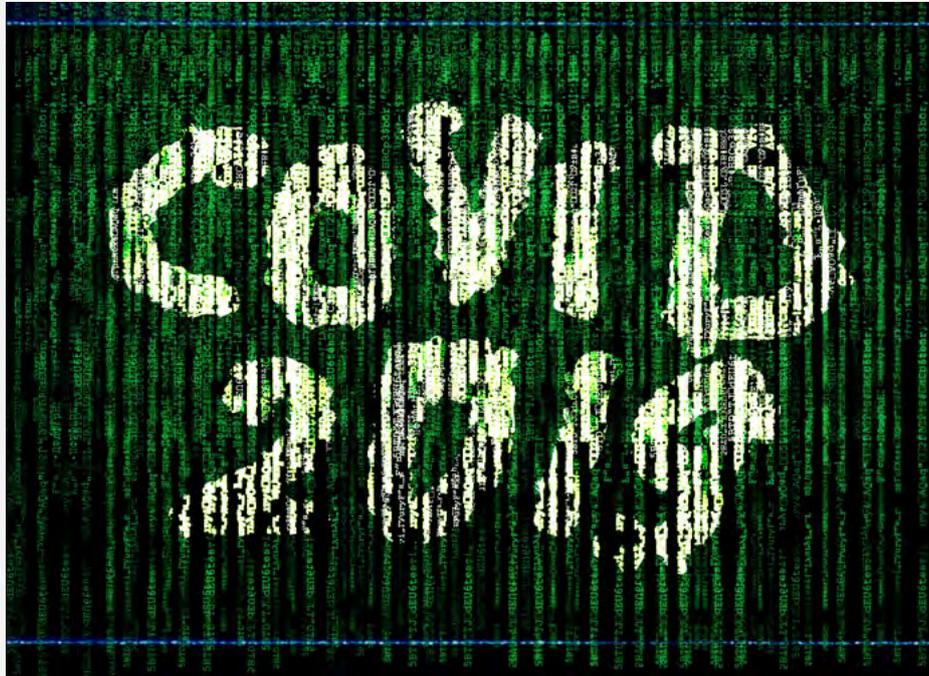
“In some cases, companies/institutions that are the target of an attack have a legal obligation to notify/participate to the competent authorities and it is very important that they do so, as non-compliance with this obligation can itself generate liability. Cyber-attacks can also be a source of liability to third parties, due to the failure to comply with contractual obligations and/or to protect the security and integrity of the network to which some institutions are bound, either legally or contractually,” says the VdA partner.

VdA measures/recommendations to combat coronavirus - smart working

VdA has a defined and structured plan to respond to the challenges posed by the epidemiological crisis at various levels. As far as health-related measures are concerned, the plan designed by VdA contains measures appropriate to each stage of the epidemiological crisis, in line with the official recommendations of the World Health Organization and other competent bodies. But the VdA’s plan for dealing with these challenging times is much more than this. At this stage, VdA has practically all employees in a digital environment. Not only teleworking or remote work, “VdA has placed at the disposal of its employees a digital ecosystem that seeks to reproduce in the best possible way the collaborative and innovative environment that is usually lived in the firm, when we are in the same physical space. The current context of crisis also requires a social response from organizations, based on responsibility and solidarity. On this front, we have provided clients - and opened up to the whole community - very comprehensive and complete information on the new problems posed by the crisis from the very beginning. In addition, we are organising webinars on topics of interest to certain sectors and industries in order to help navigate the new legal issues and think about ways to overcome the legal challenges posed by the demanding times in which we live,” says Magda.



MAGDA COCCO



RECENT CYBER-ATTACKS RELATED TO COVID-19

This info is given by National Center for Cyber Security

- Phishing campaigns (by email, SMS or social networks) under the image of official entities or research centers and laboratories in the health sector
- The dissemination of digital platforms or mobile device applications that appear to disseminate real-time information about the pandemic, but which are, in fact, oriented to the infection of equipment with malware, including the ransomware typology. In many cases, the perpetrators of the scams pose as healthcare companies supplying devices and drugs used to prevent and combat COVID-19 or health authorities asking victims to provide personal credentials to sign up for sites containing malware so that they can contribute/help others in serious humanitarian situations
- Digital fraud schemes, which disseminate crowdsourcing initiatives for the collection of donations;
- SMS with fraudulent information.



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INFORMATION



EVENTS



INTELLIGENCE

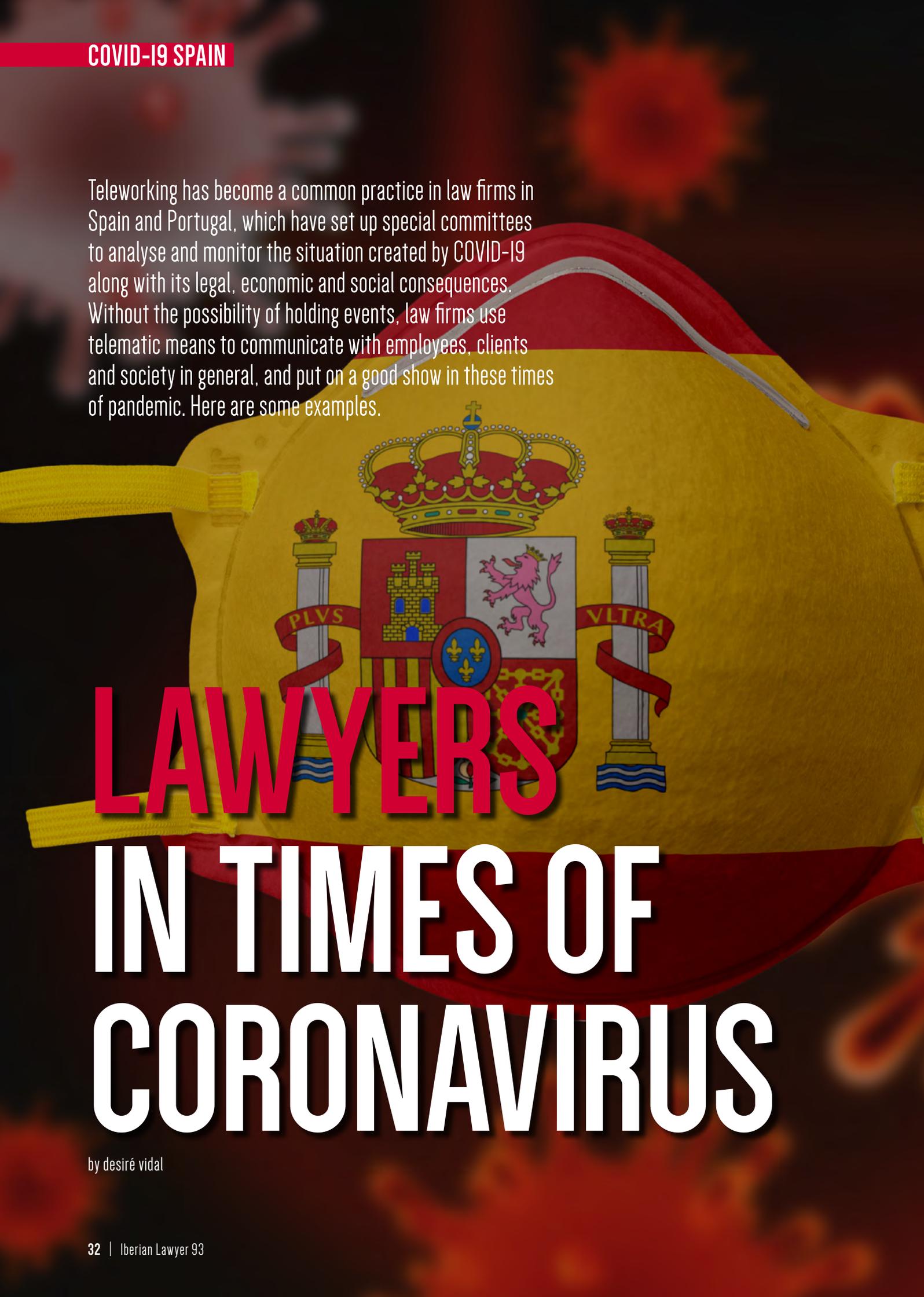


PUBLICATIONS

LC publishing Group provides 100% digital information - with a business angle - on legal, finance and food markets in Italy and is the largest legal publisher across southern Europe and Latin America after the acquisition of the majority share in Iberian Legal group. LC Publishing Group has offices in Milan, Madrid, and New York.

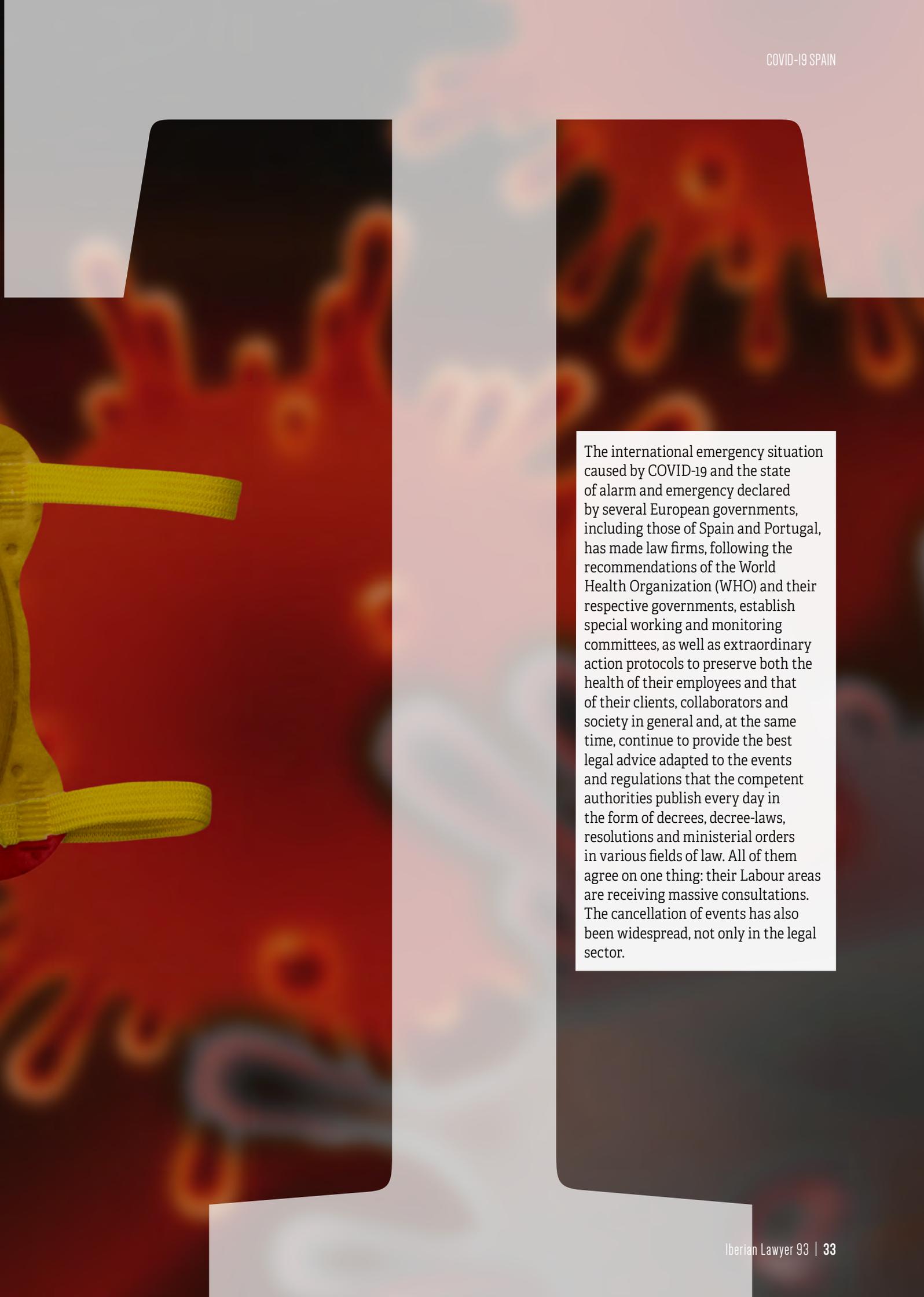


Teleworking has become a common practice in law firms in Spain and Portugal, which have set up special committees to analyse and monitor the situation created by COVID-19 along with its legal, economic and social consequences. Without the possibility of holding events, law firms use telematic means to communicate with employees, clients and society in general, and put on a good show in these times of pandemic. Here are some examples.



LAWYERS IN TIMES OF CORONAVIRUS

by desiré vidal

A yellow and red fire extinguisher is positioned on the left side of the page, set against a background of a fire. The fire is depicted with vibrant orange and red flames, creating a sense of urgency and danger. The overall composition is split into two main vertical sections by a central white vertical band. The right section is a dark red, rounded rectangle containing a white text box.

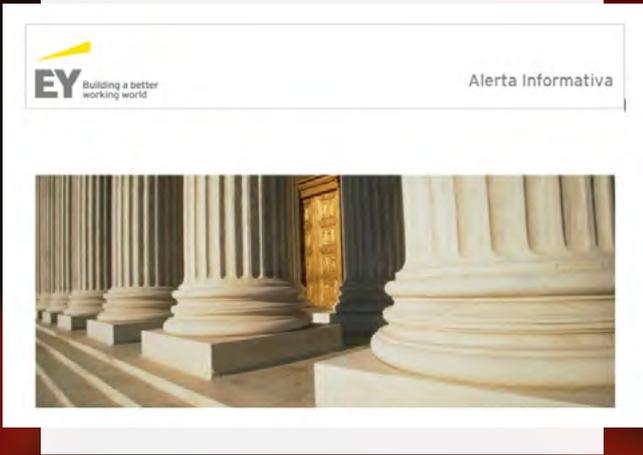
The international emergency situation caused by COVID-19 and the state of alarm and emergency declared by several European governments, including those of Spain and Portugal, has made law firms, following the recommendations of the World Health Organization (WHO) and their respective governments, establish special working and monitoring committees, as well as extraordinary action protocols to preserve both the health of their employees and that of their clients, collaborators and society in general and, at the same time, continue to provide the best legal advice adapted to the events and regulations that the competent authorities publish every day in the form of decrees, decree-laws, resolutions and ministerial orders in various fields of law. All of them agree on one thing: their Labour areas are receiving massive consultations. The cancellation of events has also been widespread, not only in the legal sector.

To communicate with the outside world, firms use all the telematic means at their disposal; newsletters, social networks (especially LinkedIn), corporate websites, webinars/videoconferences, podcasts, videos, reports (PDFs), infographics, etc.



On March 5, **EY** (Ernst & Young) reported through its website and social networks that they had identified a positive case of coronavirus in the Madrid office and activated phase 2 of its prevention protocol, sending its 3,100 employees of Torre Azca home to telework. In the same statement, the firm explained that phase 1 had consisted of restricting travel to those affected, as well as implementing 14 days of home teleworking for all those who had traveled to affected areas during the previous 15 days. It was the first firm to raise the alarm and its response was rapid, accurate and consistent. In addition, they took care, from the very beginning, of the social aspect and maintained, at a distance, the fundamental values of their corporate culture, through the #EYfamily hashtag. From that moment on, the firm started to issue communication alerts, keeping its clients updated about the legal news in the different areas.

After this first communication, other firms took the same measures, with newsletters/information alerts being one of the most used means by firms to communicate news, legislative or not, that may be of interest to employees, companies, the legal sector and citizens in general. This is the case of **KPMG**, a firm that analyzed the situation from various perspectives in its newsletter. KPMG, which according to its 2018 annual report has more than 4,000 professionals in its 16 offices in Spain, announced its new teleworking policy in our country, also through the networks, in the form of an anchored tweet on its Twitter timeline dated March 13.



Another firm that has used this medium is **Andersen Tax & Legal**. In addition to launching a special newsletter on the subject, on March 16, the firm issued a statement in which it announced the main measures taken “in view of the international alert situation caused by COVID-19 and within the framework of the state of alarm decreed by the Spanish Government,” and established an extraordinary action protocol “in order to preserve the health of our professionals, clients, collaborators and society in general, to contribute to the effort that we must all make in containing it and to maintain our capacity to provide legal advice with the same commitment and quality as always.”



Ante la situación de alerta internacional por el COVID-19 y en el marco del Estado de alarma decretado por el Gobierno de España, Andersen Tax & Legal ha establecido un protocolo de actuación extraordinario con el fin de preservar la salud nuestros profesionales, clientes, colaboradores y la sociedad en general, contribuir en el esfuerzo que todos debemos realizar en la contención y mantener nuestra capacidad de prestar asesoramiento jurídico con normalidad y con el empeño y calidad de siempre.

- Por ello, Andersen Tax & Legal ha adoptado las siguientes medidas:
- Todos los profesionales en España trabajan en remoto.
 - Los recursos tecnológicos y las herramientas de las que disponemos permiten a la firma seguir prestando el mejor servicio, respondiendo adecuadamente a los distintos escenarios que se puedan producir.
 - Las oficinas de Madrid, Barcelona, Valencia y Sevilla permanecerán abiertas con el acceso restringido y controlado por la firma hasta nuevo aviso.
 - El despacho y sus profesionales continúan estando accesibles desde los correos y teléfonos habituales.
 - Se pondrán disposición de todos los clientes las mejores alternativas para seguir atendiendo sus necesidades adaptándonos a cada circunstancia.
 - Se han cancelado todos los eventos públicos previstos para las próximas semanas.

Andersen Tax & Legal garantiza la operativa diaria y calidad del servicio jurídico, preservando la salud de profesionales, clientes y colaboradores. Las medidas adoptadas por la firma están siendo valoradas por el Comité de Dirección del despacho, que realiza un seguimiento continuo de la evolución de la situación para minimizar el impacto y poder revisarlas y adaptarlas según las recomendaciones del Gobierno y las distintas comunidades autónomas.

Madrid | Barcelona | Valencia | Sevilla

AndersenTaxLegal.es

Furthermore, Andersen Tax & Legal has also set up a special COVID-19 section on its website where they compile all the analysed information and news on this subject. The firm has 300 employees in its Spain offices and 40 in Portugal.

Social networks, especially LinkedIn, became an updated repository of the information made “ad hoc” by the firms about the different legal, economic or social aspects, in which the coronavirus has caused an impact. Thus, for example, on March 12, on **Allen & Overy’s** corporate LinkedIn page, one could read the implementation of the firm’s contingency plan that sent its professionals home to telework. Allen & Overy has more than 95 lawyers among its employees in its Spain office.



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Pablo Bolinches
General Counsel
FCA (Fiat Chrysler Automobiles)



Pablo Galán González
Director de Recursos Humanos
Canal de Isabel II

In this same network, the firm also wanted to continue promoting corporate culture and encouraging its professionals to telework with the hashtag #aospain.



From **Sagardoy Abogados**, **David Isaac Tobía**, managing partner of the Barcelona office and director of the working group (task force) created in the firm to monitor the impact of coronavirus, explains that, among other measures, from the very beginning they decided to increase the use of prevention measures such as hand sanitizer. “We began by informing our professionals of the need to scrupulously follow hygiene and action recommendations to minimize the risk of contagion.” They tell us that they quickly adapted to the situation, but on the basis of existing risk prevention protocols. Like many others, Sagardoy, which has a team of more than 70 lawyers among its employees, also issued an information note on coronavirus and set up a specific committee to unify criteria for advising clients, with the contribution of lawyers and experts in occupational risk prevention. Regarding the doubts and queries that this

situation is generating among the firm’s clients, Tobía explains that “we are adapting our advice to the specific case of each client. Although there are common features in all consultations, each case is different and responds to the particular reality of each company and activity. In this regard, the committee allows us to give agile, practical and verified answers.”

“

WE ARE ADAPTING OUR ADVICE TO THE SPECIFIC CASE OF EACH CLIENT. ALTHOUGH THERE ARE COMMON FEATURES, EACH CASE IS DIFFERENT AND RESPONDS TO THE PARTICULAR REALITY OF EACH COMPANY AND ACTIVITY. IN THIS SENSE, THE COMMITTEE ALLOWS US TO GIVE AGILE, PRACTICAL AND VERIFIED ANSWERS

David Isaac Tobía,
managing partner
Sagardoy Barcelona



”

Among many other actions, on March 13, **Roca Junyent** offered a breakfast webinar on the legal implications of coronavirus. An online meeting in which, for two hours, several firm’s partners explained to nearly 200 clients the main labour, fiscal and contractual implications of this unusual situation under the firm’s perspective. On Friday March 20, another meeting was held, under the title “Legal measures to respond to the impact of #Coronavirus,” which was attended by more than 300 people according to the firm’s LinkedIn post. The firm has more than 150 lawyers.



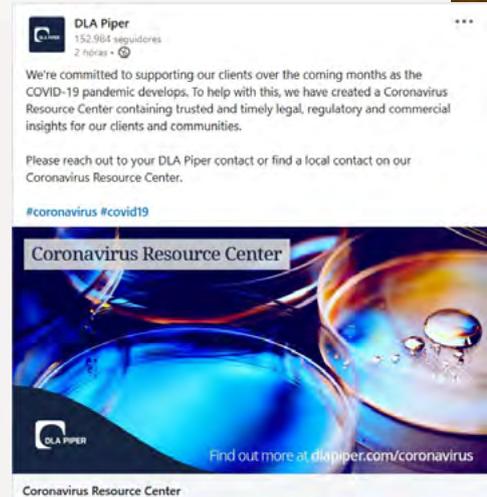
These days, corporate websites, that continuously update their content with new aspects to consider in relation to COVID-19, have become a fundamental resource for law firms. For example, **Garrigues**, which has a special multidisciplinary section on its website, published an alert on March 5: “Coronavirus: The Ministry of Labour publishes a guide to action in the field of employment, by partner Rosa Zarza,” and on March 14 announced that all its offices would remain open, offering minimum essential services. However, the firm confirms that its offices staff work remotely, specifically its Madrid office staff, that has been doing so since March 11, “without any incident.” Something for which its team, the statement continues, “has the required training, resources and secure technological means to provide the quality of service that customers expect from the office.” Garrigues has also set up a special committee with the aim of permanently monitoring the effectiveness of these measures and their adaptation to the evolution of the concurrent circumstances in the various geographical areas in which the firm carries out its activity. Garrigues has 2,121 employees globally, of which 1,735 are in Spain and 118 in Portugal.



Cuatrecasas also decided to set up a special committee from the beginning, and we can see the communication on its website, dated March 16, stating: “last Thursday, March 12, Cuatrecasas activated its prevention plan in relation to the Covid-19. Since Friday March 13, all our professionals (lawyers, assistants and the organization team) in all our offices have been working remotely. Our infrastructure, computer and communications equipment allow our entire team to work remotely and securely from their homes, following all of our firm’s usual procedures. In these circumstances, we continue to strive to provide excellent support and service to our clients worldwide.” Cuatrecasas has 1,352 employees in its 14 Spain offices and 213 in Portugal (Lisbon and Porto offices).



During the second week of March, nearly all law firms had either imposed teleworking or suggested teleworking to their employees. **DLA Piper** announced among other platforms, on its LinkedIn corporate page, the holding of a webinar on March 19 on “Coronavirus COVID-19 and its effects on supply chain contracts” and, on March 20, on this same network, the creation of its “Coronavirus Resource Center”; a specific section within its web page that offers, as its name indicates, different resources such as a guide to publications, access to the subscription to the special newsletter on the COVID-19 that the firm publishes, and access to the coronavirus regulatory monitoring team. On their Twitter account *@DLA_Piper_Spain* they also share the analysis that the firm performs in each of the legal areas affected. DLA Piper has 122 employees in Spain, 84 of whom are lawyers.



From **Pérez-Llorca**, they also confirm to Iberian Lawyer that, from Wednesday March 11, “all the professionals are teleworking.” A measure that was taken first in Madrid and, shortly after, in Barcelona, London and New York. To this end, the firm explains that “all lawyers and support staff have portable devices and VPN connection to be able to telework with full access to documents, folders, computer applications, Intranet, library and various services that the office makes available, always with maximum security measures.” In addition, they say that 100 % of the employees have been provided with corporate mobile phones so that they can make and receive calls without connectivity being affected: “the IT department is continuously monitoring the systems and the system has not exceeded 60 % of its capacity.” Something that is allowing them to work with agility and without incidents. The partners and lawyers hold daily virtual meetings to deal with several matters and to organize the daily work operation. “We are also using these tools to make all employees feel that they are accompanied by the firm and that they are not alone in this situation.” Regarding the demand for advice, Pérez-Llorca emphasizes that “the consultations are multidisciplinary, on how to apply these measures and their consequences in the present and future.”

The firm, that according to data from September 2019 collected by El País, has 250 lawyers, 46 of which are partners, with a total workforce of 350 people, also uses social networks, LinkedIn in this case, for its communications. On March 17, it published a #notajurídica(#legalnote) on its corporate page in which they compiled and analyzed various agencies and institutions official statements in relation to COVID-19.



From **Ceca Magán Abogados**, its managing partner, Esteban Ceca, explains that “since the detection of the virus in China in February, our firm has taken the spread of this virus and its possible consequences very seriously, as has unfortunately been demonstrated. It was at that time that specific committees were set up to establish different internal protocols for our professionals and externals to serve our clients. Internal communications were made to all employees informing of the situation and encouraging them to prevent it. It was at this time that we reviewed emergency protocols to implement teleworking throughout the company, as we have done.”



EXTERNALLY, WE HAVE PREPARED SPECIFIC GUIDES FOR CLIENTS AND THE MEDIA ON ASPECTS AND ISSUES THAT HAVE ARISEN MAINLY IN THE FIELD OF EMPLOYMENT

Esteban Ceca, managing partner of Ceca Magán Abogados



Ceca Magán Abogados has more than 100 professionals in its three offices in Spain. The firm also uses the social networks to keep its employees' spirit strong with hashtags such as #equipoceca(#cecateam) and nice corporate content like the one that shows that #yomequedoencasa (#Istayathome) has good things too.

#YoMeQuedoEnCasa

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CECA MAGÁN
ABOGADOS

Y para nuestro trabajo:

- ✦ Ser conscientes de que podemos teletrabajar realmente
- ✦ Darnos cuenta de que muchas reuniones presenciales no tenían sentido
- ✦ Videoconferencias más cortas y concretas
- ✦ Tiempo para atender lo **IMPORTANTE y URGENTE**
- ✦ Tiempo para interactuar en mi perfil [LinkedIn](#) y dar voz a mi empresa
- ✦ Tiempo para llamar a los clientes sólo para saber si están bien, estamos a su lado
- ✦ Tiempo para ordenar mis correos atrasados
- ✦ Tiempo para pensar antes de actuar
- ✦ Tiempo para preparar futuras acciones comerciales...porque el COVID19 pasará!!!

Y lo más importante... Colaborar a un fin mayor y ser solidarios

#EstiloCeca

Similarly, **Uría Menéndez**, published on its website on March 16, that the vast majority of its staff - including 100% of the lawyers - were teleworking. "However, - continued the press release- all the offices remain open and fully operational, and the essential services necessary for our activity are maintained. The lawyers and the rest of the professionals at Uría Menéndez are available at their usual telephone numbers and e-mail addresses." With regard to events, the same note states that "all events which were to take place at any of our offices in the coming weeks have been cancelled, except those which under current regulations can legally be held" and recommends that all members "avoid attending meetings and that these meetings be replaced, whenever possible, by telephone calls or video conferences."

On the other hand, among other measures, Uría Menéndez has prepared a systematized regulatory compendium by subject and sector of the provisions approved to date in relation to the health crisis generated by COVID-19. According to the firm, this compendium will be periodically updated to facilitate the monitoring of the regulations issued on the matter -particularly, the measures in Labour, Tax or Financial matters approved in the Council of Ministers- and their impact on economic and business activity. The information, seen on LinkedIn, carries the hashtag #conocimientoUM (#knowledge UM).

Uría Menéndez
42.207 seguidores
2 semanas • 🌐

Uría Menéndez acaba de elaborar una guía práctica que recoge cuestiones jurídicas clave de índole civil, mercantil, procesal, administrativo, laboral y fiscal que deben tener en cuenta los operadores económicos en las actuales circunstancias del COVID-19, incluyendo los aspectos más relevantes del RD 463/2020 de Estado de Alarma y del RDL 8/2020.
[#conocimientoUM](#)

COVID-19: GUÍA SOBRE CUESTIONES JURÍDICAS CLAVE • 58 páginas

URÍA MENÉNDEZ

Guía sobre cuestiones jurídicas clave relacionadas con la crisis sanitaria del COVID-19

18 de marzo de 2020

1 / 58

COVID-19 TIMELINE: KEY DATES

DEC 1, 2019

First case of COVID-19 detected in Wuhan (China)

JANUARY 30

WHO raises alarm over Wuhan situation

JANUARY 31

First coronavirus case in Spain (La Gomera)

FEBRUARY 13

Mobile World Congress is cancelled

FEBRUARY 18

First coronavirus case in Italy

MARCH 10

Royal Decree-Law 6/2020:

Urgent measures in the economic sphere and for the protection of public health.

- Infected/isolated people assimilated to an accident at work
- Control of sanitary supplies

Government personnel selection processes postponed
Bar exam postponed

Community of MADRID:

- Schools & Universities closing announced
- Openevents of +1000 people cancelled
- Daily disinfection of public transport

MARCH 8

International Women's Day march

MARCH 7

Community of MADRID: Closing of elder day care & leisure centres

MARCH 5

First confirmed case in a firm. EY sends employees home to telework

FEBRUARY 25

First coronavirus case in Iberian Peninsula (Barcelona)

MARCH 2

First coronavirus case in Portugal

MARCH 11

Direct flights from Italy banned

The majority of law firms and companies activate telework policy.

MARCH 15

HR measures to reinforce health system
CGPJ suspends court and judicial activities

MARCH 12

AEPD issues report on health data protection

Royal Decree-Law 7/2020: Urgent socio-economic measures to respond to the economic impact of COVID-19.

- Deferment of certain tax debts
- Extraordinary credit to MOH and Autonomous Communities

Community of MADRID:

- Sport activities banned

Confinement of 4 towns in Barcelona province (Igualada)

State of alert declared in Portugal

- Closing of schools and discopubs
- Cruise ships passengers can't disembark

MARCH 13

Community of MADRID:

- Establishment of minimum MOJ workforce
- Closing of bars, restaurants and shows
- Telework policy

Catalonia isolated by regional government (Generalitat)

MARCH 14

Royal Decree 463/2020: state of alarm is declared in order to deal with the health emergency caused by COVID-19.

- Restriction of the freedom of movement
- Closing of retail, bars and restaurants except groceries and pharmacies
- Classroom-based educational activity is suspended.
- Termination of contracts due to force majeure
- Transportation restrictions
- Suspension of legal and administrative deadlines
- Armed Forces act as authorities

MARCH 16

Spain re-establishes land border controls

MARCH 17

EU seals borders to third nations
Royal Decree-Law 8/2020: extraordinary urgent measures to address the economic and social impact of COVID-19

- Employee support
- Guarantees on financial liquidity
- Flexibility in contract termination/ERTES
- Delay in tax and fine deadlines
- Telework
- Moratorium on mortgage debt
- Unemployment/Cessation of activity
- Guarantee of essential supplies

MARCH 19

Announcement on hotels closing
 Ministry of Justice takes control of Judiciary personnel.
 National Cryptologic Centre, **CCN-CERT**, warns about COVID-19 related malware
 Portugal closes bars, restaurants and retail

MARCH 18

State of emergency declared in Portugal
 King Felipe addresses nation

MARCH 22

Spanish Government announces state of alarm extension for another 15 days

MARCH 24

Tokyo Olympics postponed to 2021

MARCH 27

Royal Decree-Law 9/2020: complementary measures relating to employment, to alleviate the effects of COVID-19.

- Covid-19, cannot be regarded as justifying the termination of employment contracts or dismissal
- Speeding up the application process and payment of unemployment benefit
- Tolling of the term of temporary contracts
- Restriction on the length of layoffs (ERTES)

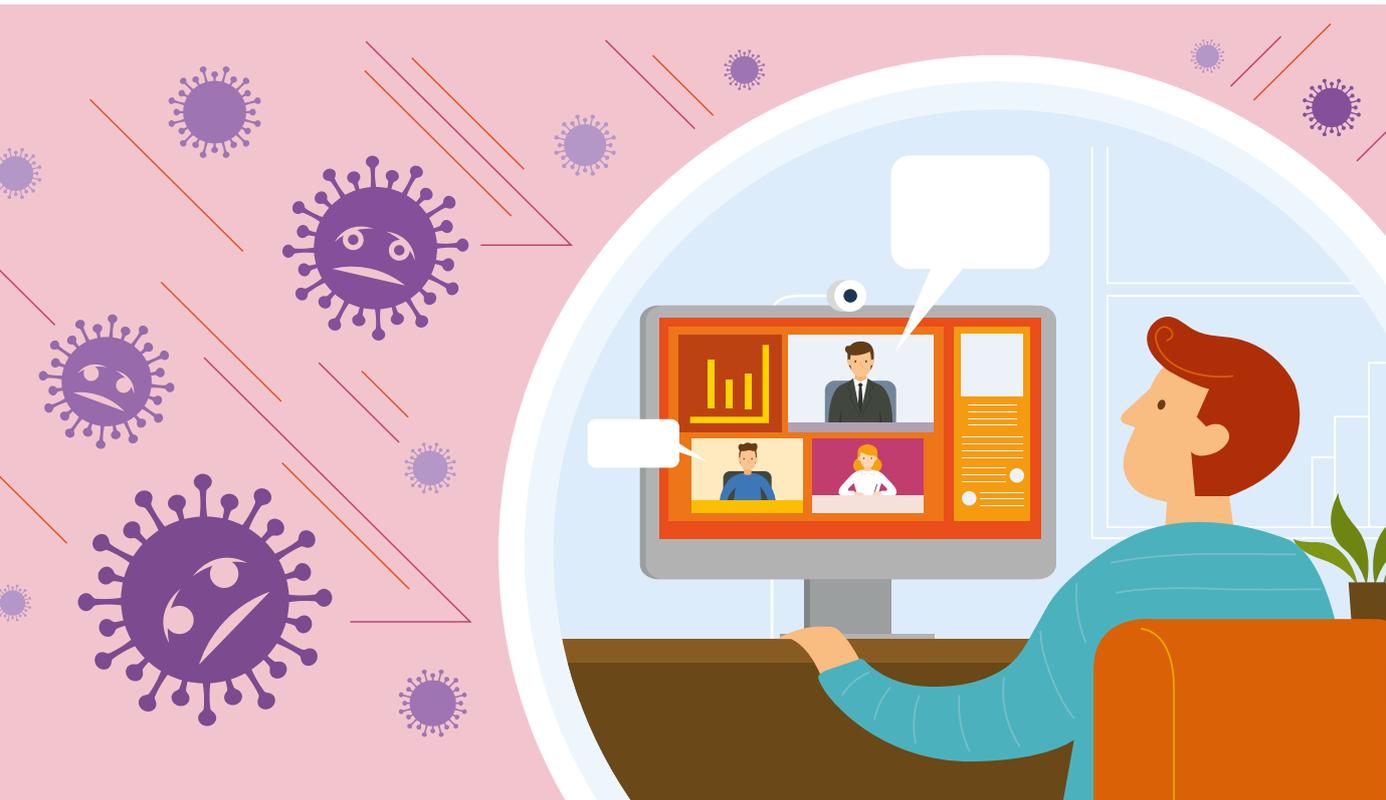
MARCH 28

Royal Decree 476/2020: Spain state of alarm extended to April 12

MARCH 29

Royal Decree-Law 10/2020: paid leave for essential services workers to reduce mobility in the fight against COVID-19

- All non-essential activities closed for two weeks
- Recoverable paid leave
- Recovery of working hours up to Dec 31
- Administration of Justice and lawyers are considered essential



TELEWORKING UNDER COVID-19 THREAT

This viral context, which forces teleworking, requires a special approach that most law firms and professionals are taking care of and, in turn, they are informing their clients and the general population about the precautions and recommendations to be followed, in this case, to safeguard, among others, the health of computer systems.

by *desiré vidal*



On March 19, the National Cryptology Center's Incident Response Team, CCN-CERT, warned of a surge in malware campaigns using Coronavirus/ COVID-19 pandemic-related themes to infect individuals and organizations around the world through a statement.

"At the moment -said the statement- there are more than 24,000 domains registered on the Internet that contain the terms: 'coronavirus', 'corona-virus', 'covid19' and 'covid-19'. Of these, more than half, 16,000, have been created in the month of March (10,000 in the last week). Some of them have legitimate purposes and others are dedicated to spam campaigns, spear-phishing or as command and control servers, C2. It has also been detected that some Trojans like Trickbot and Emotet have evolved their TTPs to evade detection, using the news related to the coronavirus."

In this context, how is information security controlled?

The coronavirus has forced teleworking not only in law firms, but in all kinds of companies. "The coronavirus has made it necessary for companies to enable teleworking and mobility to the highest degree. Of course, ensuring the highest degree of safety and efficiency. It is comparable to the contingency situation of an unusable workplace and this will test all companies' business continuity plans; we have a difficult test ahead of us to pass and we must learn from it regardless of the results," says **Manuel Asenjo**, IT director at Eversheds Sutherland Nicea.

Jesús Yáñez, Risk & Compliance, Cybersecurity and Privacy & Data Protection partner at Écija Law & Technology, tells us that, for his part, "on Monday 16 March 2020, ÉCIJA activated the mandatory teleworking plan for all its professionals. However, it is worth mentioning that the firm has a free teleworking policy, that is, our professionals can telework every day they need to. In this aspect, we are one of the first firms that bet on teleworking in business law in Spain, therefore, our Cybersecurity systems already contemplate a system a relative amount of telework and we do not expect greater risks of cyberattacks out of the ordinary. Our Cybersecurity team continues its normal activity and there are no known cases related to Covid-19. Another initiative is that we have made a helpdesk available to our customers; a multidisciplinary team formed by partners from different practices, to answer any questions that our customers may have. Finally, we have also prepared a Cybersecurity decalogue for teleworking that companies should take into account."



JESÚS YÁÑEZ



FRANCISCO PÉREZ BES



MANUEL ASENJO

Cybercriminals, who are aware of the vulnerabilities involved in teleworking, have already begun to take advantage of this situation, says **Francisco Pérez Bes**, Digital Law Partner

»»



at Ecix Group: "When we work outside the office, we are even more vulnerable to cyberattacks, so we have to be extremely careful about the type of information we send, as well as being cautious about accessing files or links. We are seeing this with the coronavirus crisis, where criminals (sometimes third parties seeking social destabilization, which can lead to a real national security problem), spread fake news and pages in order to take advantage of the users' concern, and the greater likelihood of them accessing compromised resources, for criminal purposes. Such practices allow them to rapidly spread

“

THERE ARE MANY MEASURES TO BE IMPLEMENTED ACCORDING TO EACH COMPANY'S OPERATION, BUT THE FIRST THING IS TO USE ONLY THE EQUIPMENT THAT THE COMPANY MAKES AVAILABLE TO THE WORKERS AND THAT HAS THE PROTECTION SOFTWARE

JOAQUÍN MUÑOZ FROM ONTIER

”

malware, such as - among others - the dreaded ransomware Emotet. This is where prevention and awareness are effective tools to ensure the Cybersecurity of companies and individuals." The best thing is to be trained and prepared. **Joaquín Muñoz**, head of IT & IP Law at Ontier explains it this way: "in these days in which the majority of professionals, also lawyers, are working in remote, there is a series of issues that we can remember to maintain a safe access to servers and a safe treatment of information. There are many measures to be implemented depending on each company's operation, but the first thing is to use only the equipment that the company makes available to the workers and that has the protection software. In this sense, it is advisable that all work activity is carried out in an environment controlled by the office, enabling a remote and direct access to the server being the easiest way, avoiding keeping documents locally. If it is necessary for the worker to access from a particular device, it will be advisable to determine unique credentials that identify him in the accesses to the corporate documentation and to create secure accesses to it, through VPN, for example. On the other hand, assigning roles and limiting access according to those roles becomes more relevant in remote access situations and it is always important to be able to keep access logs to monitor the activity. The above, without prejudice to many other security measures that can be implemented, may not work if the company does not invest time and resources in creating a culture in which all employees are aware of their responsibility and are committed to fulfilling the obligations that the company imposes in this area."

But the dangers are not exclusive to the situation caused by COVID-19. Francisco Pérez Bes explains that "the lawyer, by the very nature of his profession, has to travel out of the office on numerous occasions, which means that the type of risks to be dealt with is different. Thus, law firms must let their lawyers know how to act during business trips, during which a great deal of information about operations and contracts will be managed, which can have great commercial value. And it is this professional's responsibility to protect the secrecy and confidentiality of such information. Failure to protect our devices screens when working in public, revealing information in telephone



conversations, using public Wi-Fi networks (which may have been breached), or losing a simple mobile phone or pen drive without the information being encrypted and protected by a password, are all negligence which, in addition to jeopardizing the client's trust, are legally and deontologically penalized. Teleworking is also common in this profession. For this reason, offices must have access to their systems from the outside, well protected (by means of strong passwords) and encrypted (preferably by means of VPN). They should also make those employees aware that they should be cautious about the information they include in their messages when they work out of the office, since there is a greater probability of suffering some kind of security incident (for example, a communications interception). Not necessarily because a cybercriminal gains access to the communication channel, but because the professional tends to lower his guard and use terminals that may have been compromised at some point (e.g., having some type of malware installed), or that have insecure applications installed. In such a case, a third party could access sensitive information before it is sent through the firm's systems, without being detected."

In addition to all the above, **Noemí Brito**, partner and head of Technology area at Ceca Magán warns that: "it is important to consider the recent recommendations made to this effect by both the National Institute of Cybersecurity (INCIBE) and the National Cryptology Centre (CCN), which can be summarized as the need to adopt and implement a coherent and reasonable policy for secure remote access. The solutions range from the implementation of a cloud-based solution with

Safety guidelines for teleworking by

NOEMÍ BRITO

- Verify the security of your credentials, in particular, use strong keys or passwords and, if possible, activate the two-factor authentication.
- Keep operating systems and applications up to date (ensuring the highest possible security in accordance with the relevant updates).
- If possible, use devices and software that allow for encryption of information so that, in the event of a personal information breach, data are unintelligible to third parties, minimizing the risks associated with a possible lack of confidentiality.
- Make periodic backups of your data using systems that offer sufficient guarantees in accordance with corporate security policies.
- Avoid the use of remote desktop applications that can create backdoors and encourage the use of secure virtual private networks (VPNs).
- Make sure that the Wi-Fi configuration is correct and secure. Preserve and securely delete information in line with corporate security policies.

sufficient security, to a system based on local, on-premise systems, in which the organization's limits are extended beyond its premises. The main objective of this policy would be, in any case, to provide the relevant security measures for this type of access, as well as the articulation of secure systems including videoconferences, connections with suppliers and customers. Without prejudice to the above, which would be desirable, in any case, certain parameters should be ensured in teleworking situations (with company support if feasible or possible), in particular if the equipment, network or device is provided by the worker." Aware of the added risks posed by the widespread situation of teleworking, the Incident Response Team of the National Cryptology Centre, CCN-CERT, has prepared a Good Practice Report: [CCN-CERT BP/18 Security Recommendations for Teleworking Situations and Reinforcement in Surveillance and Security Measures for Remote Access.](#) 



INDRA:

at the TECHNOLOGICAL FOREFRONT
of CYBERSECURITY

by desiré vidal

Iberian Lawyer interviews Carlos González Soria, Indra's head of Legal Affairs and deputy secretary of its Board of Directors.

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Spanish Indra is one of the global leading technology and consulting companies and the technology partner for key client operations worldwide. As a leading global provider of proprietary solutions in specific segments of the Transportation and Defence markets, it excels in Digital Transformation and Information Technology consulting in Spain and Latin America through its subsidiary Minsait. Its business model is based on an integral offer of its own products, with an end-to-end approach, high value and with a high innovation component. The improvement of Minsait's profitability, together with the prospective of the Transport and Defense projects, predicts both a future and a challenge for it, among others, the one derived from having been appointed by the Spanish Government as the Spanish coordinator of the Future Combat Air System (FCAS) and the New Generation Fighter (NGF), together with its partners in France and Germany. This is undoubtedly one of the biggest technological projects that Europe intends to face in the next 20 years.

First of all, **González Soria** explains that "as the

CARLOS GONZÁLEZ CV



Carlos has a degree in Law from the Universidad Complutense de Madrid. He has been a Roman Law associate professor of at the same university and also taught Commercial Law at the Instituto de Empresa. He worked as a lawyer at Garrigues from 1991 to 1996, when he joined Indra. He is currently head of Legal Affairs and deputy secretary of the Board of Directors.

maximum global responsible, my main function is to lead and coordinate the team of lawyers with the ultimate aim of ensuring adequate advice and control of the legal risks of the company's operations, with direct involvement in the most relevant matters."

What is the structure and how many people make up Indra's Legal department?

The legal department is structured in 5 main legal areas: Minsait; Transportation and Defense (T&D); Corporate; International and the Secretariat of the Board and Corporate Governance. It is composed of 80 professionals, 50 of which are in Spain and 30 in the different European and Latin American countries where Indra is established. 90% of the professionals are lawyers. Minsait's and T&D's legal departments are subdivided into Indra's areas of specialization in the different business lines, both vertical and transversal.

Indra's appointment as national industrial coordinator in the Future Combat Air System

(FCAS) programme was described by Indra's CEO, Abril Martorell, as a logical strategic decision by the Spanish Government. What are the legal challenges of Indra's participation in the largest defence project of the next 20 years, together with France and Germany?

The appointment as national coordinator means an important boost for Indra. In the short term it is a clear recognition of its capabilities, which strengthens its credibility and competitive capacity at international level and its access level to large international programmes. In the medium and long term, the first level technological developments included in the programme strengthen its future development capacity of the technologies in which it is currently a leader in Spain and Europe, which means that it will ensure that it is at the forefront of this industry for the next 20 years. With this, it increases its capacity to generate income via exports and its possibilities of attracting and retaining the best talent. On a legal level, this means a continuity of the work developed for the Eurofighter (EFA) programme, in which Indra has participated for many years, but with a new more active and leading role as the national industrial coordinator.

Regarding this project, Indra will have to coordinate with many Spanish companies responsible for the different technological pillars, among them, Airbus DS SAU. How do you approach these relationships from your department?

With absolute normality, Indra is the only Spanish company among the top 100 defence companies in the world and it is internationally renowned for the development of critical projects for the national defence of the countries it works for, for its participation in major European programmes and for its proven export capacity and its high added value within NATO framework.

Indra has a high level of international recognition; it participates in 9 EDIDP (European Defence Industrial Development Programme) consortia and acts as coordinator in 3 of the 5 led by Spain, among others the Permanent Structured Cooperation (PESCO) programme for Strategic Command and Control, probably the most important of them all, in which Spain, Italy, Germany,

France, Luxembourg and Portugal participate. Its technology (radars, electronic defence, command and control, mission systems, etc.) is recognised worldwide.

What areas of law need to be mastered to successfully perform a position like yours?

Commercial, Corporate and Public Law, although as the head of legal affairs, you end up advising on practically all areas of law, for which it is always important to be able to count on the technical opinion of those lawyers who specialise in that particular area.

You created your own digital transformation company, Minsait. Did you do it because you saw the need?

In 2018, Indra carried out a corporate reorganization consisting of grouping all its IT businesses, vertical and horizontal, national and international, into a new corporate entity that is a 100% subsidiary of Indra, including the digital transformation business.

The reasons for undertaking this reorganization were (i) To improve the management and accountability focus by separating the two largest business areas; (ii) To simplify the decision-making and execution processes by adapting them to the different needs of each area; and (iii) To facilitate the establishment of strategic alliances, joint ventures



AFTER THE ACQUISITION OF SIA, INDRA HAS A TEAM OF MORE THAN 1,000 PROFESSIONALS SPECIALIZED IN CYBERSECURITY AND IS POSITIONED AS THE REFERENCE PLATFORM ON WHICH TO CARRY OUT THE DEVELOPMENT OF THIS TECHNOLOGY



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INDRA IN NUMBERS (2019)

€3,204 million

TURNOVER

€212 million

NET PROFIT

+ €4,500 million

BACKLOG

+ 49,000

EMPLOYEES

46

COUNTRIES WITH LOCAL PRESENCE

+ 140

COUNTRIES IN WHICH IT OPERATES

SOURCE: 2019 FINANCIAL REPORT. WWW.INDRACOMPANY.COM

and integration processes with other IT companies.

Cybersecurity is an essential aspect for Indra as it is for many other companies, but in Indra's case it is, we assume, especially important. Proof of this is that you have purchased key companies in this sector. How do you handle these issues from the legal department?

Personal data and intangible assets protection is an increasingly relevant aspect at a global level. Computer attacks involving theft of financial data, illegal appropriation of other people's technology or know-how and public disclosure of personal data are becoming more frequent, with very serious consequences for both the economy and the reputation of companies and individuals.

This is why Cybersecurity has become a top-notch technology sector, with a high level of demand, in constant growth (a nearly double-digit increase per year is expected in the Spanish market until 2023) and in full transformation, for which Indra is clearly committed and in which we have our own solutions. In December 2019, we acquired SIA, a specialized and leading company in the field of information security, to create the Cybersecurity leader in Spain and Portugal in terms of business volume in services and value-added products.

The integration of SIA with Indra's Cybersecurity

business will allow us to bring differential and complete offering to the market that includes cyber risk consulting services, technological footprint protection, incident detection and response, and the creation of secure businesses for our clients with advanced digital identity solutions.

After this acquisition, Indra has a team of more than 1,000 professionals specialized in Cybersecurity and is positioned as the reference platform on which to carry out the development of this technology.

In 2019, Indra also joined NATO's public-private partnership model in cyber defence after signing an industrial collaboration agreement with its Communications and Information Agency (NCIA) to become part of the network of companies that collaborate with this organization in the exchange of intelligence regarding Cybersecurity.

From a legal point of view, we focus our work on all aspects derived from the General Data Protection Regulation (GDPR) in our business, since in the design of our services and applications we are responsible for implementing the principle of privacy by design and by default. In the event of a data breach, its incorrect application could aggravate possible

liabilities.

In addition, as we provide services to Public Administration systems, we must ensure that we comply with all the National Security Scheme requirements, which are normally set out in detail in the tender specifications.

At a regulatory level, since we provide services to entities and systems affected by the obligations imposed by Law 8/2011 on Critical Infrastructures and RD-L 12/2018 on Network and Information Systems Security, it is essential to know and adequately regulate compliance with the regulatory provisions, which failure to comply with may result in significant economic penalties.

At the contractual level, I would highlight two important aspects to be taken into account:

(i) obligations in the field of security must be configured as obligations of means, understood as the commitment to maintain a standard of security and the execution of the agreed measures; (ii) insofar as we provide services based on third party platforms (such as public clouds of the AWS, Ms Azure or Oracle type), when determining responsibilities, it is important to take into account the conditions derived from the use of such platforms.

At the corporate level, it is important to cover possible risks derived from Cybersecurity incidents through specific insurance policies (which terms are increasingly complex and their cost is higher).

For what types of matters does Indra hire external lawyers? Do you always work with the same firms? What requirements must a law firm or its professionals meet in order to work with Indra? Do you use Alternative Legal Service Providers?

Legal advice in the ordinary course of business is provided by the internal team of lawyers.

We hire external firms for those extraordinary matters which, due to their complexity, speciality or possible impact, require an external lawyer who specialises in the subject. By its very nature, the area where we outsource most matters is Procedural and M&A. We select firms based on added value and cost criteria according to the complexity of the matter.

To date we have not used ALSPs, which have effectively broken into the legal market by offering the outsourcing of paralegal tasks (such as document review, procedural support or legal research) offering cost savings and improved efficiencies. We are analysing whether they would

fit into Indra's legal advisory model and have held some meetings with suppliers to this end.

How do you think Brexit will affect Indra?

Brexit is a complex process with multiple dimensions and variables. At Indra, we have analysed its main aspects in detail such as: fiscal impact; tariffs and customs controls; people's movement; regulatory changes; or European funds for Research and Development (R&D) projects, among others, in order to assess the possible impact on our activity.

We have implemented a mitigation plan, with specific measures in the different identified areas, and the best estimate to date is that Brexit will not have a significant impact on Indra's businesses.

What measures are being adopted by Indra in relation to the coronavirus health alert?

Indra is carrying out a series of initiatives, which are permanently updated, seeking to apply maximum precaution to ensure the highest protection of professionals by reducing the risk of transmission as much as possible and also making it easier for professionals to apply a work balance model and care for their families. All this is done in parallel, to ensure the capacity of execution and production and offer the highest service capacity to customers.

These measures include:

- The creation of a monitoring team, made up of members of senior management, business managers and corporate units, which permanently evaluates the measures to be taken.
- The implementation of mechanisms to facilitate work from home and measures to make working hours and shifts more flexible for those who cannot access this model.
- The analysis of cases of people belonging to groups susceptible to being considered at risk, such as pregnant women or people with chronic diseases, for example.
- Reinforcement of hygiene and safety systems in the workplace to minimize sources of infection.
- Constant internal communication campaign, updating the information regarding the adopted measures, the Administration's regulations and health recommendations, as well as providing Indra's professionals with a specific e-mail address to solve any queries. ■

A LIFETIME of commitment

For 21 years, Anabela Nogueira de Matos has been the *head of Legal* of Sonae Capital Group. As a result of a lifetime of collaboration, Anabela has been involved in almost all the projects and teams of the company so she is the best person to talk about the legal challenges of one of the biggest groups in the Portuguese market.



ANABELA NOGUEIRA DE MATOS

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When **Anabela Nogueira de Matos** started in Sonae Capital Group, the work was done in a very different way. In 20 years, the sustainable growth of the team she helped put together is one of the reasons she is most proud of. "I worked with many teams and led many others. The main note is perhaps that the legal teams have grown enormously (in number, quality and demand), which is nothing more than to accompany the growth of the Sonae Group's businesses - and particularly of Sonae Capital. This growth and the development of our professionals is, in itself, a great victory and, I must also say, a factor that makes me very proud," she says. For this multinational that has

a presence in 90 countries and works in various sectors such as Retail (food and non-food products), shopping centers, Telecommunications, Real Estate, Technology and Investment Management, one of the most important things for its success is internal organization," defends the head of Legal. "Sonae Capital is structured around its respective business areas - we have recently reorganized our in-house legal support and as a result, I have now coordinated and assumed, from the holding company, the functional reporting of five lawyers, who report hierarchically to the business administrations. I am also responsible for corporate contracts (IT, Finance), the governance of the listed company and the supervision of the M&A of the Sonae Capital Group, with two lawyers working with me and I work more frequently with corporate and securities law."

Working with so many different countries and cultures is one of the big challenges and the goal is to be always ahead of the moment. "We want to be an important part of the solution that the different business areas provide to their customers, always with the concern to contribute to a sustainable environment and differentiation in the market, ensuring the creation of value for Sonae Capital and its shareholders. To do this, it is crucial to anticipate problems and solutions and that is what we strive for every day," she says.

That's why it's crucial to hire only people that like to work hard and, when possible, that are already familiar with the company's ways. "When I look for external counsel I look for excellency, with

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WE WANT TO BE AN IMPORTANT PART OF THE SOLUTION THAT THE DIFFERENT BUSINESS AREAS PROVIDE TO THEIR CUSTOMERS

”

SONAE IN NUMBERS

5,951 €M

Turnover in 2018



90
countries



83
brands



53,794 EMPLOYEES

Largest private employer in Portugal

1959



Sonae was founded by Afonso Pinto de Magalhães, in Maia, north of Portugal

whom I feel comfortable working and discussing and questioning ideas. And if they are people who already have previous knowledge of our business, our values, and our culture, it further enhances the alignment and increases confidence, so the work becomes more 'oiled' and provides better results," she says.

For Anabela, after two decades of success, there are still times when frustration kicks in - but not

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WHEN I LOOK FOR EXTERNAL COUNSEL I
LOOK FOR EXCELLENCY, WITH WHOM I FEEL
COMFORTABLE WORKING AND DISCUSSING
AND QUESTIONING IDEAS

”

often, she points out. "When the businesses I support do not fully achieve their goals, I feel frustrated, but it is something that happens infrequently." The biggest challenge maybe is happening right now, with Covid-19 and the repercussions it already had in everyone's life and work.

TIMES OF CRISIS

Sonae has an enormous challenge for the future. With shopping malls closing and supermarkets needed more than ever, Anabela is sure that the worst is yet to come. "Sonae has a big problem in hand with all the markets and malls. The Executive Committee is meeting daily and the Legal department has working groups for the various fronts - customers, suppliers, capital markets, employees and other employees. In the future, it is still too early. We cannot even predict when the recovery will take place. All businesses are already preparing to have a plan for the day when everything will return to normal. At the moment, it is difficult to predict when the market will pick up. If it is a vaccine it will be easier. If it is not, we expect the recovery to be slower and longer," she says.

To protect the business from any vulnerability concerning possible cyberattacks at a time when companies are changing methods to deal with Covid-19, Anabela assures that Sonae is now prepared for times ahead. "We change procedures due to the telework load, so we are adapting to that now. And,

ANABELA NOGUEIRA CV



Anabela Nogueira de Matos was born on August 31, 1961 in Arrifana, Santa Maria da Feira. She graduated in Law from Universidade Católica, in Porto, in 1985.

Since 1999, she has been head of Legal of the Sonae Capital Group, where she also acts as Market Relations representative and Secretary of Sonae Capital, SGPS, S.A. She is a member of the Board of Directors and chairwoman of the Shareholder General Meeting of several companies of the Sonae Capital Group.

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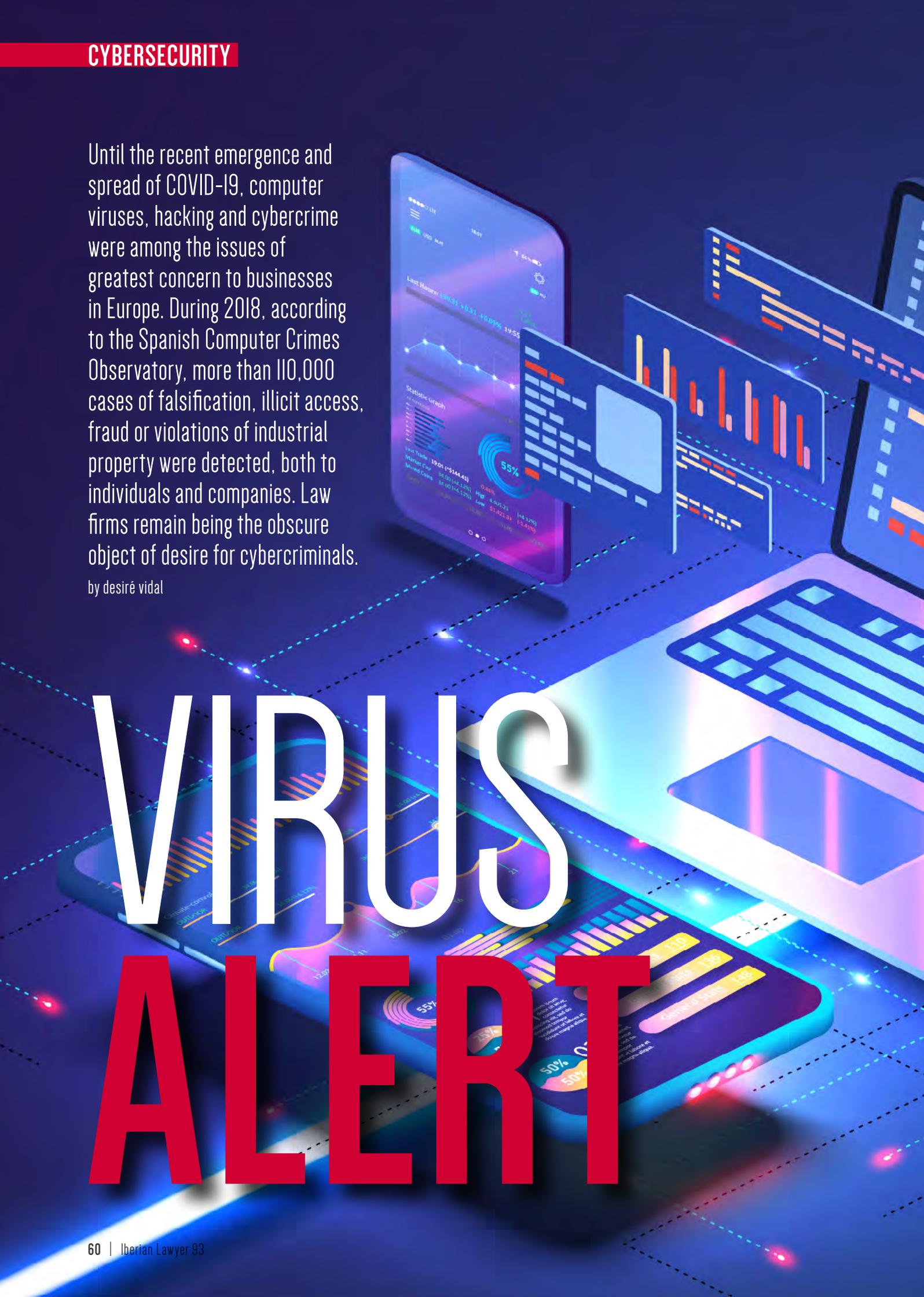
WHEN THE BUSINESSES I SUPPORT DO
NOT FULLY ACHIEVE THEIR GOALS, I FEEL
FRUSTRATED, BUT IT IS SOMETHING THAT
HAPPENS INFREQUENTLY

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most important, we have a service provider who is doing very well and the director responsible for Cybersecurity is always in touch with the Legal one. We have two critical areas in terms of data protection and business (can't say for security reasons). The rest are B2B businesses less vulnerable to attacks," she says. (p.c.) 

Until the recent emergence and spread of COVID-19, computer viruses, hacking and cybercrime were among the issues of greatest concern to businesses in Europe. During 2018, according to the Spanish Computer Crimes Observatory, more than 110,000 cases of falsification, illicit access, fraud or violations of industrial property were detected, both to individuals and companies. Law firms remain being the obscure object of desire for cybercriminals.

by desiré vidal



VIRUS ALERT



The Spanish National Cybersecurity Institute (INCIBE) certifies that it manages more than 100,000 incidents per year and, according to the report presented last February by Cybersecurity specialist company Aon "Solving the cyber puzzle: the unexpected ways cyber risk impacts your business," the global damage by ransomware is expected to reach twenty billion dollars by 2021. Law firms are a particularly attractive target for cybercriminals, who are aware of the 'sensitivity' of the data they handle. Furthermore, in the case of law firms, protecting information, beyond a legal obligation, is elevated to the category of deontological issue as they are professionally conditioned by attorney-client privilege. At Iberian Lawyer we wanted to ask various experts, some of them lawyers and others not, on all these issues which are, today more than ever, unfortunately, hot news.

TECHNOLOGY AND THE HUMAN FACTOR

"Security should encompass all stages through which all data pass. From origin to destination, passing through all the systems and people who access the information." This is what **Manuel Asenjo**, IT Director at Eversheds Sutherland Niece, says when describing what he considers to be Cybersecurity. "Currently the trend is to use hardening (reinforcement of a system to the maximum), but what is really complicated is hardening with people. It is the user who, when the time comes, will be able to stop many of the attacks by paying attention to the actions he or she carries



THE REAL KEY TO FOSTERING CYBERSECURITY REVOLVES AROUND THE INTEGRATION OF A GENUINE AWARENESS AND CULTURE IN ORGANIZATIONS AROUND THE IMPORTANCE OF PROMOTING AND SUSTAINING CYBERSECURITY AND CYBER-RESILIENCE PROCESSES. THIS IS STILL THE MAIN OUTSTANDING ISSUE

Noemí Brito

out on a daily basis," he says.

Noemí Brito, partner in charge of the Technology Area at Ceca Magán, agrees with him, clarifying that "Cybersecurity does not only include aspects related to the correct preventive and corrective technical security of assets, systems or networks, or even the prevention and management of any security breaches that may occur. The real key to fostering Cybersecurity revolves around the integration of a genuine awareness and culture in organizations around the importance of promoting and maintaining Cybersecurity and cyber-resilience processes. This is still the main outstanding issue."

Jesús Yáñez, Risk & Compliance, Cybersecurity and Privacy & Data Protection partner at Écija Law & Technology, is of the same opinion and points out that "we talk about securing IT systems as best as possible, but there is no doubt that people are also part of these processes because of what we know and the uses we make of IT systems. Therefore, there is a tremendously technical component, but also and not less important, a human component." User training is fundamental; "each company - says **Joaquín Muñoz**, head of IT&IP Law at Ontier- depending on its area of activity, structure and approach to the business, must evaluate the different risks that can affect its proper functioning and, based on that evaluation, focus on more critical aspects. Thus, the aspects most commonly covered by Cybersecurity are network security, endpoint security, data security, secure

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BUSINESS SUSTAINABILITY

A buzz word or a priority?
What does it mean for GC and Compliance officers



CYBERSECURITY ALSO EXTENDS TO OTHER AREAS, SUCH AS TERRORISM, ESPIONAGE AND DISINFORMATION. THE LATTER, MOREOVER, HAS BECOME A CLEAR THREAT TO THE REPUTATION AND PRESTIGE OF ORGANIZATIONS AND THEIR LEADERS

Francisco Pérez Bes

database and infrastructure management, disaster recovery and business continuity. But all of this is meaningless and ineffective if it is not complemented by user training and the creation of a company culture that puts security and compliance at the center."

In addition to the above, **Francisco Pérez Bes**, partner of Digital Law of Ecix Group, explains that "Cybersecurity also extends to other areas, such as terrorism, espionage and disinformation. The latter has also become a clear threat to the reputation and prestige of organizations and their leaders, something that may even affect companies stock market price, or the stability of a country if the incident affects critical infrastructure."

SOPHISTICATION OF CYBER ATTACKS

"Attack profiles and trends change and evolve depending on the attacker's target," warns Joaquin Munoz. "Thus, it will be different if the attacker wants to get hold of some kind of valuable company information (business secrets or databases) through an intrusion in its servers, wants to receive money from the company through some trick/blackmail or intends to cause damage to the company through a targeted attack."

For Jesús Yáñez, although there are still cyberattacks that focus on technical aspects, such as ransomware, "we are mainly concerned about the vulnerabilities of two-factor systems, especially those based on the SS7 protocol, which emerged in the late 80s and was not designed to be secure,

TRENDS IN CYBERATTACKS BY FRANCISCO PÉREZ BES



THREE KINDS OF TRENDS:

- **Techniques with a clear technological component**
Attackers take advantage of vulnerabilities in the technological resources of their targets (obsolete versions, weak passwords, etc.), in order to gain control over them, alter their normal functioning, or steal information. One of the most feared threats is a Denial of Service (DoS) attack.
- **Mixed techniques**
The cybercriminal seeks access to his victim's system through deception, in order to use the technology for criminal purposes. One of the most common incidents is ransomware.
- **Techniques to trick the user**
Using social engineering techniques, the cybercriminal seeks to cheat or obtain confidential information from his victim. Typical scenarios include phishing, CEO fraud and fake news.

but to be effective, because operators were very limited. It has been demonstrated that the SS7 protocol is vulnerable in sending SMS, and SMS can be diverted, so that an attacker could access those codes sent via SMS if a mobile phone is compromised, hence the great importance of securing these mobile devices. In our experience -Yáñez explains- these devices are not secured like others and it is a tremendous mistake, considering they are often used to access



IN OUR EXPERIENCE, MOBILE DEVICES ARE NOT SECURED LIKE OTHERS AND IT IS A TREMENDOUS MISTAKE, CONSIDERING THAT MANY TIMES THEY ARE USED TO ACCESS CORPORATE INFORMATION

Jesús Yañez

corporate information.”

In this sense, Manuel Asenjo recalls that "2019 was the year of ransomware, the kidnappings paid in Bitcoins took advantage of the cryptocurrency rise. By 2020 we expect an increase in 'banking trojans' on android platforms, which are programs that are installed in a latent state and go unnoticed and when the time comes, they can intercept and transmit our banking credentials. It is also expected that 80% of the threats will go to a targeted audience, where the human intervenes in a decisive way.”

For her part, Noemí Brito highlights the "sophistication of cyber adversaries" due to the increase in advanced AI and swarm intelligence; swarm cyberattacks, which can take advantage of 5G technology, are



IN 2020 WE EXPECT AN INCREASE IN 'BANKING TROJANS' ON ANDROID PLATFORMS, WHICH ARE PROGRAMS THAT ARE INSTALLED IN A LATENT STATE AND GO UNNOTICED AND WHEN THE TIME COMES, THEY CAN INTERCEPT AND TRANSMIT OUR BANKING CREDENTIALS

Manuel Asenjo

KEYS TO BEAR IN MIND ACCORDING TO NOEMÍ BRITO



- The use of AI in the examination and investigation of vulnerabilities in order to proceed with a more accurate, effective and precise attack or the increase of so-called "AI-based malware."
- The existence of an increasing number of connected devices; by 2022 it is expected that more than 50% of corporate data will be generated outside the usual data centres, representing an added security challenge.
- The lack of cybersecure cloud data storage policies and protocols. Both INCIBE, the Spanish Data Protection Agency and other relevant entities such as the CCN, ISACA and ENISE have published various recommendations which, to date, have not been widely implemented.
- Better passwords and access codes management, as their easy crack remains one of the main threats. In addition, the existence and rapid development of emerging technologies such as AI or quantum computing requires the strengthening of cryptography.

becoming increasingly sophisticated. "This is why," she says, "we need to adopt new forms and proactive techniques for detecting threats and vulnerabilities (Threat Hunting), combining traditional detection techniques with intelligent technologies such as Artificial Intelligence and Machine Learning, in order to detect attack patterns even before they materialize".

SECURITY FOR LAW FIRMS ACCORDING TO THEIR SIZE, BY **MANUEL ASENJO**



- **(+150 lawyers)** They must include a Computer Security Officer (CSO) in their technical staff who, together with the Data Protection Officer (DPO), must draw up a security and action plan in the event of an attack. In order to execute the measures, you must have trained technical personnel and a specialized company as external support.
- **(50-100 lawyers)** They must have a security plan involving in-house technical staff, a solid training plan for all users and an external company to achieve the right level of protection. We must not forget that for these firms having a cyber risk policy can help after a cyberattack.
- **(-25 lawyers)** They should raise their concerns in this regard with their technical IT service, make the technical resources available to them and provide regular and ongoing training on good habits for the safe use of information.

LAW FIRMS IN THE SPOTLIGHT

"Law firms are a clear target for cyber criminals," says Francisco Perez Bes. "It is true that the larger the firm, the more exposure it has, and precisely for this reason there must be more emphasis on preventive aspects; awareness, sensitivity and training. Each office must develop its own Cybersecurity culture. To this end, they can use free content (as the case

of 'Protect your company', from INCIBE, among others), and external suppliers to reinforce the most critical areas at any given time; awareness, training, simulations, etc. Obtaining quality seals for information protection is another good way of adopting best practices. After all, Cybersecurity is a corporate responsibility matter, as well as a commitment to ethics based on the protection of professional secrecy." Joaquín Muñoz ratifies this idea: "giving priority to the protection of assets and information is nowadays a lawyer's deontological duty," something that is also supported by Manuel Asenjo: "All law firms must be prepared, they all handle important information about their clients and regardless of their size they can suffer attacks, which to a greater or lesser extent will cause their reputation to be seriously damaged."

Jesús Yáñez believes that "headcount is the least important thing, in the end, security falls on technical aspects, but also human and procedural, hence the measures are similar regardless of the volume." Brito agrees with him: "All law firms, regardless of their size, must comply with personal data protection regulations, which implies having a security policy appropriate to the security risks involved at any given time. I recommend adopting the recommendations included in the 'Cybersecurity and online reputation guide for law firms' published by the General Council of Spanish Lawyers (CGAE) and INCIBE and the 'Cloud computing user guide for law firms' published by the AEPD and the CGAE is also very useful."

BUDGET EXPENDITURE

"There is no common rule," says Joaquín Muñoz, "just as total security does not exist in Cybersecurity, spending on security infrastructure can be very high, but it does not guarantee zero risk. It is advisable for companies to have a good Cybersecurity Plan defined, which should be based on a good analysis of their business activity, infrastructure, as well as the real risks they face, so that based on that analysis, they can determine the priority and organize themselves to gradually improve their protection by implementing measures. This process has to be iterative and incremental, the review and continuous improvement of this plan is paramount, so that the company can

GENERAL RECOMMENDATIONS ON CYBERSECURITY BY **JESÚS YÁÑEZ**



- Implement an information security management system; procedures and training to mitigate both computer and human vulnerabilities.
- Implement technical measures and manage users and their credentials correctly, keep traceability of what users do, make backups (and test their recovery), patch and update systems, use end point protection systems and of course, use encryption especially in communications and portable devices.
- Implementing Data Loss Prevention or DLP solutions, since we often forget about access permissions to countless documents. With this type of solution, we greatly restrict access to these assets.
- Test if these measures are being efficient: carry out security audits and penetration testing. It is better to be exposed by an ethical hacker than by a malicious third party.

focus on those critical issues for its business." Francisco Pérez Bes agrees with him, saying that investment "must depend on the needs of each moment, although what is important is not so much the quantity but the quality of the measures to be implemented. In any case, Cybersecurity in organizations must be a function that cannot be discontinued." However, Asenjo is categorical: "All the

investment that can be made. It is not only information that is at stake, but also their most valuable asset: their reputation, and this is something that, as the ad says, is priceless. With this clear premise, we must try not to crack a nut with a sledgehammer. If we are a firm with only one office and few lawyers, we must encrypt the equipment and devices, encrypt the information we exchange and hire a professional cloud, install a good antivirus, protect communications and constantly update systems. An annual training plan and the above measures should be enough and do not involve a large investment. In the case of medium sized offices, I would recommend security suites that have a SIEM system and firewalls that allow tunnelling to secure connections and of course all of the above. In the case of bigger firms, each location has to be controlled, as if it was a fort and coordinated with a centralized security, with enough layers so that the attackers cannot reach the objective and the systems deceive them taking them to the different traps prepared for them. These offices should have a CERT (Computer Emergency Response Team). Maintaining a team like this has a high cost in both tools and personnel."

CONTINGENCY PLAN

"There is a series of standards (ENS, NIST, ISO27001, INCIBE's Cybersecurity Master Plan, GDPR...) that we can take as a reference - says Joaquín Muñoz - but it must always be aligned with the company's vocation for compliance and be a consequence of a previous risk management analysis." Francisco Pérez Bes: "Contingency plans must cover all aspects of the company's activity. And, what is more important, to foresee unforeseen events, and to clearly design how the organization should act, in order to be able to deal with an incident, from the moment it is detected, until it is resolved. It is important to obtain estimated response and recovery times in the most realistic and possible way. This way we ensure the plan can be as successful as expected," says Manuel Asenjo.

SECURITY BREACH

Acknowledging and communicating that one has been a victim of a cyberattack as soon as possible is another point of discussion. Should

CONTINGENCY PLAN ELEMENTS BY NOEMÍ BRITO

- Scope identification
- Organizational Analysis
- Threats and risks identification and assessment
- Risk Planning
- Determination of continuity strategy
- Determination of roles and responsibilities
- Contingency response
- Feasibility tests
- Execution
- Maintenance, improvement and updating
- Awareness

one communicate immediately? "Absolutely," says Jesús Yáñez. "There is this idea that being a victim of a cyberattack and reporting it to the authorities could bring a penalty, but it is not true. The idea behind mandatory communication is solidarity and coordination between incident response centres (CSIRTs). Only in a coordinated way and by sharing knowledge can increasingly sophisticated attacks be dealt with." Joaquín Muñoz points out that "it is mandatory depending on the type of attack and the company's type of activity. An attack compromising personal data, following the obligation of the RGPD, will have to be communicated to the Spanish Data Protection Agency and if, in addition, it can put the rights and freedoms of the people contained in the database at risk, it will be also necessary to notify them. The main doubt of companies is usually to determine whether a security incident becomes serious enough to be notified to the AEPD, since notification does not exempt from assuming the objective responsibility of the company in case the authority deems it so." The time factor is crucial for Brito: "The sooner the existence and extent of the cyberattack is established, the sooner it can be mitigated and alleviated, preferably by taking a proactive stance on solutions, notifications to relevant competent authorities and stakeholders, and



THE MAIN DOUBT OF COMPANIES IS USUALLY TO DETERMINE WHETHER A SECURITY INCIDENT BECOMES SERIOUS ENOUGH TO BE NOTIFIED TO THE AEPD

Joaquín Muñoz



the adoption of appropriate corrective and improvement measures." For his part, Francisco Pérez Bes explains that, apart from being mandatory, "the exchange of information regarding cybersecurity incidents is essential to effectively combat cybercrime. Traditionally, CERTs have been a key agent for receiving information and sharing it with State security forces and other agencies. It is precisely this exchange of information that makes it possible to prevent, warn and properly manage threats arising at any given time." Pérez Bes explains that the General Data Protection Regulations and the NIS Directive already explicitly include this obligation. And he comments that, "the Whistleblowing Directive imposes an obligation on companies to implement measures to protect whistleblowers who wish to disclose the existence of a Cybersecurity incident in their organizations." 

TOP 10 SPANISH CYBERSECURITY LAWYERS



01. FRANCISCO PÉREZ BES

Ecix Group

Pérez Bes is the new Digital Law partner of Ecix Group. He was, until last month, the head of Digital Law at Gómez-Acebo & Pombo Abogados. Between 2014 and 2019 he was General Secretary of the Spanish National Institute for Cybersecurity (INCIBE), and he is a member of the Legal Committee and the Cybersecurity Section of the General Council of Spanish Lawyers. He also stands out for his role as an arbitrator of the ICT panel in the European Association of Arbitration, and he serves as first vice-president for the Association of National Experts in ICT Law (ENATIC). In 2018, the Castilla y León regional council of lawyers awarded him the medal of merit for his contribution to the cyber security of the legal profession.

In addition to this, we have composed the list based on many other criteria including years of specific experience in this field lawyers officially recognized both internationally and nationally, as well as their ability to generate significant amount of revenue in their respective firms. We have also taken into account their leadership skills, whether through building effective teams, motivating their lawyers or driving the growth of their firm. Membership of Cybersecurity organizations/ associations and their academic activities (conferences, academic articles, university teaching etc.) in the field of Cybersecurity has also been taken into account, as well as their presence and valuable activity in media and social networks along with the quality of their reputation and image in the market.

F

For the first time, we have ranked those that we, at Iberian Lawyer, consider the ten best lawyers in the private Cybersecurity sector in Spain. It must be taken into account that this is a small sector, where lawyers usually also manage other tasks like Data Protection and Privacy and not exclusively Cybersecurity, something that is usually performed by technical specialists, not lawyers, as is the case of IT director **Manuel Asenjo**, whose expertise we have relied on for some articles in this issue. For this reason, referrals between colleagues within the sector have also played an important role in the ranking elaboration.



02. JAVIER FERNÁNDEZ-SAMANIEGO

Samaniego Law

Managing director of Samaniego Law. Seasoned expert in this area, Samaniego started his career as an in-house at the CDTI/ESA (European Space Agency) and has been involved in Cyber security issues for more than two decades. After facing several cyber-attacks in the mid 90's, he successfully designed one of the first Compliance packages with the (now abolished) Computer Security Regulation in 1999. In USA he has been given the visa as an "alien of extraordinary ability" for his specialization in Cybersecurity and Privacy Law.



03. ÁLVARO ÉCIJA

Ecix Group

Álvaro Écija, was one of the founding partners of ÉCIJA. He would later leave the firm to create Ecix Group, a boutique firm specialized in providing Compliance and Cybersecurity services, designer of projects such as "Ciberderecho" (Cyberlaw) and "ecuaciones legales"(legal equations). Écija has over 20 years of experience, developing risk management tools such as ePrivacy, eRisk, ePia, eBusiness Continuity, eSecurity. He is also a member of the Committee of Independent Experts of the National Cybersecurity Strategy and a speaker at TEDex.



04. JESÚS YÁÑEZ

ECIJA

A leading partner in the areas of Risk & Compliance, Cybersecurity and Privacy and Data Protection, Yáñez has nearly 20 years of experience providing technical and legal advice in these matters. He began his professional career at IBM's subsidiary in Spain and later was in charge of the technical-legal area of the consulting firm Alaro Avant. In recent years he has successfully led major consulting and legal advice projects with an international vocation for major accounts in the areas of IT Security, Compliance and New Technologies.



05. NATALIA MARTOS

Legal Army NewLaw

Natalia Martos is the CEO and founder of Legal Army, the first Spanish ALSP. Before embarking on that project, she was a partner at Andersen Tax & Legal and counsel at Perez-Llorca, where she led the Privacy, Technology and Digital Business area. Until the end of 2016, she worked as the global privacy director of Grupo PRISA, and was also the legal and privacy director for the Spanish social network, Tuenti. She has been awarded the Civil Merit Cross from the Spanish Ministry of Interior for her collaboration in the fight against cyber terrorism.



06. JOAQUÍN MUÑOZ

Ontier

Muñoz heads the Intellectual Property and New Technologies practice at Ontier. He joined the firm in April 2016 from his legal boutique, Abanlex. For eight years he co-managed the firm and gained great international recognition in the sector, thanks to cases such as the defence of Mario Costeja in the famous "derecho al olvido" (right to be forgotten) proceeding with the European Union Court of Justice ruling in his favour in a landmark ruling. His practice is mainly focused on advising high potential technology companies.



07. PALOMA BRU

Pinsent Masons

Paloma Bru is a partner and co-head of the TMT and Cybersecurity department of Pinsent Masons' Madrid office. Praised by clients for her knowledge of the market, her practice focuses on advising Spanish and foreign companies on local and international Commercial Contracts, Privacy and Data Protection, Cybersecurity, Outsourcing, e-commerce and Information society services. She has more than 20 years of experience in the area of TMT and more specifically 12 in Cybersecurity.



08. NOEMÍ BRITO

Ceca Magán Abogados

Brito is the partner in charge of the Technology, Innovation and Digital Economy area at Ceca MAGÁN Abogados. She is a specialist in Digital Law and Emerging Technologies. DPO/DPD certified according to the ENAC-AEPD Scheme. Certified Data Privacy Professional (CDPP). Data Protection Officer (DPO) of the Multiasistencia Group (Allianz Partners Group. EUR3). Member of the Board of Directors of the Association of National Experts in Digital Law (ENATIC). Head of the Corporate ENATIC Committee. Co-responsible for the Digital Law Group of the Spanish Chapter of the "European Law Institute" (Spanish ELI Hub).



09. CEYHUN N. PEHLIVAN

Linklaters

The current managing associate and head of the Data Protection and Cyber security area of Linklaters in Spain, has an extensive experience advising multinational companies on Data Protection, Privacy and Cybersecurity. He is also the vice president of the "Knowledge International Association of Privacy Professionals" in Spain. He has been involved in very complex issues at an international level, such as the largest cyber-attack in the history of Mexico. Throughout his career, he has served as senior legal counsel in charge of the Privacy and Cybersecurity practice at Philips' headquarters in Amsterdam. During that time, among other things, he was responsible for the "Major Cybersecurity Incidents" area of the entire Philips Group at a global level and managed all Cybersecurity incidents from a legal perspective.



10. SILVIA ZAMORANO

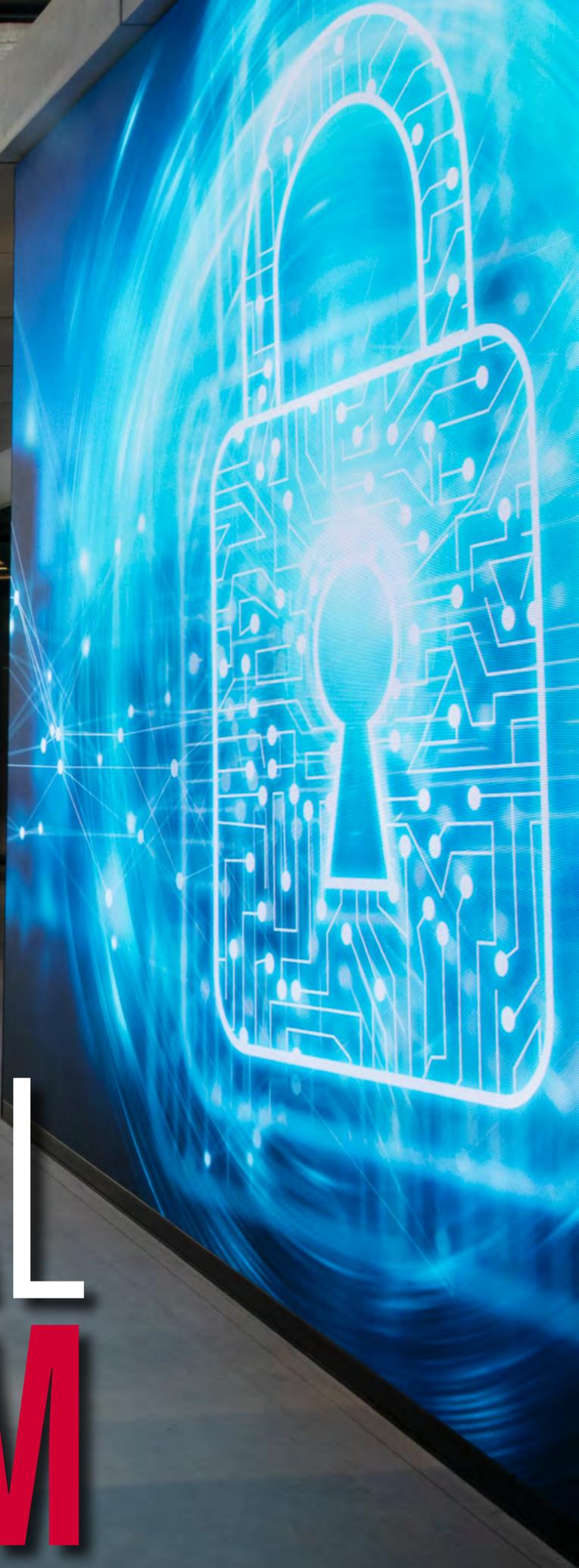
Deloitte Legal

Silvia Zamorano, senior associate in the Regulatory & Compliance area of Deloitte Legal, is an expert in Compliance and Economic Criminal Law. She has extensive experience in pre-procedure management and conducting legal proceedings related to Cyber-crime. She regularly advises on Regulatory Compliance, Criminal Compliance, CBP&F, Financial Sanctions, Cybersecurity, Anti-corruption and Crisis Management. She currently manages the firm's "Cyber React" service, which aims to provide a comprehensive response to incidents and security breaches, while also offering a legal response to Crisis Management derived from a cyber-attack. 🇪🇺

In the era of technology, data are growing exponentially, as does the rate at which organizations share data through online networks. Billions of machines – tablets, smartphones, ATMs, security installations, environmental control systems, and many more – are all linked together, increasing inter-dependencies. And 5G is just around the corner.

by patricia cardoso

DIGITAL ALARM





The report "Prepare for the expected: Safeguarding value in the era of cyber risk", made by Aon company, forecasts that losses from cyber attacks will reach €6 trillion globally by 2021. Two lawyers that work everyday with Cybersecurity talked about the long road to legislation, how it is working and what to expect for the future. Because one thing is certain: Cybersecurity has arrived and it's not going anywhere.

Organizations are increasingly opening their IT systems to a wide range of technology and lose direct control of data security. Cybercriminals are very aware of these vulnerabilities. Driven by a wide range of motivations – from pure financial gain to raising the profile of ideology, to espionage or terrorism – individual hackers, activists, organized criminals, and governments are attacking government and company networks with increasing volume and severity. Not all organizations are necessarily easy targets for cybercriminals. For example, a small or midsized company has a very different risk profile than a multinational organization. What is true for any government or organization is that cybercrime risks can be controlled. Cybercriminals are not invincible forces, and while they can cause real damage, the Law has made some signs of progress in developing mechanisms to protect the companies and individuals.

The issue of Cybersecurity can be considered a recent one when talking about a central concern in European regulation. For a long time, the focus has been more on technological innovation than on the security of equipment, products, and services in the digital environment. This concern increased when "the single European digital package called 'Single Market' was negotiated and

approved by the European Commission," recalls **Magda Cocco**, partner at Vieira de Almeida (VdA) and head of Communications, Data Protection & Technology. VdA began working on data protection in 1990. The first European directive is from 1991. Portuguese law predates the directive.

The regulation about General Data Protection final text has been in force since May 2019. The regulation comes at a time when it was necessary to ensure "the competitiveness of Europe in technological terms, concerning other parts of the world such as the United States and China in particular. One of the pillars of this package is the security of digital networks



"IT IS IMPOSED IN ALL MEMBER STATES AND DEFINES SPECIAL SECURITY OBLIGATIONS IN THE NETWORKS AND INFORMATION SYSTEMS OF ENTITIES THAT ARE CONSIDERED CENTRAL TO THE FUNCTIONING OF ANY ECONOMY"

Magda Cocco

5G. The future of cyberattacks?



Magda Cocco (*pictured*) talks about the concerns raised by this technology. "5G is now going to be launched in Portugal and one of the major concerns is to ensure that the systems that make up the entire 5G chain end up exposing much more a set of services that are still in the analog world. The internet of things. All things connected. There is a huge discussion in Europe between creating two many restrict laws that can stop innovation".

Ricardo Henriques agrees but points out that there are increased functionalities in all the devices we have at our disposal and the speed of data transmission of 5G, brings new potentialities, new productive capacities, and interaction with all those equipments

but on the other hand it brings increased risks on protection ones data and privacy as we expect to have all things connected, like vehicles, phones, house devices, pretty much anything.

and services. Because studies were made to know why Europe did not have the same level of success in the global digital economy and one of the factors that were pointed out was the lack of security of our digital media. It required all companies and all industries to report digital security accidents within 72 hours to data protection authorities. This is when it comes to personal data. For example, a database from a bank, a hospital," she says.

Data protection regulations apply to European companies or companies that offer services to European entities, they have the extraterritorial component. "Any company that wants to provide digital services to European citizens or monitors the Internet behavior of European citizens is also subject to this regulation," she says. In other words, an American company does not need a European presence to follow the rules. In the limit, there may be a penalty and a fine imposed on that company.

Magda also points out that "at the European level, in addition to the general data protection regulation, legislation on essential infrastructure has also been strengthened, which also provides for security measures. It is imposed in all member States and defines special security obligations in the networks and information systems of entities that are considered central to the functioning of any economy. The Cybersecurity Act, the

Cybersecurity code that establishes the certification of technological equipment, has been passed. It is optional for companies. And a very important one, ENISA, the European Cybersecurity Authority has been approved, entity managing all Cybersecurity topics at European level," she says.

Ricardo Henriques, a partner at Abreu

"A HOSPITAL THAT IS CYBER-ATTACKED AND A FILE IS LOST. THE LAW REQUIRES THAT THERE BE ALTERNATIVE DATABASES TO RESTORE THIS SITUATION. THIS WAS NOT THE CASE BEFORE. NOW THERE ARE SECURITY OBLIGATIONS IMPOSED"

Magda Cocco

"IN THE PORTUGUESE CASE, THE NATIONAL CYBERSECURITY CENTER HAS FINALLY, I WOULD SAY, BEGUN TO OPERATE EFFECTIVELY, PRODUCING SOME VERY USEFUL DOCUMENTATION FOR COMPANIES TO TRAIN IN THIS AREA"

Ricardo Henriques

Advogados, guarantees that the European Union has made a great effort in the construction of Cybersecurity systems "In the Portuguese case, the national Cybersecurity center that has finally, I would say, begun to operate effectively, producing some very useful documentation for companies to train in this area, with a national Cybersecurity framework, with a roadmap of minimum capacities for Cybersecurity, documents that are available on the official website and give a map, a very concrete

guideline, with very concrete measures on what companies have to do to train in this area of what they have to do."

However, it is necessary to forget about those movies about cyberattacks. Magda says that "nowadays, there is a much more advanced level of sophistication, which makes the authorities work difficult. There is an industry behind it with the most diverse purposes, like making money out of ransoms, paralyze companies, or to have access to business secrets, to name a few. In the middle, there is a concern to inform other lawyers in other areas about the reality of Cybersecurity." There is already an industry to attack and redemptions are a very common situation, in exchange for the publication of data.

"There are currently several companies that have problems related to Cybersecurity because they have not invested enough in protecting their systems or because they are starting to invest now but do not have the proper systems to protect from the speed with which cyber attackers are also able to update their attack capabilities or because, simply, the systems, even those in which they invest, are not inviolable because there is not a 100% defense capability," defends Ricardo Henriques.

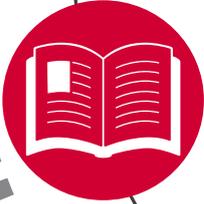
Prevention. Firms need to act on it



Ricardo Henriques (pictured) explains what the National Security Centre advises all companies and individuals to do. Some of the good practice recommendations are the issue of the passwords that people use and which is in fact news every year from the lists of the worst passwords used and that people keep repeating the passwords and using unsafe words is finally that simplest measure, but then many other things also related to the physical security of equipment. Also, it is important not to leave computers unlocked, not connecting to safety nets that are not safe, having at the bottom some hygiene measures to try to avoid unnecessary risks because there are already risks, even for those

who take those measures, because there is no infallible or 100% safe system. "There are already risks for those who take all the precautions. The question of answering emails when they do not know where they come from, opening attachments that they do not know if they are safe, not having an anti-virus, not having the firewalls, at last, those basic things that today are easy to implement and do not have such a high cost for the ordinary citizen, for companies, there are also solutions," he says.

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"THERE ARE CURRENTLY SEVERAL COMPANIES THAT HAVE PROBLEMS RELATED TO CYBERSECURITY BECAUSE THEY HAVE NOT INVESTED ENOUGH IN PROTECTING THEIR SYSTEMS"

Ricardo Henriques

VdA has around six to ten national companies per week requesting the evaluation of data protection breaches. More than half of them have to do with cyberattacks. While some years ago there were sectors that were heavily penalized by cyberattacks, such as banking, in the first place, today this is no longer the case. Any company is exposed to an attack and a ransom demand. With this growth, the firm is focusing on prevention and advising companies, which makes more legal sense. "When they buy equipment, we follow the whole process and make sure that they comply with all security precautions and requirements," says Magda. Also in Abreu Advogados, their clients look more

for a



RICARDO HENRIQUES

technical component, such as "Cybersecurity specialists, technicians with the capacity to assemble their systems and their defenses although we already have some clients who come to us for the most procedural part for the search of some specific regulation by sector or by area," Ricardo says. The firm also advises clients when there is an incident and it is necessary to assess what has occurred to know if any kind of notification is necessary, either in the area of data protection or also an issue that there is also the notification for the effects of the data breach issue for Cybersecurity purposes.

The spectrum of clients of the firms ranges from finance and retail banking, healthcare, pharmaceuticals, technology companies with online services or equipment for companies or consumers. These are companies that have products that are exposed to cyberattacks because they have a technological component for online use or that provide services or products that have very sensitive data or in regulated areas.

Ricardo Henriques recalls that "hospitals today have very complete information systems and work with all this data in these systems and this represents a risk. One of the first fines of the National Data Protection Commission on the subject of the general data protection regulation was related to the lack of security measures implemented by a hospital." For Magda Cocco, the health sector is protected by general health regulation. "A hospital that is cyber-attacked and a file is lost. The law requires that there be alternative databases to restore this situation. This was not the case before. Now there are security obligations imposed. Not least because centralizing everything in one place is a huge danger. There is also an obligation to keep the data private, so in case of disclosure, if negligence is proved, there may be compensation for the individuals. People don't know that."

However, there is always the difficulty of following a viable digital footprint and catching those responsible. The partner at VdA says: "I'd say it's one of the main problems, yes. The evidence or identification, the ability to then also reach the perpetrator at the bottom, because it can be in a completely different jurisdiction, mediated by various issues that make it difficult to reach the identification of the real person and eventually you get to an intermediate step but not the perpetrator and that's a pretty complicated part of accountability." ■

NEUBERGER BERMAN'S VERSION

@ Carlos Palhava

Joana Scaff, head of Europe private equity of the US investment company tells her view about the market. The main driver for the future? Sustainability

by laura morelli



JOANA ROCHA SCAFF

The European alternative asset market is the second largest in the world, with a value of \$1.62 trillion and it is made by an ecosystem made up of over 6,300 different fund managers and 3,000 institutional investors. In particular, private equity - whose value reached €559 billion in 2019 - has grown at a rate of 25% in the last four years, as a sign of an overall maturation of the market and of a greater interest from institutional investors.

However, European private equity market remains more complicated than others and the players' investment strategy deal with political uncertainties, trade wars and following the greater attention to sustainability and everything ESG (environmental, social and governance) related. "The European private equity market is very affected by uncertainties and volatility but remains one of the main markets for a

company like ours and for all the major US and non-US players," explains **Joana Rocha Scaff**, managing director and head of Europe private equity of Neuberger Berman, one of the main US investment companies, with offices in 23 countries and 356 billion dollars managed (as of 31 December 2019) of which 98 billion are alternative investments (private equity and private debt). In Spain, the Madrid office is led by **Javier Núñez de Villavicencio**.

From a business point of view, "we have to be prepared for the downward phase of the cycle," explains Scaff, adding that "sustainability will be the first driver and will allow us to generate interesting returns." With over 30 years of experience in private equity, NB has invested an average of \$10 billion a year

Joana Rocha Scaff CV



Joana Rocha Scaff is Neuberger Berman managing director, head of Europe Private Equity and a member of the Co-Investment and Private Investment Portfolios Investment Committees. Previously, Joana Scaff worked in Investment Banking, covering primarily the Telecommunications, Media and Information services sectors. Scaff worked in the Investment Banking division of Lehman Brothers, and prior to that at Citigroup Global Markets and Espirito Santo Investment. She has advised on Corporate transactions including M&A, Financial Restructurings and Public Equity and Debt offerings in the United States, Europe and Brazil. Joana got her MBA from Columbia Business School and her BA in Business Management and Administration from the Universidade Catolica of Lisbon. She is a member of the LP Committee of the BVCA – British Private Equity Association and also member of the Limited Partner Advisory Committee of multiple European buyout funds.

Neuberger Bergman

Neuberger Berman was founded in 1939 to do one thing: deliver compelling investment results for its clients over the long term. This remains their singular purpose today, driven by a culture rooted in deep fundamental research, the pursuit of investment insight and continuous innovation on behalf of clients, facilitated by the free exchange of ideas across the organization. As a private, independent, employee-owned investment manager, Neuberger Berman is structurally aligned with the long-term interests of its clients. They have no external parent or public shareholders to serve, nor other lines of business to distract them from their core mission. From offices in 35 cities worldwide, Neuberger Berman manages a range of Equity, Fixed Income, Private Equity and Hedge fund strategies on behalf of institutions, advisors and individual investors worldwide. With more than 600 investment professionals and approximately 2,200 employees in total, Neuberger Berman has built a diverse team of individuals united in their commitment to client outcomes and investment excellence.

over the past three years and approximately 14% of the total assets refer to the EMEA area.

What is your view about the European private equity market?

European private equity is a very important market, the second largest globally, and accounts for 25-30% of total buyouts. It is a very varied market, it has a large ecosystem with many players with a long operating history and an established track record, even

EUROPE REMAINS A FUNDAMENTAL MARKET AND, IN SOME ASPECT, IT IS COMPARABLE TO THE NORTH AMERICAN ONE. WE ARE ACTIVE INVESTORS IN EUROPE AND WE HAVE SIGNIFICANTLY INCREASED OUR PRESENCE OVER THE YEARS, ALTHOUGH OUR ROOTS ARE IN THE US.

JOANA ROCHA SCAFF

if in recent years returns have been impacted by the volatility that has characterized and is still characterizing parts of the Old Continent. On the other hand, we are talking about a region that does not really exist, it is a set of different nations, each one with its own language, politics, culture and regulation and for this reason there are areas of uncertainty and political instability that create volatility and therefore can impact returns. Having said that, Europe remains a fundamental market and, in some aspect, it is comparable to the North American one. We are active investors in Europe and we have significantly increased our presence over the years, although our roots are in the US.

Which are your strategy and focus?

As a primary fund investor, we have focused more on pan-regional strategies that can mitigate the volatility of each individual country. One of the main elements of our strategy is that in each country of interest, we look for the skills,

strategy and focus of the local teams to be geared towards the economic strength of the country. Think for example of industrial-focused funds in Germany, technology-focused funds in the Nordics, financial and business services opportunities in the UK: when we focus on a region, we want to ensure that the managers' skills and strategies are well-aligned with the economic strength of that region.

What about the source of the direct investment?

We are currently investing assuming that there will be an economic downturn in the next four or five years. Markets are cyclical, this cycle in particular has lasted longer than usual. At some point, we expect to see a correction and we have been preparing for that.

What does this mean for your business?

Above all, it means that we look to invest in leading companies in their sectors, which tend to withstand economic cycles better than their competitors on a relative basis. We are

IN THE CASE OF BREXIT, THE RULES OF THE GAME HAVE YET TO BE CLEARLY WRITTEN AND UNTIL THE UK DEFINES ITS ECONOMIC RELATIONSHIP WITH EUROPE, THE UNITED STATES AND ALL THEIR MAJOR TRADING PARTNERS, THE SITUATION WILL REMAIN UNCERTAIN.

JOANA ROCHA SCAFF

talking about companies that have diversified businesses, that do not depend on a single customer or only a few, do not produce a single product and do not sell in a single country. And above all, their growth is not only linked to GDP, but the sale - and use - of their products is less dependent on the economic cycle and more linked to secular trends. As for size, we focus more on companies that are not too small nor too large, those of the mid and upper mid-market. In this segment, one is also generally able to obtain covenant light or loose financing terms, which in a down cycle can be crucial for equity owners to keep the "keys of the business" without having to give control or ownership away to lenders.

Do you think Brexit will influence your investment strategy? How?

It's very difficult to say at the moment. What we can say is that uncertainties make the investment decision

process more difficult. When there is a strong political or macroeconomic uncertainty what you can do is either adopt a wait-and-see strategy or choose to go ahead and ask for a significant price discount as a counter-balance to a risk that is higher. In the case of Brexit, the rules of the game have yet to be clearly written and until the UK defines its economic relationship with Europe, the United States and all their major trading partners, the situation will remain uncertain. Certainly, the United Kingdom remains one of the most important private equity markets on the continent.

Is there any driver in your investment strategy that prevails over others?

Definitely one key driver that is gaining increasing prominence is sustainability. At NB we have built a team of seven dedicated ESG professionals working across all our asset classes and in close collaboration with various investment teams with the aim of developing an ESG framework that the company's investment professionals adopt in their activities. The idea is to train investment managers so that they can also assess and manage an investment from the point of view of the environment, governance and social impact. It is not just a matter of choosing not to invest in businesses such as tobacco or gambling, but to focus on the ESG factors in the diligence process and in the ownership phase, in the management of the company,

and understand the ways in which, for example, one can improve the energy efficiency of the company's portfolio, reduce the so-called carbon footprint and save costs. This is not an impact strategy per se, but a broader strategy whereby we really try to see improvement in these KPIs (key performance indicators) during our ownership period.

How stringent are these criteria during the selection stage?

We're not dogmatic. We certainly do not look at companies that violate certain practices such as environmental practices, but that is not all. Our commitment is to make sure that managers have a clear understanding of ESG concepts and that they really want to try and improve their businesses based on key criteria. This is because not only do we believe that some of these factors have a positive economic impact on the company, especially in the current environment, but they can also allow us to achieve better multiples in the exit phase. A company that has better governance and a reduced environmental impact can enjoy a premium multiple and be worth more in the market than a comparable one that does not have these characteristics. It is a win-win situation, because you do good, to the environment and to society, and at the same time you generate better economic returns.

How do you assess the activity of managers from this point of view?

We work with general partners to help them develop a mindset geared towards meeting ESG



criteria and measure KPIs to see if there has been progress. We do this, for example, from the point of view of diversity within the funds themselves: we don't "impose" anything, but we make sure that partners understand that this is an important element for us, we talk about it. We also try to help our partners meet their needs by organizing seminars and meetings on the ESG subject, as we did in London and New York. In short, we see ourselves as a valuable partner to the private equity community in this process.

What is your view of the Iberian market?

The Iberian market is still developing, lagging behind the Italian one and we ourselves are less present in the Iberian Peninsula than other Southern Europe countries. The region has certainly experienced major economic fluctuations but now the countries (Spain and Portugal) are recovering,

although at the moment we do not see a real dominant business cluster for private equity investing in the region as in others.

For some time now, diversity in private equity has become a popular topic. Why do you think there are so few women? What was your experience?

There are many reasons behind the enormous distance between men and women in private equity. The first distortion occurs in the recruiting phase because the number of women candidates is generally much lower than the number of male candidates and many come from investment banking, which is also a very undiversified sector in terms of gender. The very source of recruiting is therefore already distorted. Meanwhile, many of the women recruited get lost along the way,

mainly because of personal circumstances change. Many professionals may not have a network to help them with their families, for example. I lived in four different countries, I had my first child in New York and had no one to help me, I had to pay for the help and for example many women, depending on where they are in their career path may not be able to afford it. It is certainly a challenge but it can be won. At NB in our London PE team for example we often evaluate the CVs and case study tests of candidates blindly, without seeing the name of that person but only by evaluating skills and knowledge. Today, in our Private Equity team we count 30% of senior women and we probably live in a bubble compared to other realities. What matters is that there is a greater awareness of the issue and in the long term I am confident diversity will improve. ■



JOSÉ A. NOGUEIRA

LET'S DO MORE

When we talk about Private Equity, Portugal is far from being at the top of its game and the foreign investment is still very residual. How to build a non-existent culture around private investments and make it less likely to fail?

José A. Nogueira, Managing partner at Remelgado, Silva Nogueira & Associados (RSN Advogados) gives Iberian Lawyer some clues on how to do it.

by patricia cardoso



Throughout its 19 years of activity, RSN Advogados and more particularly **José A. Nogueira** who has managed several projects for business development, has been very active in providing legal advice to capital and venture management companies - small and medium - and collective investment bodies, accompanying them in several operations, both investment and divestment. For José A. Nogueira, this business model remains

fundamental and “culture around the industry of financing and capitalization via Private Equity must be developed as soon as possible. Despite the much it has evolved, I believe that the road to travel is still enormous,” he says.

It's not an easy path and some of the “bumps in the road” are directly connected to the mindset of the people making the decisions. The mindset of the Portuguese market is still very connected

A CULTURE AROUND THE INDUSTRY OF FINANCING AND CAPITALIZATION VIA PRIVATE EQUITY MUST BE DEVELOPED

with the past and even if firms are trying to invest, they seem to want to do it their way, without the necessary flexibility in these kind of operations. The business, "sometimes with great potential, internationally speaking as well," says Nogueira, is the most hurt in the process. As events like Web Summit happen in Portugal for years in a row and the country is beginning to be on the map for transactions and innovation, one of the things that get Nogueira frustrated is that "Portuguese entrepreneurs remain closed in their neighborhood or street, castrating the potential of their businesses."

That situation brings another problem, says the managing partner. "The international investment is far from reaching its big potential too. Unfortunately, as I see it, the lack of scale makes the interest still residual."

And not only that. The excessive weight of granting loans, particularly through shareholder loans, to companies in which venture capital is involved "reflects the lack of risk culture of which I spoke before. When resources are scarce, the temptation to resort to models with apparent lower risk is enormous!"

As he explains, there must be first an understanding of lending money to a company and investing in a company. "When a bank decides to invest in whichever business or private client, they always have to factor

JOSÉ A. NOGUEIRA CV

José A. Nogueira has a degree from Law School (1991/1996) and a post-graduation in Corporate Law from Instituto Superior de Gestão (2004/2005). He also holds another post-graduate course in Securities Law at Instituto dos Valores Mobiliários (2017/2018). He has been active in the area of Mergers, Acquisitions and Spin-offs, as a consultant in the area of Commercial Law (2000). José A. Nogueira has successfully led several restructuring and recovery processes in the area of Revitalization and Insolvency Processes. In 2001, he founded Remelgado, Silva Nogueira & Associados.

the risk vs profitability. If there is currently in Portugal a bigger help to private investors than to businesses it is because it is more profitable to buy than to invest," he says.

To escape these matters, Nogueira talks about betting on more than one sector to enhance the possibilities of success. In recent years, the "classic target in Portugal has been the Real Estate sector. This sector has gained the most with the increase in interest in the country. As prices go high, the opportunity for good business is still relatively safe. But others are starting to gain ground as well. It's the case of the "industrial sector, fintech, and knowledge technology, that have been gaining more and more space in the investment options made," he says.

But still, for this managing partner, it's a strange time we are facing. "We're still in a very esoteric phase, where potential and pure 'snake fat' still mix.

IT'S NOT JUST PROVIDING CAPITAL THAT IS MISSING. MOST OF THE TIME IS MANAGEMENT AND SKILLS THAT ALLOW THE IDEA TO BECOME A PRODUCT

However, the responsibility lies with the investor. It's not just providing capital that is missing. Most of the time is management and skills that allow the idea to become a product, and that this is the basis of a new business model." With a potential global economic crisis ahead, the market still doesn't know what to do. The effects of coronavirus are still unknown as the world is trying to continue to function and, at the same time, concentrating all the efforts to stop it. Small and medium businesses are the ones estimated to suffer the most, experts say. So, as José A. Nogueira tries to stay positive in difficult times, he knows the market will suffer from this pandemic. But, for now, it's still to soon to predict the future. 

PORTUGUESE ENTREPRENEURS REMAIN CLOSED IN THEIR NEIGHBORHOOD OR STREET, CASTRATING THE POTENTIAL OF THEIR BUSINESSES

LEGALTECH IS WORTH THE INVESTMENT

With the rise of technological development, law firms are focusing on technical details and features of available solutions and overlook the main reason why a legal services firm might want to make use of such technologies: profit.



PETER WALLQVIST

Lexpo'20, established itself as the most prestigious Continental European legal innovation event, with a perfect balance between informative sessions, commercial presence and ample networking opportunities, will be held in Amsterdam, NL on September 14 & 15. LegalTech will obviously be one of its main themes. Law firms and in-house legal departments need to formulate strategies on how to deal with the overwhelming amount of new tools available and how to guarantee user adoption and overall success.

Iberian Lawyer wanted to discuss the foundations upon which efficiency gains and new ways of using technology are most successfully built. Law firms need to have business models in place to profit from those gains and augment existing processes if they have them.

With this purpose, we approached one of next Lexpo renowned speakers, **Peter Wallqvist**, non-executive director of Begbies Traynor, and co-founder and former CEO of AI company RAVN Systems, which delivered digital transformation initiatives in the professional services industry, later acquired by iManage, where he served as VP of Strategy and Global Practice Director. He has spent his career in Information Technology and now works as an independent consultant, advising organizations on digital transformation strategies using technology and process improvements. He gives us his point of view on strategies for getting maximum value out of investments in new technology.

LEGAL JURISDICTIONS WHERE IT NEEDS TO BE DETERMINED WHAT CAN BE DONE BEFOREHAND (LIKE MOST IN EUROPE) NEEDS A VERY STRONG REGULATORY BODY THAT IS ABLE TO DETERMINE THE POSSIBILITIES AND RISKS USING NEW TECHNOLOGY

PETER WALLQVIST

Taking advantage of your expert opinion on digital transformation and your global experience as a consultant in the implementation of these processes, how do you think the LegalTech sector in general is progressing towards implementation in Europe and Latin America compared to the USA?

I think there are different trends driving the adoption of new technology in different geographies. In the US, clients of law firms are driving the adoption – either by demanding that their law firm uses technology to be as efficient as possible, or making their outside counsel use their own platforms. In the UK, various regulatory changes, such as opening up the legal market to alternative legal providers, has made it more important to have a competitive offering that includes technology. In Europe, outside the UK, there has not yet been the large regulatory upheaval, although there are signs that sophisticated buyers of legal services are starting to demand efficiency akin to what is now normal in the US.

But the most important factor determining how technologically advanced a firm is (and their plans for the future), is how willing they are to offer Alternative Fee Arrangements for their clients, like fixed fees. Once a firm has decided that they are comfortable doing this, all of a sudden there is a much more determined effort to become more efficient as it has a direct impact on the bottom line.

For the successful implementation of the new legal/judicial procedures that use disruptive technologies such as AI (machine & visual learning), Blockchain (Smart contracts), Big Data, Bots, Cloud Computing etc... it is paramount that

PETER WALLQVIST CV



Peter Wallqvist has spent his career in information technology.

He joined BT Research as a graduate engineer in 2003, and from there he went on to deliver a number of high-profile IT projects in the US and Europe at organisations such as Bloomberg and GlaxoSmithKline. In 2010, he co-founded and became CEO at the AI company RAVN Systems, to build and deliver a platform to drive digital transformation initiatives in the professional services industries.

In May 2017, RAVN Systems was acquired by iManage, a leading vendor of document management systems for the legal and professional services industries. Following the acquisition, Peter served as VP of Strategy and Global Practice Director, specifically to serve the professional services sector, until he left the business in October 2019.

Currently, Peter is working as an independent consultant, advising organisations on digital transformation strategies using technology and process improvements. He also serves as a Non-Executive director at financial services firm Begbies Traynor Group plc, with the specific mission to guide the company towards enhanced use of technology.

the different Justice Administrations carry out the adaptation of the current legislation (for instance, allowing the use of real data to feed automation systems or machine learning). In this sense, what grade would you give the different jurisdictions you are familiar with?

The legal systems that use Common Law and



precedents (US and the UK) can in many cases have a slight advantage in the speed of adoption of technologies as, slightly simplified, technology can be used in a case and then the court tests that use – once approved in a case that becomes the norm. This happened over a decade ago with e-discovery and is happening now with AI-systems.

Legal jurisdictions where it needs to be determined what can be done beforehand (like most in Europe) needs a very strong regulatory body that is able to determine the possibilities and risks using new technology.

I don't think either approach is better than the other, but the former will certainly drive adoption of new technologies faster. On the other hand, sometimes a more cautious approach is safer in the long run.

Of all these technologies, or perhaps others that we have not mentioned, which one(s) would you say are being applied most successfully and frequently in the different locations you know?

Of the ones mentioned, Cloud Computing is obviously a huge trend at the moment, with the vast majority of newly purchased systems in the past year or two have been for Cloud based systems. That shift occupies many technology departments across the legal world right now.

Of the AI based technologies, AI assisted document review and data extraction is perhaps the most obviously successful new technology that has emerged. Firms and companies that put in the effort to understand how they can effectively be integrated into their business processes are set to thrive more and more.

In the long term, however, I don't think these technologies will be seen as stand-alone, discreet solutions. They will become more and more seamlessly integrated with the systems and services that lawyers and professionals use on a daily basis. The end users won't know or care that they use an AI tool – the application they use will simply be smarter and easier to use than the previous version.

The legal framework for the use of AI in Europe is being defined. Do you think that issues such as ethics are being sufficiently taken into account?

In the conferences and meetings I've taken part in with political issues such as that on the agenda, it certainly felt like the ethical questions were very prominent.

I think there needs to be an understanding that a lot of problematic ethical questions regarding the use of data, etc. is weighed against the long-term goal of providing legal services to the majority of people to whom it is currently inaccessible because of its price.

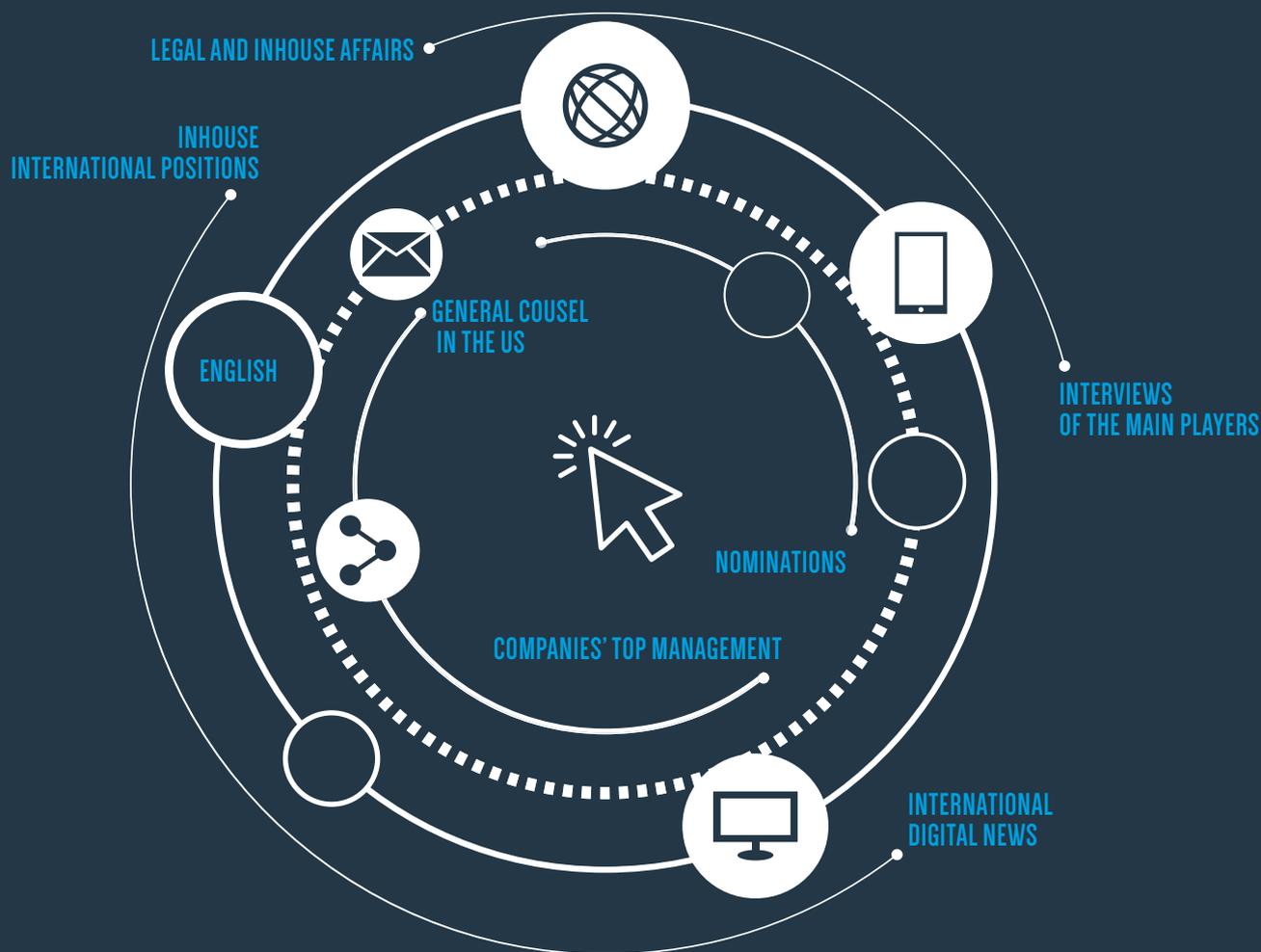
Make a bet. When will predictive justice become a reality in Europe?

I think that in some jurisdictions, some types of courts, such as Small Claims, will have an opt-in possibility for automatic settlement within ten years, together with the caveats that both sides approve and an incentive for both parties to accept. It may not seem like a very aggressive prediction but the public acceptance of this will take longer than the technical possibility.



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New technologies are bringing new business models with new applications and innovative start-ups offering new services such as marketplaces for lawyers and "on demand lawyers". I can guess that you, as technology and digital advocate, will only see pros. But could you see any cons?

With new business models come different incentives. I'm sometimes guilty of treating the billable hour as an evil that needs to be stamped out if the practice of law is to become more efficient. But the billable hour's obvious upside is that at least there is no incentive to do rush jobs on behalf of clients.

I think some new business models are struggling with that at the moment, and there needs to be an understanding that billing for time & materials has its place even in a new world.

Do you think virtual judges and chatbot lawyers will be a reality in the medium to long term?

Certainly, for narrowly defined tasks, such as the Small Claims example above. And even now some legal work can be automated for standard work in specific fields. They might clearly label themselves as "not lawyers" legally, but they will provide a service that is better

THESE TECHNOLOGIES WILL BECOME MORE AND MORE SEAMLESSLY INTEGRATED WITH THE SYSTEMS AND SERVICES THAT LAWYERS AND PROFESSIONALS USE ON A DAILY BASIS. THE END USERS WON'T KNOW OR CARE THAT THEY USE AN AI TOOL – THE APPLICATION THEY USE WILL SIMPLY BE SMARTER AND EASIER TO USE THAN THE PREVIOUS VERSION

PETER WALLQVIST

than not having any legal advice at all, which is what the alternative often is.

We are seeing that the tech industry has been the quickest to adapt to AI, but maybe because they have a culture of not fearing disruption. Are law firms buying the message of digital transformation? Are they reluctant to such a Copernican Turn in their processes?

There are many reasons for the difference in speed of adoption of technology. The most important being that a law firm normally isn't geared towards making significant investments and commitments to technology when it comes to staff and training. Even more fundamentally, law firms often aren't geared to make investments of any kind that might take over a year to show any significant return because of the partner model.

Law firms have also been very successful even without significant investments in new technology, so many are asking why they should bother. But as it is with many industries, a booming economy supports even inefficient organisations. Perhaps we will see a dramatic shift in these perceptions in the next downturn.

Law firms deal with an astronomical number of documents. Lawyers are needed to read them and draw key information from them with a disproportionate spend in time and cost (and with the risk of error). How can automated data analysis help with reviewing this large amount of data? Will data and knowledge management have an immediate impact in profit for the firm and cost for the client?

Yes, there is a massive growth in the amount of data in any sort of matter these days, but the lawyer's ability to read and process them manually has not improved in any meaningful way. This is the area where technology will have the most profound impact on the daily life of a lawyer – technology that can accurately distil the "unstructured" data in a document to actionable structured data.

We are seeing this being deployed for specific tasks, such as Due Diligence and Contract Reviews today. And in the short-term future we will start seeing a more generalised use in Document Management Systems and even word processors where what was previously unstructured text is automatically understood.

I have always believed that Knowledge Management ought to be the core of the law firm of the future – it is the collective knowledge and experience

ABOUT LEXPO

LEXPO'20: LEGAL INNOVATION AT ITS BEST

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September 14 & 15, 2020

WHERE:

Amsterdam, NL

Lexpo has established itself as the most prestigious Continental European legal innovation event, featuring the perfect balance between informative sessions, commercial presence and ample networking opportunities.

LEXPO'20 THEMES

- Legal Ops
- LegalTech
- Cyber Security - the human factor
- The legal workforce

of a law firm that is essence of it. I have been somewhat disappointed in the past with the attention these departments got in budgeting cycles, but fortunately it seems that there are a growing number of firms that have understood its importance.

There are some concerns among lawyers that AI could replicate their work. Will a bot be capable of giving briefs, interrogate witnesses or argue a case? Can a machine know the "why" and "how" of a task? I suppose some kind of man-machine partnership or interaction will always be required. An example that I sometimes use when this question comes up is that of my own profession: engineers. About 70 years ago the engineering profession were worried that the newly devised computers would take away a lot of work from them, since a lot of engineers, especially junior ones, spent their days calculating complex equations manually. But rather than there being a massive drop in the number of engineers, they started seeing this new technology as a tool to be used rather than them being that tool. Now there

are more engineers than ever, and they are in strong demand. I think something similar will happen to lawyers – they will have more tools at their disposal, and they should learn how to use them.

And the term "Artificial Intelligence" is a bit too fancy for what it is: a number of statistical algorithms that calculate probability of something based on prior data. If we call it "Statistical computing" instead of AI, lawyers would probably rest easier.

How would you describe the ideal profile of a lawyer in the upcoming LegalTech era. Should they have IT skills along with their law background? Should IT be now an essential department in a law firm or can technology be externalized?

Lawyers who understand the tools that are at their disposal will thrive. There is a lot of different levels of understanding on that spectrum – everything from lawyers that can set up their own AI training algorithms all the way to simply knowing that these technologies exist. But I would recommend trying to at least be involved with a project that uses a new technology to understand what the possibilities are and even more importantly, the limitations. Then it will be a lot easier to make calls in the future about the appropriateness of using a particular technology for something.

Some companies are making it a lot easier to externalise the use of this new technology, but that does not make it possible to just ignore it – it is still very important to know the parameters that make a good use case for technology inside a firm, even if it does get externalised.

For traditional law firms, there is a huge gap between what a technology vendor is offering and their internal processes. How should IT providers/consultants persuade them on its benefits and bridge that gap?

Yes, this is a fundamental problem. Everyone needs to improve here – vendors need to understand existing processes at their clients better and law firms need to understand the boundaries at which a new technology can operate in. And finally – consultants need to be better at bridging this gap and communicate with all stakeholders. Because if there is limited buy-in and commitment from the people that are going to use this technology, the project is likely to fail regardless of the merits of the technology itself. People are still a much more important part of the puzzle than technology. (d.v.)



TAILORED FIT LAWYERS

The arrival last February of the Axiom model in Spain, through its strategic alliance with Ámbar, has reopened the debate around these services and their main characteristics; flexibility, use of technology, transversality, multidisciplinary and expertise at a "fairer" price have been highlighted, especially, as a result of the incidence of coronavirus, that has forced us all to change gears.

por desiré vidal

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From Iberian Lawyer we wanted to know more about these alternative legal assistance services and, to do so, we have spoken with various experts in the sector.

Javier Fernández-Samaniego, managing director of Samaniego Law, points out that "when talking about Alternative Legal Service Providers we must distinguish at least five segments," alluding to the article "[First effects of the irruption of ALSPs \(alternative legal service](#)

providers)" where these segments are established (see box below).

EFFICIENCY, FLEXIBILITY AND "FAIR PRICING"

"Today," says Fernandez-Samaniego, "a good number of the problems and challenges facing corporate legal departments can be solved more efficiently with technological solutions and other professionals, not just lawyers. This is particularly true for legal challenges that involve massive information processing, 'modellable' workflows, not-too-complex contracts management, compliance, etc." As for pricing, continues Samaniego Law managing director, "savings can reach up to 75% in LIM (Legal Interim Management) services although, as with investment banking and strategic consulting, there are times when you can also get charged 100-200% more than in a strict hourly rate system." The reduction in workload is an important reason, explains **Natalia Martos**, CEO and founder of Legal Army NewLaw, who points out that ALSPs "provide quick and concrete solutions to business problems, allowing corporate legal counsel to focus on issues that involve decision



NATALIA MARTOS

making or are key to the company's development." As for the fees issue, Martos explains that "since ALSPs only use a closed pricing system previously agreed with the client, the latter has perfect control over the budget and can outsource many of the tasks it cannot cover. In this way, ALSPs are an efficient, reliable and more economical alternative (we are usually 70% cheaper than a traditional firm) for companies that need to outsource part of their legal workload or those tasks that, due to their specialization, require an external expert."

Laia Moncosí, co-founder of Lawyers for Projects, emphasizes flexibility. "Not all issues and



ALSPS PROVIDE QUICK AND CONCRETE SOLUTIONS TO BUSINESS PROBLEMS, ALLOWING THE COMPANY'S LEGAL DEPARTMENT TO FOCUS ON ISSUES THAT INVOLVE DECISION MAKING OR ARE KEY TO THE COMPANY'S DEVELOPMENT

NATALIA MARTOS

Segments within Alternative Legal Service Providers (ALSP)

- "Big Four" audit firms that have broken into the provision of legal services usually in low-cost geographic locations
- LPOs (Legal Process Outsourcers) "captive" or linked to large legal firms that handle low-cost tasks usually in low-cost geographic locations
- Independent LPOs (not linked to any firm and to whom any firm or legal department may subcontract low value-added tasks)
- "Managed services" providers (subcontractors of all the functions and tasks involved in the day-to-day running of a legal consultancy)
- Companies that offer lawyers for temporary projects or "staffing solutions"

needs of legal departments are of the same nature, nor do they have the same risk and impact on the business. Therefore, it does not seem logical that they are all solved in the same way or paying the same price level." Moncosí also highlights transparency as a decisive factor "99% of our projects have a closed price and without deviations (up to 50% savings compared to the fees of a traditional top firm). But, in addition, they are executed directly and exclusively by our lawyers, without pyramidal structures and we manage the legal services with project management methodologies."

Manuel Deó, CEO of Ámbar, explains that this is a high-quality legal advice services alternative. "In the case of Ámbar, the client can hire top level lawyers with a senior profile (on average more than 10 years of experience) for a specific project, controlling at all times the specific team that develops the project and with a closed price for each assignment." Deó points out that prices can be up to 30% more competitive on average for



WE HAVE A LOWER COST STRUCTURE THAT FOCUSES ON THE ELEMENTS THAT REALLY ADD VALUE TO THE CLIENT. IN ADDITION, THE USE OF TECHNOLOGY AND ADVANCED OPERATIONAL PROCESSES ALLOWS OUR COST MODEL TO BE MORE EFFICIENT

MANUEL DEÓ

the same quality as a traditional top firm. "We have a lower cost structure that focuses on the elements that really add value to the client. In addition, the use of technology and advanced operational processes allows our model to be more efficient." "ALSPs naturally reject billable hours," adds Natalia Martos, "because it is an opaque form of

billing that the legal services client no longer accepts. Usually, billable hours include firm's structural costs that do not add any value to legal and quality advice. In addition, ALSPs advocate establishing prices that are fair, excluding any indirect or associated costs other than the 'fair price' for the work performed." "In this way," she says, "clients of these services can maintain a relationship of maximum trust with the ALSP, contacting them as many times as they consider necessary and asking for all the changes that are required in the work since there is no 'hour meter'."

All of them agree that ALSPs do not intend to replace in-house lawyers, but to accompany them and, according to Deó, "provide them with additional solutions for different problems and with more resources and technology to make their work more efficient, with better informed decisions and at a lower cost." In general, they believe that in-house are key pieces for the business and



LAIA MONCOSÍ



ÁMBAR TEAM FROM THE LEFT: BELÉN BAUTISTA, MANUEL DEÓ Y ROSA ESPÍN

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FOR THE IN-HOUSE WHO MEASURES HIS 'POWER' IN A LARGE HEADCOUNT AND A LARGE BUDGET TO MANAGE OR THE IN-HOUSE ACTING AS A 'MULTINATIONAL OFFICIAL' WHOSE AMBITION IS TO 'LIVE BETTER' THAN IN AN OFFICE, THEIR DAYS ARE, WITHOUT EXAGGERATION, NUMBERED

JAVIER FERNÁNDEZ-SAMANIEGO

that their role in management committees is indispensable for business success. However, Fernandez-Samaniego explains "the in-house whose ambition is to sit on the Board and be a key player in the company's strategic advice and who is not afraid of the 'up or out' will always be an essential piece in companies. For the in-house who measures his 'power' in a big headcount and a big budget to manage, or the in-

house acting as a 'multinational employee' whose ambition is to 'live better' than in an office, their days are, without exaggeration, numbered."

USERS

Both companies' legal departments and law firms, lawyers or private clients can be ALSPs users. The report "ALSP: Firm's competition or allies?" presented last February by Thomson Reuters Legal Executive Institute, shows that 60% of corporate legal departments say they already work with ALSPs for at least one type of service and another 14% of the companies plan to start working with them next year. If we look at the graphic 1, it is interesting to note that, for instance, 17% of corporate legal departments use ALSP for research work. The document also elucidates the main reasons why law firms use these alternative suppliers; to provide a more affordable option to their clients and to be able to cover peak demand without having to assume more staff costs.

In this sense, Laia Moncosí tells us that they have been

very welcome, "both by lawyers and clients, in-house legal departments and also law firms. Once the model has been explained, it is clearly identified as a 'win-win' for all parties. The best indicator is that both national reference companies and the firms themselves are trusting us. For the most conservative sectors or companies in any field, change always comes with certain reticence, but not rejection. In any case, and for those who may have more questions, we ask you to ask our clients. We have a very high recurrence rate." "After more than three years in Spanish markets, having been the first company to label itself as 'alternative', we are very pleased with the welcome we receive from multinational clients who have given us their trust. As to our competitors in the traditional sector there has been great support and curiosity to understand our model. One of our main sources of referral work is other firms and we are very fortunate to be part of a community that - as in its day with the arrival of international firms - is open and believes that competition makes us all better.



SOURCE: THOMSON REUTERS



JAVIER FERNÁNDEZ-SAMANIEGO

However, some predictions -such as the development of LIMs or 'project lawyers' have been developed much more modestly than we had anticipated since we neither have an economy with full employees as in the US nor the mentality of working 'by project' is implanted in the Spanish market yet," points out Fernández-Samaniego. On the landing of the Axiom model by Ámbar, its CEO, Manuel Deó comments that "we are very excited about the appetite and interest that this model has throughout the sector. We knew that clients would react well to this new alternative because Spanish companies have first-rate and very sophisticated legal departments, they know these models perfectly and know that not all solutions will solve all their needs. The legal departments of Spanish companies are very

modern compared to what exists in other countries around us, and they are constantly seeking alternatives to the usual models, innovating and exploring other ways of solving their needs." Regarding reception of these models by the more conservative sectors of the legal profession, Natalia Martos of Legal Army NewLaw says that "as we gain more clients and have more presence, the initial indifference becomes curiosity, most of the time a healthy one. In any case, the most important firms in Spain have respected us from the beginning and our relationship with them is extraordinary because we think we can be complementary and not rivals. Our welcome abroad has been equally warm and we maintain a relationship of mutual respect and growing interest in our new model with Anglo-Saxon and Big Four firms."

SERVICES

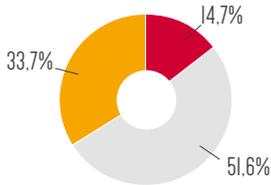
"Each ALSP category solves one type of problem," says Fernández-Samaniego. "Those specialized in managed services, which assume entire divisions of a legal firm in an outsourcing model such as Integreon, Factor (formerly Axiom Managed Services) or UnitedLex, help to reduce personnel costs and streamline oversized legal advice; those specialized in staffing and LIM solve problems in specific work peaks, maternity or paternity leave, etc." As Laia Moncosi tells us, ALSPs not only offer legal advice, they also cover other specialties. "Indeed, the services of Lawyers for Projects go beyond legal and tax advice. In this sense, we also accompany the legal departments themselves in a process of self-evaluation and

definition of a transformation roadmap, which allows them to participate more directly in the company's strategy, to carry out their function more efficiently (maximizing the quality of the service they provide at the lowest cost) and to minimize business risks, in an increasingly complex environment."

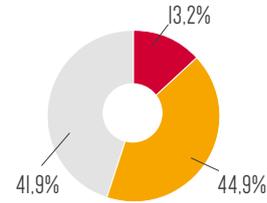
Natalia Martos, from Legal Army, specifies: "we work in the field of consulting for matters that not only require legal specialization but also strategic, technological and business specialization as it happens with Cybersecurity, with the development of disruptive business models or the application of 'legal design' in large corporations." From Ámbar, Deó points out that "we provide high level legal advice, consultancy services, project coordination and management of all kinds of legal issues. To accomplish this, we use the best technology and the most advanced operational processes." And everything seems to indicate that the demand for these services will continue to rise. The Association of Corporate Counsel "2020 ACC Chief Legal Officers Survey" shows that around 20% of private companies CLOs surveyed indicated that they plan to send more work to alternative legal service providers in the next 12 months. This trend is also supported by Thomson Reuters' study on the use of ALSPs by law firms. On the contrary, concern about data security is one of the main reasons given by both offices and companies that do not yet work with ALSPs, according

Do you anticipate the amount of work you send to law firms and other legal service providers will decrease, stay the same, or increase in the next 12 months?

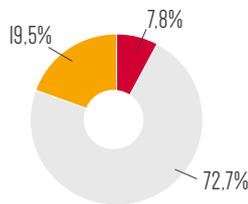
LAW FIRMS



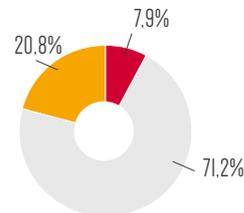
Among those who expect to add lawyers in 2020



OTHER LEGAL SERVICE PROVIDERS



Among those who employ at least one legal operations professional



● Decrease ● Stay the same ● Increase

SOURCE: 2020 ACC CHIEF LEGAL OFFICER SURVEY

to the above-mentioned TR report.

CAREER PLANS

The ALSP model "is not for everyone," says Fernández-Samaniego. "It is something we know and accept, although values we believe in, such as flexibility and freedom, are attractive to many lawyers. There are 'testimonials' on our website from some of the lawyers who have worked in our firm that are self-explanatory." From Ámbar, Manuel Deó says that "seeing the enormous interest that this model has for lawyers of all kinds of backgrounds and experience, who are calling for a new way of working that is more flexible and independent" fills them

with pride and recognizes that "this project is not for all types of lawyers, only for the best and most confident, who want to regain control of their lives by deciding what to work on, when and with whom." "The main attraction for a young lawyer to join Lawyers for Projects," says Laia, "is to direct his professional career. We offer them the possibility to participate in interesting projects for first level clients, with a higher remuneration (derived from the inexistence of structure costs). And, in addition, to be able to make the lawyer profession compatible with other professional projects and with their personal lives. Among our lawyers, we have surf teachers, art gallery owners or professionals who live in the USA or Dubai."

"In Legal Army we offer a balance between personal life and work. We believe that there is another way of doing things and we encourage talent, giving our team full control of matters from start to finish. In a time marked by the uberization and works with freelancers in collaboration regime, we offer indefinite work contracts with a very competitive remuneration, as well as the possibility of accessing the compensation plan consisting of phantom shares of the company to make them feel part of the business. As benefits we offer teleworking when needed, a modern and pleasant worplace, and most importantly, a Legal Army culture of values," provides Natalia Martos. 🇪🇸

Philosophy and operation scope

SAMANIEGO

Samaniego Law

"Having been the 'alternative' firm in Latin America -as recognized by Financial Times in its 2017 awards- our great challenge now is the scalability of the model without trying to lose our independence. Currently, the firm is evaluating with potential industrial and capitalist partners scaling the model following the values that motivated us to launch this adventure", Javier Fernández-Samaniego, managing director of Samaniego Law.

LAWYERS
FOR
PROJECTS

Lawyers for Projects

"We transform legal services by allowing lawyers to work with total flexibility and providing companies with the talent, efficiency and motivation they deserve. Our current focus is the national territory, but we have partnerships with other operators of the same model that allow us to offer services to our clients in much of the world. Continuing to increase our own lawyer base both nationally and internationally is part of our short-term plans to continue ", Laia Moncosí, co-founder of Lawyers for Projects.

Ambar.

Ámbar

"We seek to create a different firm, one that our lawyers are proud to belong to. Ámbar is not only an alternative legal services firm, it is also a meeting point and a framework for reflection for main and best lawyers in Spain and Latin America and promoting best practices and latest trends knowledge in the disruption and innovation of all types of business models in the legal sector. Ámbar already operates in Spain and we plan to open offices in Mexico, Colombia, Peru and Chile, in exclusive alliance with Axiom, the world leader in flexible and on-demand elite legal talent. And in this way, we can provide a global service to our clients", Manuel Deó, CEO of Ámbar.

LEGAL — ARMY
NEWLAW

Legal Army NewLaw

"We intend to be allies of the in-house legal departments so that we can make their lives easier. We aspire to get a share of the Spanish market that, nowadays, is not covered because there is no offer like ours. We have been in business for almost two years and, this year, we are developing the consolidation of Legal Army and completing our digitalization. Our purpose is to consolidate in a solid way in Spain and then scale our business model to Latin America in early 2021", Natalia Martos, CEO and founder of Legal Army.

HOW ARE **ALSPs** ADDRESSING THE **COVID-19** HEALTH CRISIS?

Lorena Salamanca

Managing director **AFIENS LEGAL, S.L.P.**

In the last few days, we have been experiencing an unprecedented situation due to the health crisis in which each of us is immersed, both personally and professionally. The restrictions recommended and imposed by our government in order to contain the spread of COVID-19, mean that, in this case, professionals in the legal sector have to adapt to the reality of our environment and can continue to offer the same or even better service than we have been providing them until today. COVID-19 has forced all professionals, without exception, to adapt quickly to the use of technology in order to continue offering the same service that they have been providing in a more traditional way; face-to-face and manually. However, for most Alternative Legal Services firms this adaptation has not been necessary, as most of them were set up from the beginning as intensive technology-based companies:

In our specific case, Affiens manages the corporate secretariat of over 300 companies and thanks to technology we are able to:

1. Standardize and automate all legal documents.

2. Offer our clients a working environment that allows collaboration between clients and external advisors.
 3. Control the execution times of all work, maximizing the quality and security in all services we provide.
 4. Reduce the sending of legal documents for signature to a minimum, thanks to the use of an advanced electronic signature system, which also allows our clients to reduce costs.
- Now more than ever, ALSPs are the ideal partner for more traditional firms and legal departments of companies that need to adapt to the current situation and continue to protect the interests of their clients. If

there is one thing that will help us to live with the COVID-19, it will surely be the need to question our traditional working methodologies and to take advantage of technology. But for this to be true, we also need Public Administrations and notaries, to articulate processes that, while guaranteeing the health of all people, will let us continue completing transactions.

It is clear that this is the right time for the Public Administrations and institutions, such as the registrars and notaries of Spain, to, whenever possible, move towards the virtualisation of all procedures. 

LORENA SALAMANCA - MANAGING DIRECTOR

AFIENS LEGAL, S.L.P.



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THE EMPOWERMENT OF **AXIOM'S** **FLEXIBILITY**

by María González-Manes

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María González-Manes has a Law degree from Cornell Law School in Ithaca, New York and a degree in Economics from Universidad de Alcalá de Henares, Madrid. As an international lawyer, María

has over 20 years of experience practicing law in New York City, most recently at the disruptive company Axiom, the world's largest on-demand legal talent company. Previously, María served as an executive at Hewlett-Packard Financial Services legal department and has been an associate at international law firm Cleary, Gottlieb, Steen & Hamilton. María is currently a Limited Partner-Business Angel at European group Rising Tide, and a member of Women in a Legal World, network with which Iberian Lawyer has a collaboration agreement since last February. We wanted to get to know her better as well as her experience in a top ALSP like Axiom.

You've worked at one of the world's largest Alternative Legal Services Providers, Axiom. As a lawyer, how did you arrive in this sector? What motivated you

to take this path?

After practicing law in New York city for over 20 years, initially in a big law firm and later in house at a large corporation, I reached a point in life where I felt the need to reassess what I wanted to do with my career. In 2015, I took a year off to reflect, spend time with my family, read, volunteer and at the same time search for the right opportunity. It is then that I decided to join Axiom, a disruptive legal company that offered the possibility to practice law on my terms, and to work how, when, where and on what I wanted to. It felt extremely powerful, and it was exactly the type of flexibility and freedom that I needed at the time.

How you would describe Axiom's philosophy?

Axiom's philosophy can be described with one word that Elena Donio, the CEO, uses often: *Reimagine*.

Axiom has been from its foundation about “reimagining” the legal industry and the practice of law as a whole, reimagining how legal services are delivered, and reimagining the lives and careers of its attorneys. Axiom has transformed and disrupted the legal industry by serving both sides of the equation with equal passion, enabling corporate legal departments to gain efficiency, while empowering lawyers to pursue more of the work they love.

In this sense, what are, in your opinion, the main advantages of working in a flexible environment such as that of ALSPs?

Flexible work arrangements allow attorneys to work around their personal schedules, not the other way around, and this is for many a clear advantage. Axiom uses a platform called *Axiom for Talent*, where lawyers can indicate their working preferences so they can self-direct their career and more easily choose engagements based on personal interests. Any attorney can opt to work full time or on projects for a few months at a time. Beach time (time without work in between engagements) enables lawyers to spend time with family, devote their free time to a completely different career, volunteer or pursue any other passion. This flexibility creates a tremendous sense of empowerment and personal satisfaction and it also contributes to a much more diverse and inclusive culture.

What is the “Career Plan” that is offered in an ALSP to young

people? In other words, how do they retain talent?

Today’s legal workforce is transforming rapidly. The expectations of the newer generations are changing and flexibility around work schedules, time-off and work-life balance in general are key factors being considered when choosing a career path. In addition to flexibility, employees are demanding interesting work that allows them to grow professionally, further education

“I DECIDED TO JOIN AXIOM, A DISRUPTIVE LEGAL COMPANY THAT OFFERED THE POSSIBILITY TO PRACTICE LAW ON MY TERMS, AND TO WORK HOW, WHEN, WHERE AND ON WHAT I WANTED TO. IT FELT EXTREMELY POWERFUL, AND IT WAS EXACTLY THE TYPE OF FLEXIBILITY AND FREEDOM THAT I NEEDED AT THE TIME.”

and learning opportunities, greater accessibility to pro-bono work and greater inclusion and diversity in the workplace. Companies need to add some aspect of all of these factors if they want to attract and retain the right talent. The legal world is no exception. Under Axiom’s model, attorneys take control of their careers and since Axiom works with over half of the Fortune 100, it also provides lawyers with access to a wide variety of industries and interesting projects to choose from contributing to their professional and personal growth.

Axiom also recognizes the importance of pro bono work and offers opportunities to its lawyers to give back to their communities. Axiom has recently partnered with pro bono Net, a platform that facilitates access to pro bono opportunities for lawyers. Flexibility contributes to a more diverse and inclusive talent pool. While the legal industry remains as one of the least diverse specially at the senior level, Axiom’s commitment to gender equality and diversity is exemplary making it one of the most diverse players in the industry. Women comprise 55% of Axiom’s lawyers globally, and the company is known for having a large minority workforce. Axiom’s turnover rate is also markedly lower than the large firm benchmark evidencing the success of its workplace policies. Axiom also offers plenty of opportunities for professional development, including executive business training through its partnership with

McKinsey, CLE Certifications, coaching, as well as the opportunity to participate in regular networking and community-building events.

This "on demand lawyer" model is quite recent in Spain, but in other areas it has been implemented for some time. In this sense, what can you tell us about the history of ALSPs? Why do you think these new models came on the scene? What factors, in your opinion, led to their appearance?

Although these types of legal companies started 20 years ago, they have only recently become front and center of the legal services delivery ecosystem. The rise of ALSPs is due in my opinion to the balance shift from the big law to the client that took place after the global financial crisis and that as a head of a legal department at the time I witnessed firsthand. Legal departments were forced to adjust budgets and more work was brought in-house. Outsourcing high-volume repetitive work to low cost jurisdictions was not uncommon and options like Axiom as an alternative to increasing headcount became appealing.

In recent years, continued pressure on legal departments to cut costs, changes in the regulatory landscape and the introduction of new technology have pushed legal departments to think outside the box and look for alternatives. A more sophisticated and knowledgeable client has become empowered and is demanding more for less. The

rise of disruptive business models like ALSPs that are challenging the status quo is no coincidence. According to the recently published report by Thompson Reuters "Alternative Legal Service Providers 2019", in the last two years alone, the growth and prominence of ALSPs has increased dramatically. Revenues have gone from \$8.4 billion in 2015 to about \$10.7 billion in 2017. ALSPs are expected to grow at the rate of 24% a year, and many corporate legal departments plan to increase their spend in these

"GIVEN THE INCREASED MATURITY OF THE ALSPS IN RECENT YEARS, CORPORATE LEGAL DEPARTMENTS ARE STARTING TO TRUST THESE DISRUPTIVE BUSINESS MODELS, RECOGNIZING THEIR ADVANTAGES AND INCREASING THEIR USE."

services in the near future. Given the increased maturity of the ALSPs in recent years, corporate legal departments are starting to trust these disruptive business models, recognizing their advantages and increasing their use.

As you know the processes and the characteristics of the services of the ALSPs, what are the advantages of these services for the legal departments of companies as opposed to a conventional office?

ALSps provide solutions to corporate legal departments that combine technology, experienced legal talent, process innovation and data analytics and provide greater efficiency and agility than law firms at a lower cost. In addition to cost reduction, these companies provide greater transparency and predictability around legal fees and greater adaptability to the rapidly changing demands of clients who themselves need to respond to regulatory changes and a business environment that is constantly evolving at great speed.

As evidenced by the Reuters report, while ALSps have been traditionally identified with repetitive and low value work, corporate legal departments are now turning to ALSps for their expertise and their efficiency as these companies expand their capabilities supported by the newest technology. Legal departments are leveraging ALSps in the areas of legal research, regulatory risk and compliance, or litigation and investigation support. Legal departments that resort to ALSps for specialized legal

services, continue to do so to cover internal gaps during peak demands without having to increase head count and to free up internal teams to do more strategic and value-add work.

Do you think the rise of these "ad hoc" services is somehow related to the numerous and frequent regulatory changes affecting companies or, to put it another way, to compliance?

Undoubtedly, the growing complexity of the regulatory landscape is definitely one of the factors giving rise to the growth of ALSPs. The perfect example is the introduction of new regulations in the data privacy space across the world which creates the need to effect changes in processes, redrafting of compliance policies, training and implementation. This increases pressure in an already resource-constrained legal team. Through the use of ALSPs' technology, agile project management services, and expert talent, businesses can tackle this challenge quickly and efficiently.

Some people say or think that if these services are cheaper, more flexible and faster they cannot be as excellent. What would you say to them?

ALSPs have injected efficiency and cost savings in the legal industry through innovative business models and technology without sacrificing quality. These new players in the legal ecosystem are disrupting the way legal services are delivered, addressing the client's pain points, and providing

excellence along the way. In addition, firms like Axiom are highly selective, they only hire 5% of applicants and attorneys come from top law firms and US law schools. Lawyers have an average of over 15 years of experience ranging from recent graduates to former law firm partners and corporate general counsel. Moreover, clients consistently rate Axiom lawyers in the top 25% of all lawyers they have worked with.

Some say these services are intended to replace the in-house ones. Could they do that?

More than substitution I would emphasize transformation. Technological disruption and the arrival of ALSPs will no doubt transform how legal departments work and the structure of their workforce. General counsel must drive a culture of innovation and create an agile team that can respond quickly to new risks, regulatory changes, and the advancement of technology. In-house departments will no doubt increase the use of ALSPs like Axiom to fill temporary internal resource gaps instead of resorting to increasing headcount. New non-legal roles will be incorporated into the legal department such as legal process and project managers, and technologists. This will give rise to a more collaborative and agile way of working and delivering legal services.

What do you think the future holds for these services? Or rather, do these services represent the present-future

of the legal profession?

Without a doubt the future of law will be shaped by innovation and technology, the use of data and new client demands driven by a shifting regulatory environment, and the high speed at which businesses and society as a whole are evolving. In my view, for years law firms have enjoyed a monopolistic relationship with corporate legal departments and were the undisputed leader, but today it is one more player in the legal ecosystem. As the Reuters report evidenced, legal departments are increasing their use of ALSPs at a much faster pace than anticipated.

What do you think of the Axiom model arrival in Spain with Ámbar?

I am a great believer in the Axiom model and I think it can be successfully implemented in Spain through careful planning and adaptation to local law and culture. Any industry disruption faces regulatory and cultural hurdles and may take some time. General counsel and legal departments must be convinced to try other alternatives to law firms, which are still the industry dominant provider of legal services. Legal talent must embrace this new way of practicing law and be willing to sacrifice security in exchange for flexibility and freedom. The strategic relationship with Axiom gives Ambar a competitive advantage and will no doubt contribute to overcome some of these challenges. 🇪🇸

DIEGO CABEZUELA CV



Founding partner of CIRCULO LEGAL. Legal Director of the Madrid office.

Professional practice in Bankruptcy Law, Corporate Law and Corporate Criminal Law (economic and corporate crimes, crimes against the Treasury, crimes against Occupational Safety and Professional Criminal Liability).

Round tables on general corporate criminal liability and on economic crimes and crimes against safety at work. Speaker on Criminal Liability of Legal Entities and New Technologies Criminal Law courses.

Professor of the KPMG/URJC Master's Degree in Economic Criminal Law.

Collaborator on legal articles in general, economic and legal press, both national and international.

Member of the Legislative Projects Committee of the Madrid Bar Association. President of the Observatory of Occupational Accidents (Obsilab). International President of the World Compliance Association.

Degree in Law from the Universidad Complutense de Madrid. Master's degree in Legal Practice. Monographic courses on bankruptcy, social and criminal Law and the European Court of Human Rights (Bar Associations, School of Legal Practice, Centre for Tax and Economic Studies, Madrid Chamber of Commerce, others).

about chartered compliance bodies and professional societies that take on the compliance function. How can those who have been convicted of crimes such as those they are supposed to prevent be denied access to the profession?

Ethics. Companies and society in general expect the compliance officer to behave ethically and without fault. It is inexcusable to explicitly adhere to a Code of Ethics that is protected by or subject to the discipline of a Professional Association, which ensures compliance.

Conflicts of interest. The compliance officer cannot participate in or execute business decisions subject to his or her control of legality.

Right of access. Must have immediate and direct access

to organization's documents or files, to investigate irregularities or information from the channel of complaints, without waiting for authorizations/procedures that may hinder it. Its mandate comes directly from the Administrative Body, as an "alter ego" of the same, which manages its risks, independently.

With regard to independence, our text proposes to incorporate a report on the state of this independence in each organization into the annual reports that capital companies deposit in the Commercial Registry, providing transparency and a formidable instrument of reputational control by the market.

Professional secrecy. The compliance officer is the person to whom the entrepreneur entrusts the management of

his criminal risks. The same for which the organization can be accused before a Court. The employer must be able to entrust him, without fear, with all his suspicions or weaknesses. Confidentiality is an essential part of the right of defence and this must always be encouraged by the State.

Finally, and linked to the above, the WCA proposes to put an end to any doubt about the alleged legal duty of the compliance officer to report his organisation. Of course not.

On the contrary. He owes it professional secrecy and the result of his work has to be reported directly to its Administrative Body.

These and other issues are the main points to be included in the proposal that the WCA will soon present. Don't miss it! 📌



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Extraordinary support measures for maintaining employment contract in a business crisis situation

Labour Law team - laboral@bas.pt - www.bas.pt

BAS Labour Law team developed a [guide](#) that aims to explain the conditions for its application, the procedures and the effects of this exceptional and temporary regime to mitigate the effects of the business crisis resulting from the Covid-19 pandemic, namely with regard to employment.

Decree-Law no. 10-G/2020, of March 26, established an **exceptional and temporary regime for the reduction of normal working hours and the suspension of employment contracts** (simplified Lay Off) in order to support companies in a business crisis situation, namely extraordinary financial support for the payment of compensation and the waiving

of social security contributions. This regime **is without prejudice to the application of the common Lay Off mechanism** provided for in the Labour Code for situations of business crisis. The measures provided for in the diploma are intended for private employers or employers in the social sector, public employers being excluded.

Business crisis resulting from the Covid-19 pandemic

1. The **business crisis** situations that will be relevant for the application of the measure, regardless of its concrete grounds, are those **concerning companies affected by the COVID-19 pandemic and to the extent that the business crisis is a consequence of that situation.**
2. Total or partial shutdown of the company or establishment:

- a) **Total or partial** shutdown of the **company or establishment** must be observed;
- b) Such shutdown shall be exclusively due to the obligation to shutdown **facilities and establishments;**
- c) It should be noted, with regard to the situations covered by Decree no. 2-A/2020 of 20 March, that the respective article 7 only determines the **obligation to shut down** the facilities and establishments specifically referred to in Appendix I to the said Decree – there are situations in which the decree only imposes a mere **obligation of suspension** of activities, within the scope of the provision of services or within the scope of retail (and, in the latter

case, neither suspension applies, for example, to establishments that intend to maintain their activity exclusively for the purposes of home delivery or take-away, in which case access to the inside of the establishment by the public is prohibited);

- d) The measure relates only to the **establishments or companies which are actually closed**;
- e) The measure covers only **employees directly working for those companies or establishments** - thus excluding indirectly dependent employees;
- f) As regards **tele employees**, the measure also **covers only those directly working for those closed companies or establishments** - by reference, in particular, to the prior identification of the company or department of the company in which the employee is working during the telework activity.

3. Total or partial halt in the company's or establishment's activity:

- a) **Substantive requirements:** The total or partial halt in the company's or establishment's activity should result from one of the following circumstances – disruption or intermittence of global supply chains or suspension, or cancellation of orders or reservations, in terms that show that the production or occupancy capacity of the affected company or unit will



be reduced by more than 40% in the month following the support period.

b) **Formal requirements:**

The total or partial halt in the company's or establishment's activity and the circumstances on which it is based must be supported by verifiable documentation and must result from a declaration by the employer together with a certificate from the company's certified accountant attesting to this.

4. Unexpected and sharp drop in billing:

a) **Substantive requirements:**

To observe a verifiable unexpected and sharp drop of at least 40% in the company's billing in the 30-day period prior to the request to the competent Social Security services:

- b) **Formal requirements:** The sharp and abrupt drop in revenue should result, namely, **from the trial balance for the periods in question**, as well as from the **employer's declaration together**

with a certificate from the company's certified accountant attesting to this.

The measures must be aimed at **maintaining jobs and employment contracts** and avoiding redundancies for economic reasons at this critical stage in the country, requiring, in theory, that the measures actually implemented help the pursuit of those objectives.

The simplified lay off measures and exemption from social security contributions by the employer will last for one month, extendable, exceptionally, up to three months.

The measures are in force from the entry into force of the law (March 27, 2020) until June 30. This regime may be extended for a further three months depending on how the economic and social consequences of COVID-19 develop.

The requests already submitted in the light of Ordinance no. 71-A/2020 (now revoked) remain effective and are considered in the light of the new legislation, and should be reviewed in the light of the new frameworks.



“THE MAJOR ROLE OF **COMPLIANCE** IN THE CONTEXT OF **COVID-19’S** ” **PANDEMIC**

by Jorge Ribeiro Mendonça, Sandra Jesus
Partners at Caiado Guerreiro - www.caiadoguerreiro.com

A part from the obvious questions related with public healthcare, COVID-19’s pandemic presents countless challenges to the companies. These exceptional times that we are living demand from the companies a special ability to adapt to these new circumstances and Compliance can be and shall be the ideal management tool for the companies to surpass the obstacles created by the COVID-19’s pandemic and allow the companies to recover their activity.

Besides their own contingency

plans to face COVID-19’s pandemic, each company has to consider and mitigate significant risks, for example: How is COVID-19’s consequences affect the company’s ability to fulfil its contractual obligations? Can the company use «force majeure» clauses in existing contracts to mitigate its risks and losses? What are the conditions foreseen in the termination clauses in the existing contracts? What are the likely impacts of the pandemic in the company’s clients and suppliers? What strategies can the company adopt to mitigate the risks of contractual breaches and losses? Can the abnormal change of circumstances justify the termination or

modification of the existing contracts? How can the company react to judicial or legislative orders to suspend their activities? What are the legal and contractual remedies available to the companies?

In Portugal, the State of Emergency has been declared on March 18, 2020 for a 15-day period which will be likely renewed for at least an additional 15-day period counting from April 2. Subsequently, the Portuguese Government issued the rules that are in force during the State of Emergency and has also taken several measures to support the economy in the context of the crisis imposed by the impact of COVID-19, including, among others, a

simplified Layoff procedure in order to support job retention and to avoid dismissals and a 6-month suspension on rents for closed commercial establishments.

Apart from these obstacles created by «external» factors, COVID-19's pandemic also presents significant challenges related to Corporate Governance of the companies. The need to adopt measures to protect stakeholders and ensure the prosecution of the companies' interests has never been so relevant as in the current context.

The emerging corporate challenges in the face of the epidemic crisis may be placed at two distinct levels: the first level concerns the strengthening of the duties of directors; and at a second level, the flexibility and adaptation of corporate life to the best practices emerging in this context.

As a result of their duties and responsibilities, the company's management bodies have special duties of care in managing the risks inherent to the COVID-19 threat. The Companies will have to ensure the promotion and adoption of special contingency plans that allow the security of their employees, partners, clients, suppliers and other stakeholders and, simultaneously, continue their activity. These contingency plans must be approved by the management bodies in strict compliance with the guidelines of the health authorities and local authorities as well as implemented and communicated to the entire structure of the Company as quickly as possible. On the other hand, the



monitoring, review and possible application of other measures is particularly relevant to mitigate any risks of evolution and contagion of COVID-19 and to reduce potential economic and financial threats that may affect the Company's activity or that of third parties.

Without prejudice to this, decision making, and respective communication must be duly documented, based on criteria of corporate rationality under penalty of responsibility of the management body for the absence or lack of adoption of these measures.

With regard to the second plan, in view of the approximation of the legally established dates for the purposes of holding annual general meetings, Decree-Law

no. 10-A/2020 of March 13th was published, extending until June 30th, 2020 the deadline for holding general meetings which, by legal or statutory imposition, should be held in the meantime. In cases where general meetings cannot be postponed, the Companies Code provides for the possibility of holding meetings (of the general meeting and of the management bodies in general) by telematic means, provided that the respective articles of association (which may always be amended) do not prohibit this. In this sense, the use of these alternative means should be considered on a case-by-case basis, since the means and resources used must ensure the reliability of the communications.

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Legalcommunity Week 2020 – Program (in progress)

CWP: Conferences and working program

SEP: Social events program

 Open with registration

 Invitation only

MONDAY 12 OCTOBER			Partners	Address
9:00 - 13:00	 CWP	Opening conference: "Innovation and artificial intelligence" (Lunch to follow)		Fondazione Stelline Corso Magenta, 61 Milan
14:00 - 16:00	 CWP	Roundtable: "New media"		Fondazione Stelline Corso Magenta, 61 Milan
From 18:30	 SEP	Corporate Counsel Cocktail		Gatti Pavesi Bianchi Piazza Borromeo, 8 Milan
TUESDAY 13 OCTOBER				
9:00 - 13:00	 CWP	Conference: "Africa and the Middle East" (Lunch to follow)		Fondazione Stelline Corso Magenta, 61 Milan
14:00 - 16:00	 CWP	Roundtable: "Cross border litigation"		Fondazione Stelline Corso Magenta, 61 Milan
16:00 - 18:00	 CWP	Roundtable: "CSR & Sustainability: Business Ethics in Crisis Situations"		Fondazione Stelline Corso Magenta, 61 Milan
18:00 - 20:00	 SEP	Networking Roundtable		To be disclosed shortly
From 19:00	 SEP	Best PE Deal Makers Cocktail		Freshfields Bruckhaus Deringer Via dei Giardini, 7 Milan
WEDNESDAY 14 OCTOBER				
6:15 - 8:30	 SEP	Corporate Run		Milan
9:00 - 13:00	 CWP	Conference: "LATAM" (Lunch to follow)		Fondazione Stelline Corso Magenta, 61 Milan
11:00 - 13:00	 CWP	Roundtable		Fondazione Stelline Corso Magenta, 61 Milan
14:00 - 16:00	 CWP	Roundtable on Arbitration		Fondazione Stelline Corso Magenta, 61 Milan

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18:00 - 20:00	 SEP	Discussion and Cocktail		Legance Via Broletto, 20 Milan
18:30 - 20:30	 SEP	Talks & Cocktail		Toffoletto De Luca Tamajo Via San Tomaso, 6 Milan
19:30 - 23:30	 SEP	Corporate music contest		To disclosed shortly
THURSDAY 15 OCTOBER				
9:00 - 13:00	 CWP	Conference on Finance (Lunch to follow)	CHIOMENTI	Fondazione Stelline Corso Magenta, 61 Milan
19.15 - 23:30		Inhousecommunity Awards		Milan
FRIDAY 16 OCTOBER				
18.00	 SEP	International guest greetings		Milan

SEE YOU FROM
12-16 OCTOBER 2020



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