



# IBERIAN LAWYER

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**MAG**

N.120  
DECEMBER 2022 - JANUARY 2023

## INTERNATIONAL FIRMS

New foreign integration in Portugal

## LEGALDAY 2022

Legal privilege and the emerging CLO opportunity for GCs

## THE SURVEY

Sustainability involving two out of three corporate lawyers

## NEW SKILLS

Cybersecurity?  
Outsourced to legal departments

## ALSPS

Abroad, the first ALSP in Spain

## ESPECIAL

GOLD AWARDS 2022



# PORTUGAL'S PARTNER MOVES AND APPOINTMENTS

In 2022, *Iberian Lawyer* recorded 45 new partners in Portugal, 11 as lateral hires and the appointment of 34 new partners

Ask the submission form to: [guido.santoro@iberianlegalgroup.com](mailto:guido.santoro@iberianlegalgroup.com)  
For more information about the events send an email to: [francesca.vistarini@lcpublishinggroup.it](mailto:francesca.vistarini@lcpublishinggroup.it)



These events refer to Iberian Lawyer and they reward the best lawyers and law professionals in Spain and Portugal.

Iberian Lawyer Labour Awards Portugal	Lisbon, 15/12/2022
Sustainability Summit Spain	Madrid, 16/02/2023
Inspirallaw	Madrid, 09/03/2023
Iberian Lawyer Labour Spain	<b>New Date</b> Madrid, 29/03/2023
Iberian Lawyer IP&TMT Spain	Madrid, 23/05/2023
Iberian Lawyer Energy Awards	Madrid, 29/06/2023
Iberian Lawyer IP&TMT Portugal	Lisbon, 13/07/2023
Iberian Lawyer Legaltech Day	Madrid, 14/09/2023
Iberian Lawyer Forty Under 40 Awards	Madrid, 05/10/2023
Legal Day	Madrid, 07/11/2023
Gold Awards	Madrid, 07/11/2023
Iberian Lawyer Labour Awards Portugal	Lisbon, 05/12/2023



The event aims to highlight the excellence of private practice lawyers, experts in the sector of energy and infrastructure in Latin America.

The LatAm Energy & Infrastructure Awards	São Paulo, 13/12/2023
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La settimana internazionale di eventi per la legal business community a Milano.

Legalcommunity Week	Milano, 12-16/06/2023
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The Legalcommunity Switzerland Awards is the event celebrating in-house & private practice lawyers in Switzerland.

Legalcommunity Switzerland Awards	Zurigo, 04/05/2023
Inhousecommunity Days Switzerland	Zurigo, 26-27/10/2023




The Legalcommunity MENA Awards event celebrates the excellence of in-house legal departments and private practice lawyers in the Middle East and North African markets.

LegalcommunityMENA Awards	Cairo, 21/12/2022
LegalcommunityMENA Awards	Cairo, 23/11/2023

# IT IS TIME FOR ANALYSIS

by ilaria iaquinta



The last and first months of the year always have at least one thing in common: they represent the time for analysis. We feel like we are entering a new phase of our personal and professional lives, every time something ends and begins. These are periods which are harbingers of good resolutions, which stimulate us to look back and go ahead to face the near future with purpose and determination.

We start with self-reflection, thinking about what went well and what did not work out as we wanted. And from there we then build new years intentions and plans (with the hope that they will come true and that we will not have to repeat them again the following year).

Certainly, achieving everything we set our minds to is never easy, but the very exercise of reviewing our own performance and considering what we should and would like to do in the near future is never a bust.

At the end of the day, it is a self-assessment that potentially drives us to improvement. It is also an opportunity to reflect on important issues, on which is no bad to have a first or second thought.



# Labour <sup>3<sup>rd</sup> Edition</sup>

The event dedicated to private practice lawyers & teams  
in the field of labour law in **Portugal**

## SAVE DATE

# 15 December 2022

**MUSEU DO ORIENTE**

Doca de Alcantara Norte,  
Av. Brasília | Lisbon



**19,30 (GMT) REGISTRATIONS**

**19,45 COCKTAIL**

**20,30 AWARDS CEREMONY**

**21,30 STANDING DINNER**

**WINNERS ON **  
**FROM 20:30**

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**#IBLLabourAwardsPT**

For information: [awards@iberianlegalgroup.com](mailto:awards@iberianlegalgroup.com)





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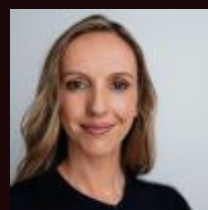
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**Natália Rebelo**  
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**Alexandra Reis**  
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*Philip Morris*



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Head of Compliance  
*Haitong Bank*



**Rebeca Ribeiro  
Silva**  
Legal Counsel  
*MOBI.E*

Thus, it is the right time to restart and plan the activities in the medium and long-term, organise the work of the coming months.


The legal services industry is in constant turmoil, it is changing, and in the coming months and years it will continue doing so. Certainly, it is impossible to predict the exact developments that will take place, but perhaps something can already be assumed (since black swans have proven to act mostly as an accelerator of already ongoing trends). And it is an exercise, this, that larger and well-structured law firms already do, through the outlining of their strategic plans, which are critical, especially in times of great change such as the one we are currently experiencing. Indeed, without a strategic plan, it is unlikely that a law firm will be able to significantly improve its performance, processes, service delivery and demonstrate its value to clients. In fact, it would be at the mercy of events and overwhelmed by the daily work. Knowing where you are going and where you want to go is critical; it also motivates the team. Who would want to work in a team that lacks vision? Especially during these hard times today.

Lawyers are dealing with several difficulties in their operations that hinder the transformation required by digitisation and the ever-changing regulatory environment. In addition, the economic crisis triggered by the war has fueled pre-existing pressure on client budgets.

How to address all these challenges? The answer, clearly, is not easy, but a first step in the first instance can be to identify, recognize, and line up the specific critical issues affecting just the single law firm. As with everything in life, the analysis of the problem is the first step on the path that leads to the solution.

In part, this issue of *Iberian Lawyer* also does an analysis. It does so in the articles that retrace the partner moves and appointments published on our website throughout 2022. It is an article that photographs what has happened in the legal services market and offers an insight about its health by retracing its key steps. We interview the leader behind Velea Legal Group and their expansion to Portugal. A new Spanish player enters the market through their associated partnership. We also retrace which law firms have relocated offices this year and talk about the new spaces they have chosen and why. We also discuss diversity and inclusion in law firms, specifically detailing some current initiatives.

On this issue, as always, you can find interviews with key players in the legal world, such as then one to **Irma Cebrián** and **Silvia Perea**, founders of ALSP Abroading, **Jordi Mercadé**, managing partner and founder in 2008 of Baker Tilly Abogados. On the in-house front, two surveys, one conducted by the newsroom in collaboration with ACC Europe España on sustainability, the new testing ground for corporate lawyers, and the other the traditional CLO Survey conducted by ACC. In addition, you will find some of the views and reflections shared during the legal day in Madrid. To close, as always, a focus on finance.

Good reading and happy 2023! 



# LEGALCOMMUNITYMENA

## AWARDS

The event celebrating in-house & private practice lawyers  
in the Middle-East and North African markets

# 21 DECEMBER 2022

**HILTON CAIRO HELIOPOLIS HOTEL**

Salah Salem Street (Uruba Street)

Heliopolis Cairo | EGYPT

### PROGRAM

**18.15** Check-in

**18.30** Welcome Cocktail

**19.15** Roundtable "From GC to CLO in the Middle East and North Africa"\*

### SPEAKERS:

Ziad Bahaa-Eldin, Managing Partner, Bahaa-Eldin Law Office in cooperation with BonelliErede

Dr. Mohamed Elmogy, Regional Lead Counsel, Siemens Energy

Reham Naeem, Country Head of Legal, Novartis Egypt

Mahmoud Shaarawy, Chief Legal & Compliance Officer, HSA Group

### MODERATOR

Suzan Taha, Journalist, LegalcommunityMENA

**20.00** Awards Ceremony

**21.00** Seated Dinner

\*in progress

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#LcMenaAwards

Winners on  from 20:00

[www.legalcommunityMENA.com](http://www.legalcommunityMENA.com)



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## Legal Deposit

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10

## ON THE MOVE

GA\_P has appointed Fernando Igartua in New York

32

## ON THE WEB

Energy inflation vs strong labour market

36

## D&I

Equality plan: a commitment to inclusion

40

## INTERNATIONAL FIRMS

New foreign integrating in portugal

44

## LEGALDAY

Madrid hosted legalday 2022

48

## LEGALDAY 2022

Legal privilege and the emerging Clo opportunity for Gcs

52

## LEGALDAY

How to add value to the In-house legal team

64

## TREND

Revolving doors: all the partner's moves and appointment in 2022

74

## ALSPS

Abroad, the fort als in Spain

80

## INNOVATION

open and sustainable offices: the new commitment of law firms

86

## SCENARIO

Baker Tilly abogados, eager to grow

92

## EXCLUSIVE

Dentons: "this is how we challenged the status quo"

56

## MARKET

# PORTUGAL'S PARTNER MOVES AND APPOINTMENTS

In 2022, Iberian Lawyer recorded 45 new partners in Portugal, 11 as lateral hires and the appointment of 34 new partners

98

## THE SURVEY

Sustainability involving two out of three corporate lawyers

104

## IN-HOUSE INTERNATIONAL

The art of law

108

## NEW SKILL

Cybersecurity? outsourced to legal departments

112

## FINANCE

Spain: how much and who is investing in legaltech?!

114

## INTERVIEW ONE-TO-ONE

Santander: that's how we push on diversity

118

## GOLD AWARDS 2022

144

## ICAM ELECTIONS 2022

This is not the time for experiments

148

## DIGITAL MARKETS ACT

Dma key issues and applications for B2B transactions

150

## THE COACH APPROACH

Keeping your promises is it an art or a habitat?

152

## WOMEN IN A LEGAL WORLD

Decalogue of key concepts to understand current ai regulation

154

## WORLD COMPLIANCE ASSOCIATION

legal vacuum in the cryptocurrency world

# LEGALCOMMUNITYWEEK

LC PUBLISHING GROUP



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#### APPOINTMENT

### GA\_P has appointed Fernando Igartua in New York

Gómez-Acebo & Pombo (GA\_P) has appointed **Fernando Igartua** as a new partner in its New York office. This office focuses on business development functions rather than local law practice, advising clients on Spanish, Portuguese and EU regulatory matters.

Igartua specialises in structured and project finance, takeover bids, insurance, new technology law, regulation of financial institutions and corporate governance.

GA\_P's New York office is one of four that the firm has outside Spain, the others being in London, Brussels and Lisbon.

## INCORPORATION

**Cuatrecasas: Agustín Cerdá to head Levante's commercial and financial law department**

Cuatrecasas has appointed **Agustín Cerdá** as partner in charge of the corporate and finance practice in the Levante region, which includes the regions of Valencia and Murcia.

Cerdá specialises in financing transactions, both through syndicated and bilateral facilities (leveraged buyout acquisition finance, corporate and structured finance), financial restructuring of distressed companies, asset finance and project finance transactions in Spain, Latin America and the United States.

Agustín Cerdá also advises on project and corporate finance with an international component, in particular transactions in Latin America, where he has advised banks, companies and funds on the design, negotiation and implementation of complex, multi-jurisdictional financing structures and security arrangements.

He worked as an international associate in the New York office of leading US law firm Chadbourne & Parke (2007-2008) and as a project lawyer at the Inter-American Development Bank headquarters in Washington DC (2011).





#### RECRUITMENT

### Ejaso has hired Víctor Sánchez Métrida

Ejaso has hired **Víctor Sánchez Métrida** as a new partner in its commercial department. In recent months, the firm has also hired other professionals to further strengthen this area, such as **Enrique A. González** and **Blanca Monteoliva**, who have joined the corporate team in the A Coruña office as partner and associate, respectively.

Sánchez Métrida has more than 20 years of experience in drafting and negotiating commercial contracts, advising on corporate law, incorporation and sale and purchase of companies and foreign investments and real estate law, among other areas.





## HIRING

**Ashurst has hired Pilar Lluesma**

Ashurst has hired **Pilar Lluesma**, until now a lawyer at Uría Menéndez, to lead the firm's financial regulatory law practice. The lawyer, who will join her new organisation in December, will also hold the rank of counsel at the firm chaired by **Jorge Vázquez**.

After starting her professional career at Uría Menéndez in 1995, three years later Lluesma joined Ramón y Cajal Abogados, where she remained until 2005, when she joined Linklaters. After a brief stint at another firm, he had another stint at Uría between 2011 and 2015, when he joined Inverco's legal department, before returning to the firm in 2018 as a consultant.

With more than 20 years of experience, Lluesma focuses his practice on financial and securities market law, with a strong focus on financial regulation, as well as advising on matters related to collective investment schemes.



#### RECRUITMENT

### Cuatrecasas has hired José Bonilla

Cuatrecasas has hired **José Bonilla** as a new partner in its criminal law department in Madrid. He is expected to join the firm on 1 January 2023.

Bonilla began his career more than 25 years ago working in financial institutions at institutional and service level, later specializing in economic criminal law and financial and tax crimes.

He also has years of experience in the education sector, as a lecturer at renowned institutions such as Universidad Carlos III, Universidad Complutense, Universidad Autónoma and IE. He is currently a lecturer in criminal law at the Universidad Rey Juan Carlos and at the Escuela de Práctica Jurídica of the UCM.



#### REAL ESTATE

### Cases & Lacambra has incorporated Marta Gonzalez-Llera

Cases & Lacambra has incorporated **Marta González-Llera**, from GA\_P, as a new partner in the real estate department.

With more than 15 years of experience, González-Llera specialises in real estate and urban planning law.

She has been involved in a wide range of real estate transactions, from joint ventures between international funds and local developers, to the sale and purchase of hotel portfolios, BTR transactions and commercial leases, among others.



## RUMOURS

### Pérez-Llorca has hired Javier Bau

Pérez-Llorca has hired **Javier Bau**, a partner at KPMG Abogados.

Bau joined KPMG Abogados in 2018 from Magic Circle firm Allen & Overy, where he was part of the founding team of the Barcelona office. Previously, he was part of the legal teams at Deloitte Abogados and Freshfields Bruckhaus Deringer.

He has extensive experience in commercial and corporate law, particularly in transactions (mergers, acquisitions, joint ventures and investments, both inbound and outbound) and commercial contracts. Bau holds a law degree and a master's degree in business law from ESADE.



## M&amp;A

## Carlos Blanco has joined Squire Patton Boggs

Squire Patton Boggs has hired **Carlos Blanco**, an M&A and private equity lawyer, as a partner in its global corporate practice.

Carlos Blanco joins from Roca Junyent to strengthen Squire Patton Boggs' transactional corporate and private equity practice in Madrid with a three-lawyer team comprising Javier Arenas, Elena Ferrer and Iñigo Oliván.

Blanco has more than 15 years of experience advising national and international clients in a wide range of sectors, with a particular focus on telecoms, energy and technology and digital development. In particular in the telecommunications sector, he has advised on relevant transactions involving the purchase and sale of FTTH networks. He has extensive experience in mergers and acquisitions (LBO, MBO, MBI), private equity and venture capital. Blanco joins Squire Patton Boggs from Roca Junyent, where he was head of the corporate department and its Madrid office, having previously worked at Uría Menéndez, a law firm from which he left to set up his own practice, specialising in corporate advisory, with a particular focus on mid-market M&A and private equity.

**Javier Arenas** joins as a senior associate and **Elena Ferrer** and **Iñigo Oliván** join as associates in Squire Patton Boggs' corporate department in Madrid. All three are corporate lawyers with experience in M&A, private equity and venture capital.





#### RECRUITMENT

### Fieldfisher has hired Borja Martínez

Fieldfisher has hired **Borja Martínez** as a new partner in the antitrust practice area. From 2015 until now he held at KPMG Abogados the same position he will now hold at Fieldfisher and had previously worked at Uría Menéndez.

Martínez has extensive experience in merger control, as well as in preventive antitrust enforcement advice. He has participated in numerous domiciliary investigations by competition authorities and has advised several companies before the European Commission and before national and regional antitrust authorities in cartel, abuse of dominant position and other restrictive practices sanctioning procedures.



## LABOUR

**GA\_P has hired Carlos de la Torre as a partner for its labour and employment area**

Gómez-Acebo & Pombo (GA\_P) has hired **Carlos de la Torre**, until now a lawyer at Baker McKenzie, as its new labour law partner.

De la Torre has more than 30 years of experience, is a labour and social security inspector on leave of absence and is specialised in advising national and international companies on labour law, with special emphasis on corporate restructuring and collective dismissals, labour inspections, collective bargaining, substantial modifications, labour audits or personnel subrogations.



#### APPOINTMENT

### **Auren: José Antonio García-Argudo appointed as new partner**

Auren has appointed **José Antonio García-Argudo** as a new partner to strengthen the firm's insolvency and restructuring practice.

García-Argudo has developed his professional career in firms such as Sareb, where he has been director of procedural and insolvency legal advice and member of the internal control body of the company and, previously in Banesto, as lawyer of the secretary of the board of directors and lawyer in the department of legal advice for recoveries.





## GROWING

## Garrigues has appointed 16 new partners

Garrigues has appointed 16 new partners, 14 in Spain and two from international offices, as well as a new partner in G-advisory, the consultancy firm that provides technical, economic and strategic advice on energy and ESG matters.

These appointments will take effect at the beginning of 2023 and will bring the number of Garrigues' equity partners to 336. Half of the firm's new partners, both in Spain and in the international offices, are women.

The new partners at Garrigues are: **Jara Alejandra Atienza Jiménez** (Corporate/Commercial Law, Madrid), **Lorena Castells Felix** (Tax Law, Valencia), **Nicolás Clark Barragán** (Employment/Labour Law, Seville), **Carla Daniels Vicente** (Tax Law, Barcelona), **María Teresa Deltell Ulecia** (Tax Law, Madrid), **Eva Díez-Ordás Berciano** (Labour Law, Madrid), **Victoria Esteban del Palacio** (Administrative Law, Madrid), **Cándida Ferris Villanueva** (Litigation and Arbitration, Seville), **José Vicente García Sanjuán** (Tax Law, Alicante), **Franco Muschi Loay** (Labour Law, Madrid), **José Vicente García Sanjuán** (Tax Law, Alicante), **Franco Muschi Loayza** (Labour/Employment Law, Lima), **Daniel Muñoz Almazán** (Tax Law, Madrid), **Antonio Muñoz Vico** (Intellectual Property Law, Madrid), **Francisco Javier Navarro Arias** (Labour Law, Murcia), **Xavier Ruiz de Loizaga** (Administrative Law, Barcelona), **Ignacio Eloy Sánchez López** (Labour Law, Oviedo), **Bárbara Vera Arroyo** (Labour Law, Santiago de Chile) and the new partner of G-advisory is Juan **Cruzate Romero** (Madrid).



#### LABOUR

## RocaJunyent has recruited María José Sánchez

RocaJunyent has hired **María José Sánchez** as a partner to strengthen its labour practice.

Sánchez joins a team of three lawyers: Pere Vidal, Aleix Bujaldón and Susanna Abad. With these additions, the firm's labour team now has three partners and twelve lawyers.

With more than 20 years of experience, María José Sánchez joins the Barcelona office, having developed her professional career in firms such as Clifford Chance and Landwell-PwC Tax & Legal. Since 2017 she has been a partner at Augusta, where she has advised on all types of employment matters, both in national and international companies.

She also has solid experience in labour litigation, restructuring processes, collective bargaining and strategic labour advice.



## RECRUITMENT

**Andersen has hired a new partner:  
Marta Morales**

Andersen has hired **Marta Morales** as corporate and M&A partner in the Seville office, with the responsibility of coordinating the activity of the corporate department in Andalusia. The firm continues its commitment to the solid growth of the department in all its offices.

Marta Morales has more than 25 years of professional experience, in which she has specialised in the areas of corporate M&A, restructuring and insolvency and distressed transactions. She has developed her career mainly at Deloitte Legal, where she has worked for 22 years as a partner in corporate M&A and restructuring & insolvency and head of the legal area of Andalusia. In the academic field, she teaches on the Master's Degree in Corporate Legal Consultancy at the Instituto de Estudios Cajasol in Seville, as well as collaborating with other institutions.



#### APPOINTMENT

### Linklaters has appointed a new advisor for its labour area

Linklaters has appointed **Belén Lavandera** as legal advisor to its labour and employment department. Lavandera has fifteen years of experience as an employment lawyer and her professional career has been mostly linked to Linklaters since she joined the Madrid office in 2010 and, until now, she was a senior associate director of the same firm.

She also has years of experience in providing strategic and employment law advice on domestic and multi-jurisdictional transactions, incentive schemes, director and executive recruitment and termination, remuneration and compensation committees, corporate restructuring processes and in providing legal assistance in employment tribunal litigation.





## RECRUITMENT

## Cremades & Calvo-Sotelo has added a new partner in Seville

Cremades & Calvo-Sotelo has added **Tomás Poveda** as a new partner in Seville.

The firm's new partner was previously general director of Casa de América and is currently one of the co-founders of Mobergy.

Poveda, an expert in international relations, has taken on the responsibility of leading a department for attracting and advising on Ibero-American investments at Cremades & Calvo-Sotelo.

LABOUR

## KPMG Abogados has hired a new senior manager for its labour and employment department

KPMG Abogados has hired **Blanca Mercado**, who was head of this area at Ceca Magán, as the new senior manager of the labour and employment department.

During her 25 years of professional experience, Mercado has specialised in litigation and collective bargaining processes, such as EREs, ERTes, equality plans or time registration, among others.

She has spent most of her career at Ceca Magán, where she joined as a lawyer in 2007, in 2012 she was appointed head of the labour area in the Barcelona office and, five years later, she was promoted to the position of director of the same area in the Madrid office.

She has also developed her professional career in other law firms, such as Studio Legale D'Amato Associati, based in Italy, and Santiago Mediano Abogados, where she specialised in intellectual property, procedural law and litigation.





## RECRUITMENT

**Freshfields: Miriam Pérez-Schafer new partner**

Freshfields has appointed **Miriam Pérez-Schafer** as its new M&A partner. Pérez-Schafer, a former corporate and M&A lawyer, advises clients on mergers and acquisitions, joint ventures, restructurings, corporate law and general commercial work.

She has extensive experience advising national and international clients, especially in Asia and North America, as well as strategic and financial investors, on mergers and acquisitions of listed and, especially, unlisted companies. These include Mitsui & Co, Ltd, WPP, Gas Natural Fenosa, Amadeus, Reed Elsevier and Canada Pension Plan Investment Board. In 2009-2010 he completed a one-year secondment to the legal department of Amadeus.

Recent work includes assisting Hellman & Friedman and GIC in their deal to acquire Allfunds Bank from Banco Santander, Intesa Sanpaolo, General Atlantic and Warburg Pincus for €1.8 billion.



#### INCORPORATION

### Ramón y Cajal has incorporated Gonzalo Mairata as a partner

Ramón y Cajal Abogados has incorporated **Gonzalo Mairata** as a new partner to head the firm's labour law department.

With more than twelve years of experience, Mairata has held the position of state lawyer, assuming advisory functions, advising on labour law matters for all entities, commercial companies and foundations of the state public sector.

Likewise, he has also carried out contentious functions, representing and defending in court before all the bodies of the social jurisdiction, especially the Social Division of the National High Court.





## PUBLIC LAW

## CCS Abogados has appointed a new lawyer for its public law department

CCS Abogados has appointed **Almudena Fernández Carballal** as counsel to its public law team, thus reinforcing key areas for the firm such as administrative law, urban planning and regulated sectors.

Almudena is a professor of administrative law at the University of A Coruña and specialises in town planning law in the different areas that structure this sector.

She developed part of her professional career at CENGALESA (Centro de Estudios y Asesoramiento de Galicia) until 2003. Subsequently, in 2009, she joined the law firm Vales y Asociados as a practising lawyer, and in 2018 as founder of the Spin-off Ius Publicum of the UDC.



#### INSURANCE

### Simmons has strengthened its insurance practice with Francisco de León

Simmons & Simmons continues its commitment to growth in the Spanish market with the addition of new partner **Francisco de León Miranda** to the Madrid office. He is an expert in mergers and acquisitions specialising in insurance, reinsurance and pension funds and plans.

Francisco de León has 25 years of experience in insurance and pensions law at both Clifford Chance and Ashurst. During his time at Ashurst he led the insurance and pension plans and funds practice in the Madrid office, coordinating corporate and commercial, tax, labour, litigation and data protection and providing legal advice to European, Spanish and non-EEA insurance and reinsurance companies. He also provides legal advice to insurance intermediaries, pension fund administrators and pension fund managers.

With this new addition, Simmons & Simmons continues to build on a year full of growth in Spain, following the addition of employment expert **Juan Calvente** and the appointment of **Eduardo Peñacoba** as managing partner earlier this year.

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# ENERGY INFLATION VS STRONG LABOUR MARKET

According to an Economy and Finance Report recently published by the EC, the increasingly sharp rise in inflation under the pressure of energy, food and other commodity prices is impacting a global economy that is still in the shadow of the pandemic crisis. The EU is approaching the winter with gas shortages at historically high levels. As the impending recession arguably looms ahead, the EU economy is being bolstered by the strongest labour market in decades. The unemployment rate is projected to increase only marginally from a historic low annual average of 6.2% in 2022, to 6.5% in 2023. Perhaps this is cause for some optimism in the upcoming bleak mid-winter.

Despite the upcoming uncertainty, Iberian firms continue to advise on significant transactions. One of our highlight deals this month involved Herbert Smith Freehills, who advised Rheinmetall on the acquisition of Expal Systems, a global defence and security company, from Maxam. The transaction was valued at 1.2 billion euros.

Cuatrecasas had a very active month, advising a consortium of 62 companies led by the Volkswagen Group, on the negotiation of the agreements to apply for and execute the European PERTE grants, valued at 400 million euros. The energy sector in Spain continues to be a significant source of work, with

Watson Farley & Williams advising NoyFund/Eranovum on the negotiation and execution of two long-term power purchase agreements (PPAs) to supply power to Telecor, a company owned by the El Corte Inglés group. Montero Aramburu advised on the sale of Eks Energy to the US group Powin to the Sevillian Green Power Technologie, which closed 2021 with a turnover of 45 million euros and expects to reach 180 million euros in 2025. It will also invest 12 million euros over three years to create its new headquarters in Sevilla and double the workforce.

A team from Uria Menendez Spain and Portugal advised Azora Capital, the Spanish fund manager, on acquiring The Lodge Hotel, located in Porto, from Pluris Investments. The transaction has been closed for around 40 million euros.

From Portugal, Sérvulo advised Fundo AF Portfólio Imobiliário, the real estate investment fund by Interfundos – Sociedade Gestora SA Organismo de Investimento Coletivo, a Finnish capital company, on the sale of 130 autonomous units/independent fractions in the Via Gaia office building, in Vila Nova de Gaia to the Fortera group. Telles advised Ordem da Trindade Hospital on its sale to the CUF Grou which is the largest private healthcare operator in Portugal.

Finally and showing the importance of the African market to Portuguese firms, Abreu Advogados and JLA Advogados advised Limak Cimentos on the development of its new thermal power plant, located in Matola city, Maputo province, Mozambique.

## HERBERT SMITH FREEHILLS ADVISES RHEINMETALL ON €1.2 BILLION ACQUISITION OF EXPAL SYSTEMS



ALBERTO FRASQUET

Herbert Smith Freehills has advised Rheinmetall on the acquisition of Expal Systems, a global defence and security company, from Maxam, an international Spanish company with a presence in the chemical and mining industries. The transaction was valued at €1.2 billion.

The team from Herbert Smith Freehills advising Rheinmetall was formed by the partner, **Alberto Frassetto**, the senior associate, **Amparo de Leyva Mérida**, the associate, **Alejandro Hillage** Martínez and the lawyers, **Carmen Muñoz Miranda** and **Jacobo Jiménez-Poyato Narváez**. From Germany, the partner, **Sönke Becker**, also advised on this deal.

### Practice Area

Corporate/M&A

### Deal

Rheinmetall's €1.2 billion acquisition of Expal Systems

### Law Firm

Herbert Smith Freehills

### Head Partner

Alberto Frassetto

### Value

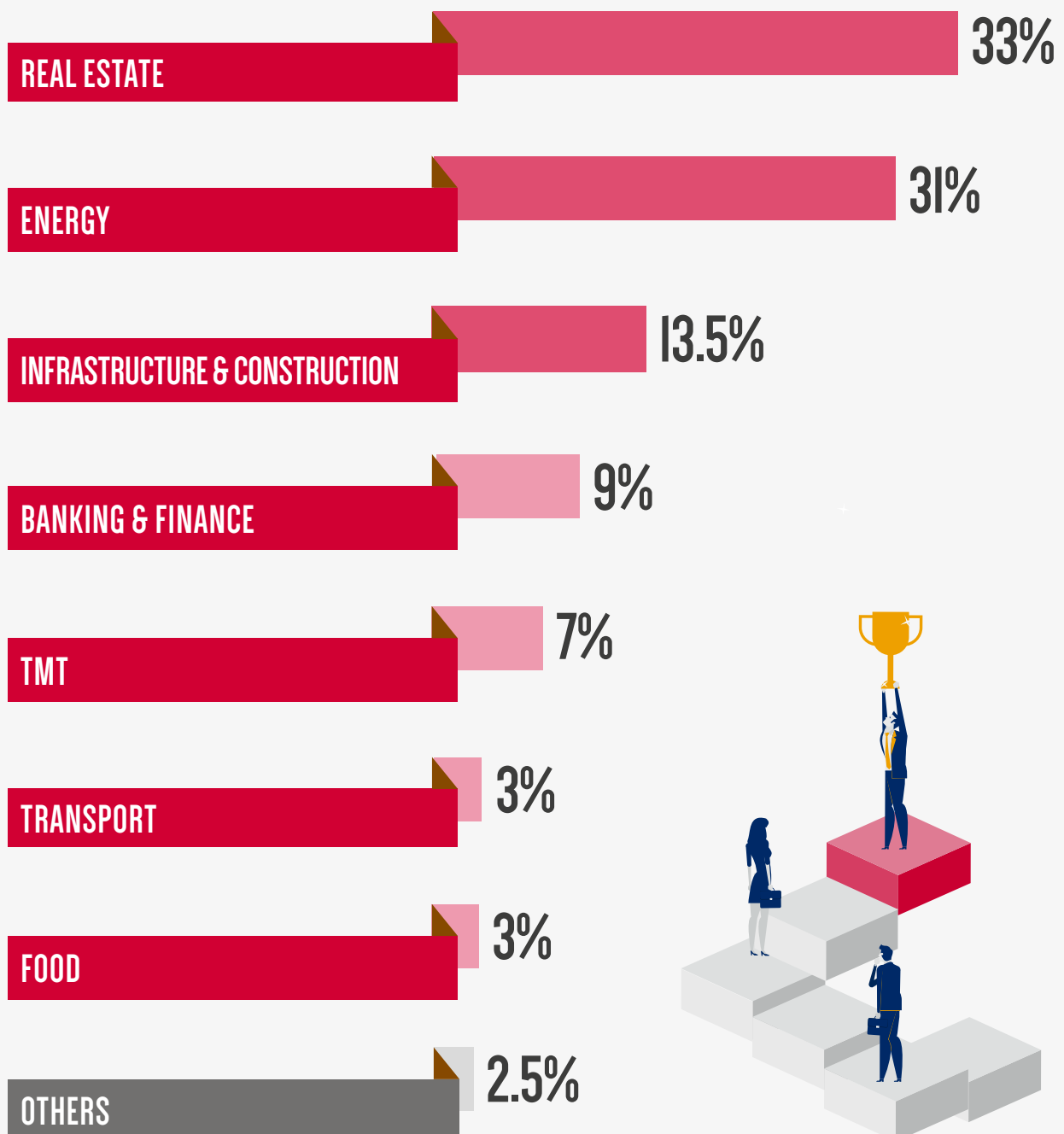
€1.2 bn

## CUATRECASAS ADVISES VOLKSWAGEN ON €400 MILLION AGREEMENTS TO APPLY FOR AND EXECUTE EUROPEAN PERTE GRANTS

Cuatrecasas has advised 'Future: Fast Forward', a consortium of 62 companies led by the Volkswagen Group, on the negotiation of the agreements to apply for and execute the European PERTE grants for the Electric and Connected Vehicle and on the issues that arose during the process of granting and accepting these grants.

This agreement, which amounts to €400 million, is an important milestone for

# IBERIAN DEALS: KEY SECTORS



Period: 29 October 2022 – 29 November 2022 (source: Iberianlawyer.com)

the full electrification of the country and is the first step towards the installation of a battery plant in Sagunto (Valencia), with an estimated investment of €10 billion.

The team from Cuatrecasas advising 'Future: Fast Forward' was formed by the partners, **Javier Fontcuberta**, **Víctor Manuel Sánchez**, **Hector Bros**, **Bernat Mullerat**, **Luis Pérez de Ayala**, **Esteban Flores**; the principal associate, Miguel Weil and the lawyers, Maria Lerida, Amalur Marcos and Antonio Belda.

#### Practice Area

Energy

#### Deal

Volkswagen's €400 million agreements to apply for and execute European PERTE grants

#### Law Firm

Cuatrecasas

#### Head Partner

Javier Fontcuberta

#### Value

400 million euros



JAVIER FONTCUBERTA



MAFALDA BARRETO

MW in development.

The transaction was coordinated by **Mafalda Barreto**, partner of the corporate and M&A department, and **Luisa Carrilho da Graça**, responsible for the Energy area. This transaction was also supported by a multidisciplinary team made up by the lawyers **Filipe Santos Barata** (of counsel), **Inês Sousa Godinho** (senior associate), **Henrique Lopes Valente** and **Leonor Rocha** (associates); **Sofia Barbosa Piçarra** (trainee lawyer in the Corporate and M&A department); **Sofia Rodrigues Nunes** (of counsel of the town planning department); **José Silva Nunes**, **Afonso Scarpa** and **Francisca Caeiro Bastos** (senior associate and associates of the real estate department).

#### Practice Area

M&A and Energy

#### Deal

Cubico Sustainable Investments acquisition of a 13 MW solar project in operation in Portugal

#### Law Firm

Gómez-Acebo & Pombo

#### Head Partners

Mafalda Barreto

#### Value

Undisclosed

## GA\_P ADVISES ON THE ACQUISITION OF SOLAR PROJECT IN PORTUGAL

Gómez-Acebo & Pombo has advised Cubico Sustainable Investments, a world leader in the renewable energy sector, on the acquisition of a 13 MW solar project in operation in Portugal. Cubico Sustainable Investments is a subsidiary of the Ontario Teachers' Pension Plan, one of the world's largest pension plans, and PSP Investments, one of Canada's largest pension fund managers.

The Cabrela solar project, which will be acquired from Neoen, a French independent renewable energy producer, brings Cubico's operational portfolio in the Iberian Peninsula to nearly 600 MW, with a further 250





# EQUALITY PLAN: A COMMITMENT TO INCLUSION

Dentons, DLA Piper, Pérez-Llorca, Garrigues, CCS Abogados and Abreu Advogados are developing equality plans that seek to promote the creation of more inclusive and diverse working environments

by irina wakstein



During 1841 and 1846, the writer and thinker **Concepción Arenal** disguised herself as a man in order to attend law classes, which were forbidden to women. It was not long before she was identified and after sitting an exam she was able to join the University of Madrid, but as a listener, separated from her classmates and always accompanied by a family member. Today, a century later, the story is different. According to statistics from the Ministry of Universities, 56% of the total number of students enrolled in undergraduate studies and training courses are women, with a majority particularly in law. However, the labour market is different. According to a report by Metroscopia for the General Council of Spanish Lawyers (CGAE), despite the fact that 44% of professionals in the sector are women, they are concentrated at the bottom of the pyramid, i.e. in positions with lower salaries, responsibilities and projection than men. In fact, a study carried out by this magazine indicates that women barely represent 20% of the partners of the large law firms in the country.

## IN SPAIN

Some law firms have taken up this problem by proposing different types of equality plans to promote and develop the professional careers of women in the sector. Such is the case of CCS Abogados ([here the news](#)) which on 25 March this year signed its first Equality Plan. The plan proposes: ensuring that internal and external communication promotes language and an equal image of women and men; preventing gender-based violence by supporting female workers who are victims with specific measures; eliminating occupational segregation, the wage gap and combating under-representation of women, among other aspects. "CCS was born in 2012 and, at that time, there were seven women. Today there are 50 of us out of a total of 82 people, including all categories: partners, professionals, support staff, etc." says the COO of the firm, **María Castro Núñez**, in dialogue with *Iberian Lawyer*.

Another firm that launched its new Equality Plan in January this year is Pérez-Llorca ([here the news](#)), which seeks to promote the responsibility of all its professionals in order to establish a set



MARÍA CASTRO NÚÑEZ

CCS WAS BORN IN 2012 AND, AT THAT TIME, THERE WERE SEVEN WOMEN. TODAY THERE ARE 50 OF US OUT OF A TOTAL OF 82 PEOPLE, INCLUDING ALL CATEGORIES: PARTNERS, PROFESSIONALS, SUPPORT STAFF, ETC.

of measures that move towards guaranteeing gender equality. The main objectives proposed by the firm are: to advance in equal opportunities and equal treatment between women and men, to deepen the integration of the gender perspective and to guarantee equal pay for work of equal value. To this end, a monitoring committee has been set up to ensure compliance with the plan and to carry out a six-monthly analysis and an annual evaluation of the plan. "Specifically, Pérez-Llorca's Equality Plan contemplates a wide range of training and awareness-raising actions for the staff on aspects related to equality in order to achieve these objectives," explains HR director **Eva Delgado**, in an interview with *Iberian Lawyer*. These actions include mentoring programmes, leadership training for women to foster their sociability, as well as awareness-raising sessions on key equality concepts such as the gender gap, unconscious bias, co-responsibility and equal opportunities. "We have also included specific measures related to gender-based violence in order to facilitate an adequate



EVA DELGADO

THE PÉREZ-LLORCA EQUALITY PLAN CONTEMPLATES A WIDE RANGE OF TRAINING AND AWARENESS-RAISING ACTIONS FOR THE STAFF ON EQUALITY-RELATED ASPECTS IN ORDER TO ACHIEVE THESE OBJECTIVES

level of protection, updating and strengthening all protocols aimed at protecting the health of workers in the firm", says Delgado.

Dentons is no slouch when it comes to gender equality: "We are proud of the diversity of our teams and the inclusive nature of our corporate culture. We believe that diversity and inclusion are essential to the success and strength of our firm and the quality of advice and representation of our clients", HR director and office manager **Maria Sanchez Bellas** tells the editor. To that end, the firm is committed to "attracting, supporting, promoting and retaining people from all backgrounds, regardless of nationality, race, ethnicity, faith, religion or spiritual beliefs, gender, gender identity, age, sexual orientation, ability, social background, political perspective and other characteristics". Dentons is also committed to providing a workplace free from all forms of discrimination and harassment. To carry out this plan, they created three fundamental tools to help promote diversity and inclusion among professionals in the sector. First, "senior management leadership", where leaders actively support the fundamental principles of

the equality plan. Then, the "outreach initiatives" as Dentons created a network of "European Diversity and Inclusion Ambassadors" to promote these values across the territory. Finally, the "diversity and inclusion team", where they seek to lead the implementation of the diversity and inclusion plan, offering support and advice.

Another of the firms that daily promotes the development of gender equality is DLA Piper ([here the news](#)) which, at the end of May, signed the "Code of Best Practices for Talent Management and Improving Competitiveness in the Company", committing to promote equal opportunities in access to positions of greater responsibility. "Without a doubt, everything related to diversity and inclusion is a very important part of our social pillar of sustainability. We are not only committed to providing value to our clients and lawyers, but also to the community in which we operate," says DLA Piper global co-chair of the employment practice and senior partner **Pilar Menor**. The firm has also signed the "Fundamentals of Equality" manifesto, an initiative supported by the General



MARÍA SÁNCHEZ BELLAS

WE BELIEVE THAT DIVERSITY AND INCLUSION ARE ESSENTIAL TO THE SUCCESS AND STRENGTH OF OUR FIRM AND THE QUALITY OF OUR ADVICE AND REPRESENTATION OF OUR CLIENTS

Council of Spanish Lawyers, the Madrid and Barcelona Bar Associations, Esade Women Initiative and the Inkietos association.

Garrigues, for its part, approved its Fourth Equality Plan in November of this year, as part of the firm's ESG objectives (see [news here](#)). Thus, this plan is in addition to those of 2008, 2017 and 2020, seeking effective equality between men and women, a commitment that is bearing fruit as, recently, they have approved the appointment of 16 new partners, half of whom are women. The main points of this fourth plan include the updating of the protocol to prevent sexual and gender-based harassment in the workplace and the Women's Mentoring Program, the Garrigues Optimum Plan and the Garrigues Home Office Plan.

## IN PORTUGAL

Portugal is not lagging behind in gender equality. According to *Iberian Lawyer*, the gender gap at national level could start to close sooner than expected. This phenomenon is due to the fact that, as of today, women represent 48% of the 44 new partners confirmed during 2022 (see dedicated article). Furthermore, according to a study by Pordata and the Ministry of Justice, by the end of 2021, Portugal will have a total of 33,937 registered lawyers, of which 18,802 are women and 15,135 men.

Although it has always been possible to see women in low or middle-ranking positions, the fact is that, year after year, this is beginning to be reversed. Such is the case of the firm SRS Advogados, which has had a woman at the top, with **Paula Ferreira Borges** as its managing director for more than three years. In fact, the firm currently has an equal number of female and male partners.

Other Portuguese firms that have echoed this situation are Caiado Guerreiro, GPA and CCA, where the number of female partners exceeds the number of men in the same position. It should also be noted that, in order to sustain these figures, it is essential to have a family programme that allows professional women to reconcile motherhood with their working life without major complications.



WE HAVE BEEN COMMITTED  
TO GENDER EQUALITY,  
DIVERSITY AND INCLUSION  
SINCE OUR FOUNDATION IN  
1993, AS WE BELIEVE IT IS A  
CRUCIAL PREMISE FOR THE  
DEVELOPMENT OF A FAIRER  
AND MORE MERITOCRATIC  
SOCIETY

One of the firms that works on a daily basis to reconcile these aspects is Abreu Advogados. "We have been committed to gender equality, diversity and inclusion since our foundation in 1993, as we believe it is a crucial premise for the development of a fairer and more meritocratic society," Abreu's managing partner, **Inês Sequeira Mendes**, told *Iberian Lawyer* ([here the news](#)). To date, the firm has a total of 194 women working at the firm, which represents 57% of the firm's professionals. Furthermore, in 2004, Abreu was the first law firm in Portugal to have a woman as managing partner and, subsequently, as president of the Board of Directors. "This pioneering role obliges us to lead by example and, among other things, we have implemented changes to our maternity and paternity leave policies and transparent career progression rules," says Sequeira Mendes, adding: "In addition, we regularly promote internal initiatives to empower women, in particular by offering free coaching sessions, and we organise events dedicated to female leadership. It is worth noting that the Portuguese firm is also part of several organisations that promote gender equality, such as iGen-Forum Organizações, Women win win and PWN Lisboa. 





VELAE TEAM REPRESENTING SPAIN, MEXICO, COLOMBIA, THE DOMINICAN REPUBLIC, PERU AND PORTUGAL

# NEW FOREIGN INTEGRATING IN PORTUGAL

Velae Legal Group have confirmed their entry into the Portuguese market by integrating with the Lisbon based law firm Pinto Ribeiro Advogados

by michael heron



Portugal has been a critical market for Spanish law firms during the last decades. This hardly comes as a surprise, as Spain has consistently topped the FDI (foreign Direct Investment) table for Portugal. Earlier in November, Velae Legal Group announced it was the latest Spanish firm to enter the Portuguese market, integrating with the Portuguese firm Pinto Ribeiro Advogados. This article uncovers more details on this story, as well as hearing from **Santiago Estrada Azcona**, chairman of Velae Legal Group, who shared with us the reasons behind this latest move, why Portugal is so important to them, and why Pinto Ribeiro was the perfect fit for their project.

## THE PROJECT

Velae Legal Group is a truly unique project for several different reasons. Despite their relatively modest size in terms of numbers of lawyers, the firm has been embarking on international expansion over the last years. The firm now counts on its own offices in Madrid, Mexico City, Bogotá, Lima, Santo Domingo and Lisbon. There are no other Spanish independent law firms of a comparable size that can claim to have the same integrated international reach and scale. “We have sought to create a real partnership relationship with our peers in the different jurisdictions, making for this a constant dynamic of partner meetings and joint work to achieve integration as an organisation that is difficult to achieve in international law firms”, confirms Santiago Estrada.

One can truly sense the entrepreneurial spirit and energy that Estrada transmits when describing Velae. The group is not just another international law firm network but a fully integrated group of firms that work together under the same brand. This means that the growth of each firm's clients is equally important to the whole group and its growing reputation. Estrada continues: “The permanent search for business opportunities and cross-selling between the various jurisdictions, has strengthened the relationship between all of them. Not only strengthening the international practice, but also continuing to strengthen the local practice of each partner, generates trust in the clients that we develop as Velae”.

Santiago Estrada is clearly proud to demonstrate what makes Velae different from its competitors.

## VELAE LEGAL GROUP

Velae Legal Group was born after the merger between DJV Abogados and the Estrada-Azcona law firm. Velae is a full-service firm with its own offices in Madrid, Lisbon, Mexico City, Bogotá, Lima and Santo Domingo. The project has been organically growing both within Spain and abroad with a specific focus on Iberia and Latin America. It is unique in being the only firm of its size in Spain with an uncomparable international expansion and reach. In a recent statement the firm confirmed that Chile would be its next target jurisdiction for 2023.



Their differentiation is not just made up of their close integration but also how the group is structured and the importance of each country within the group maintaining its local identity. He adds: "We are a firm with an entrepreneurial spirit and an Ibero-American soul, with experienced leadership and consolidation in the international market. At Velae, our partners enter a real international firm, without losing their local autonomy. This is a reason why our business model is attractive to firms. It is innovative and corrects the possible weaknesses of the current models of international firms. On the other hand, we develop a permanent commitment to the cultural integration of our partners, so the periodicity of the meetings of the leaders of each jurisdiction for the planning and review of indicators is essential".

## WHY PORTUGAL

Portugal was the next logical path for the firm, as they had been accompanying their clients for a number of years in Lisbon and Porto. It is not always easy, however, for international firms to find the right partner firm in Portugal. The referral market from overseas firms makes up a large chunk of revenue for domestic firms. "The reality is that we had been collaborating with firms in Portugal for many years, accompanying our clients. But for one reason or another we could not find the right partner. Portugal has always been a strategically very important country for us. It is a sister country and with great growth in recent years. Many of our clients find in Portugal a strategic enclave to operate in Latin America", said Estrada.

## PINTO RIBEIRO ABOGADOS

Pinto Ribeiro Advogados is a medium-sized firm based in Lisbon, Portugal, which provides comprehensive legal services to its clients, both domestic and foreign, in the most varied areas of Law and in the most relevant sectors of economic activity. The team of Pinto Ribeiro Advogados is composed by experienced lawyers, with a deep theoretical and practical knowledge of the legal reality. Pinto Ribeiro Advogados resulted from the merger between J.A. Pinto Ribeiro & Associados and André, Miranda and Associados, and completed the merger at the end of June 2018.



Pinto Ribeiro Advogados is a medium-sized firm based in Lisbon but with a rich history spanning nearly five decades. The firm has gone through a number of changes in recent years which has seen it consolidate its growth and growing reputation, resulting in a merger between J.A. Pinto Ribeiro & Associados and André, Miranda and Associados, in June 2018.

For Santiago Estrada, it has been a long process to find the right entry into Portugal. However, it is clear from the Velae model, that they are willing to be patient and will not expand to a new jurisdiction unless they are convinced that they have found the right firm to merge with. The chairman of Velae said: "Pinto Ribeiro is a highly prestigious and historical office in Portugal where the great experience of its founder, former minister **José Antonio Pinto Ribeiro**, contributes, as well as its two general directors, **João Antunes** and **André Miranda**".

The list of Spanish firms in Portugal continues to grow, and other firms of a similar size to Velae may feel tempted to follow suit. What seems to be critical, however, is the importance of finding the right cultural fit and ensuring everyone is on the same page. It is clear that Estrada and Velae are delighted with how things have developed. Santiago Estrada concludes: "It is a firm with a great team of top-level lawyers and a very important local and international clientele. Our understanding and way of seeing business coincided from the beginning. The truth is that we cannot be happier".



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# MADRID HOSTED LEGALDAY 2022

The agenda of the event organised by *Iberian Lawyer* with the participation of Ambar Partners, Ayuela Jiménez Abogados, Briganti, Cerejeira Namora Marinho Falcão, CMS, Eversheds Sutherland, LCA and the support of ACC Europe



On November 3, the Legalday, the Iberian event for the legal business community, was held at the Wellington hotel in Madrid. It counted on in-house and private practice lawyers to discuss and debate the role of in-house legal departments.

Key players of the legal sector (21 speakers) shared their knowledge and experience and debated the challenges of the profession during three sessions. The event, organised by Iberian Lawyer with the participation of Ambar Partners, Ayuela Jiménez Abogados, Briganti, Cerejeira Namora Marinho Falcão, CMS, Eversheds Sutherland, LCA and the support of ACC Europe, saw the participation of more than 230 participants company/law firm representatives.

The day started at 09:00 with check-in and a welcome coffee followed by the keynote speech of **Teresa Mínguez Díaz**, general counsel and compliance & integrity officer at Porsche Ibérica and ACC Europe Country Representative for Spain.

The discussion immediately went to the heart of the matter, with the round table "From GC to CLO role: what's new?". Under the moderation of **Michael Heron**, deputy editor of *Iberian Lawyer*, **Andrea Baptista** (senior associate at CMS Portugal), **Ana Bayó Busta** (chief legal & compliance officer at Bayer Iberia), **Leonardo Briganti** (partner-in-charge at Briganti Advogados), **Carlos Menor** (legal director & compliance officer at Renault Group Iberia), **Ana Prado Blanco** (general counsel at Mercedes-Benz España), **Alexandra Reis** (senior counsel PT at Tabaqueira / Philip Morris International) and **Edoardo Ruiz** (VP & deputy general counsel, Global Regions, legal department at Hewlett Packard Enterprise) discussed the evolution of the in-house legal profession.



TERESA MINGUEZ DIAZ




FROM LEFT TO RIGHT: MICHAEL HERON, ANA BAYÓ BUSTA, LEONARDO BRIGANTI, CARLOS MENOR, ALEXANDRA REIS EDOARDO RUIZ



After a quick networking break, the conference resumed at 11.45 with a second round table, this time focused on “Legal privilege in Spain and Portugal”. In alternation, with the moderation of Michael Heron, the speakers **Fátima Correia da Silva** (chief compliance officer, head of legal and data protection officer at Critical TechWorks, BMW group company), **Ana De Nárdiz** (head of legal and compliance Iberia at Zeiss), **Rocío Fuentes Candau** (senior corporate counsel Europe at Celestica), **Cecilia Meireles** (senior associate and head of the Lisbon office at Cerejeira Namora Marinho Falcão), **José Ignacio Monedero** (secretary of the board at Madrid Bar Association), **Javier Ramírez** (head of advocacy, ACC Europe - vp & associate general counsel, Regions Litigation at HP) and **José Carlos Tejada** (general counsel Spain & Portugal, Natixis Corporate & Investment Banking).

Immediately after lunch, the day of work continued with the round table “CLO remuneration and benchmark in Iberia: how to give value to the legal in-house team”, moderated by **Irina Wakstein**, journalist at *Iberian Lawyer*. **Mariana García Fernández de Mesa** (general counsel & compliance officer Iberia at Accor), **Antonio Gómez Jarillo** (general counsel and secretary of the board of directors at NTT Data EMEAL), **Ana Kleba** (team leader legal & compliance at Lidl), **Silvia Madrid** (head of legal & compliance at UniCredit), **Jorge Muñoz** (general counsel & compliance officer at Gilead Sciences Spain) and **John Rigau** (vice president and general counsel at PepsiCo Western Europe) spoke on the subject.

The Legaltech Day ended with a Q&A session and the closing remarks at 16:00. 



FROM LEFT TO RIGHT: MICHAEL HERON, FÁTIMA CORREIA DA SILVA, ANA DE NÁRDIZ, ROCÍO FUENTES CANDAU, CECÍLIA MEIRELES, JOSÉ IGNACIO MONEDERO, JAVIER RAMÍREZ, JOSÉ CARLOS TEJADA



FROM LEFT TO RIGHT: IRINA WAKSTEIN, MARIANA GARCÍA FERNÁNDEZ DE MESA, ANTONIO GÓMEZ JARILLO, ANA KLEBA, SILVIA MADRID, JORGE MUÑOZ, JOHN RIGAU





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# WEEK IN REVIEW

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# LEGAL PRIVILEGE AND THE EMERGING CLO OPPORTUNITY FOR GCS

Two roundtables at *Iberian Lawyer's* 2022 Legalday had more in common than meets the eye, as we summarise the importance of the topics that were discussed

by michael heron

On 3 November 2022, *Iberian Lawyer's* Legalday, congregated at the Wellington Spa hotel in Madrid. A prestigious group of in-house and private practice lawyers came together to discuss and debate the role of in-house legal departments.

## THE ROLE

The first roundtable of the day "From GC to CLO role: what's new?" - reflected what has been happening in other jurisdictions with regards to a new role, that of chief legal officer, emerging at large corporates. Under the moderation of **Michael Heron**, deputy editor of *Iberian Lawyer*, the prestigious panel included **Andrea Baptista** (senior associate at CMS Portugal), **Ana Bayó Busta** (chief legal & compliance officer at Bayer Iberia), **Leonardo Briganti** (partner-in-charge at Briganti Advogados), **Carlos Menor** (legal director & compliance officer at Renault Group Iberia), **Ana Prado Blanco** (general counsel at Mercedes-Benz España), **Alexandra Reis** (senior counsel PT at Tabaqueira / Philip Morris International) and **Eduardo Ruiz Montoya** (VP & deputy general counsel, Global Regions, legal department at Hewlett Packard Enterprise). The discussion centred around the role of in-house heads of legal. A number of the panellists shared their frustration at how difficult it could sometimes be to have a "louder" voice in the board room, and not just be seen as the read tape preventing the business from growing faster and taking risks.

Carlos Menor from Renault, was at the heart of this discussion and shared with us the long road he had undertaken to grow his team and gain the trust of the board. He was also quick to point out that in many instances, GCs in Spain are already performing the functions of a CLO: "From my point

of view, the figure of the CLO and the GC, currently in Spain do not differ in any case, in fact they do converge in the same person since the European GC encompasses all the functions of the CLO, being essential that one has to have weight and relevance both in the Board of Directors and in the company's management committee". Menor adds that he sees his role as more than just legal but also strategic advice, an important aspect that was dissected at length in the legal privilege roundtable later on during the morning: "The profile is not a mere advisor but a person who contributes to the business and who carries the weight and responsibility in various spheres of the company. I think the figure of CLO is appropriate because of its relevance, power and positioning, therefore, what we need in Europe is to push the current figure of the GC to the figure of the American CLO".

## LEGAL PRIVILEGE

When one glanced at the event's programme, it might not have seemed that a later roundtable would be so importantly connected to the GC/CLO role. "Legal privilege in Spain and Portugal", included the speakers **Fátima Correia da Silva**, CFE, Certified DPO, ESG certificate (chief compliance officer, head of legal and data protection officer at Critical TechWorks, BMW group company), **Ana de Nardiz** (head of legal and compliance Iberia at Zeiss), **Rocio Fuentes Candau** (senior corporate counsel Europe at Celestica), **Cecília Meireles** (senior associate and head of the Lisbon office at Cerejeira Namora Marinho Falcão), **Jose Ignacio Monedero** (secretary of the board at Madrid Bar Association), **Javier R. Ramírez** (head of advocacy, ACC Europe – vp & associate general counsel, Regions Litigation at HP)



JAVIER RAMIREZ, HP





and **Jose Carlos Tejada** (general counsel Spain & Portugal, Natixis Corporate & Investment Banking). The panel discussed the importance of in-house lawyers being protected by privilege in their communication when related to legal advice they are conducting as lawyers. Rocio Fuentes said: "Legal privilege is fundamental in the exercise of the legal profession and should cover the legal advice given by all lawyers, including in-house counsel and external counsel, in the same terms. Company executives should be able to confide in their in-house counsel on the basis that the advice rendered by such counsel will be fully protected by legal privilege".

When some of the audience asked what advice the panellists would give to younger in-house lawyers, in some instances maybe heading their own legal function, the consensus was the importance of being registered with the respective bar association in Spain and Portugal, and ensuring that they understood what types of communication should and would be covered by privilege.

Javier Ramírez from HP was adamant at how important LPP is to the work of the GC. He said: "The explicit recognition of LPP for in-house lawyers in Spain and Portugal contributes to stronger preventive compliance, because compliance is fostered by setting up an environment where free, open, trusted and candid discussions between business management and in-house lawyers can occur". Ramírez added: "A lack of LPP for in-house counsel has a chilling effect on corporate compliance efforts; without accessible, regular and confidential legal advice from in-house lawyers, companies are less likely to discover legal violations, creating a risk

that conversations that should have taken place, never took place".

Jose Ignacio Monedero from the Madrid Bar emphasised that there was still a lot of work that needed to be done when establishing exactly what type of communication is protected by privilege. He explained that given the growing importance of the role of GCs, where they were now expected to also contribute to the strategic growth of their business, it wasn't always clear whether these communications should or shouldn't be protected by privilege given that they often went beyond the scope of legal advice.

Fatima Correia da Silva concluded the debate by explaining why this topic is becoming even more prevalent and how she is seeing further challenges in her role in this regard: "The legal privilege subject becomes even more important when connected to high important hot topics such as: the whistleblowing channels, the anti-money laundering legislation and the anti-corruption regime. It is essential that in-house counsel are aware of the key role they play in the organisation, and that they increasingly orient their function towards a management role with a broader and deeper point of view rather than a strictly legal one".

What seems undeniable is how important heads of legal are becoming in their respective organisations and this trend is showing no sign of stopping anytime soon. Correia da Silva concludes: "The best corporate governance principles of the companies of the future will look at the chief legal officer as a crucial element for the organisation's prosperity. 📢"



# Expert Opinion .....



# YOUR SPACE, YOUR ARTICLE.

**For information:**  
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# HOW TO ADD VALUE TO THE IN-HOUSE LEGAL TEAM

Six in-house lawyers gathered at Iberian Lawyer's Legaday to discuss their roles, remuneration and career paths

by irina wakstein

Talking about salaries is often a controversial and confidential topic. Although we live in an age where many taboos seem to have disappeared, the truth is that, nowadays, asking someone about their remuneration is seen as an invasion of privacy. Professionals do not usually talk to each other about how much they are paid for their jobs, nor is it a common question in leisure settings or among friends or family. This is true across most industries, and the legal world is no exception.

Despite the little that is known about the remuneration received by legal professionals, there is a tendency to believe that in-house lawyers are paid more than in-house lawyers, but is this really the case? "From my point of view, in-house lawyers tend to handle a wide range of matters or are specialists in the sector in which we operate. However, in our day-to-day work we come across matters that affect areas of law that are not within our remit. In these cases we need to temporarily incorporate external lawyers into our teams to help us handle these matters which require expertise that we do not have. This experience and the fact that they belong to prestigious law firms is what makes colleagues working in external firms earn more than us. In my opinion, this should not be the case, the work of in-house lawyers is very important for the company, working exclusively for the same client and knowing the ins and outs of their business and their



I THINK THAT EXPERIENCE AND THE FACT THAT THEY BELONG TO PRESTIGIOUS LAW FIRMS IS WHAT MAKES COLLEAGUES WORKING IN EXTERNAL FIRMS EARN MORE THAN US. IN MY OPINION, THIS SHOULD NOT BE THE CASE

MARIANA GARCÍA FERNÁNDEZ DE MESA



day-to-day work is also of great value", says Accor's general counsel & compliance officer, **Mariana García Fernández de Mesa**, during the Legalday organised by *Iberian Lawyer*.

In line with her colleague, UniCredit's head of legal & compliance, **Silvia Madrid** comments: "The career development of in-house lawyers is often more limited than that offered to lawyers in law firms, where the career path is clearly structured. However, the larger and more international the firm, the more opportunities for career development".

## EUROPE VS. THE UNITED STATES

In the United States, salaries for the same positions are higher than in Spain, Portugal and the rest of the continent. "Lawyers in the United States are the best paid globally, possibly due to the very nature of its legal market, which is the most litigious in the world and where legal risks play an extremely important role in business decision making", says **John Rigau**, vice president and general counsel of PepsiCo Western Europe.



THE PROFESSIONAL DEVELOPMENT  
OF IN-HOUSE LAWYERS IS USUALLY  
MORE LIMITED THAN THAT  
OFFERED TO LAWYERS IN LAW  
FIRMS, WHERE THE CAREER PATH  
IS CLEARLY STRUCTURED

SILVIA MADRID



According to the in-house lawyer during *Iberian Lawyer's Legalday*, it is important to bear in mind that in the United States there are punitive damages and class actions that can irreparably damage a company, both financially and in terms of reputation. On the other hand, the structure of the elements that make up the compensation package for legal directors is different in comparison with Europe.

However, a key question to consider is: Is there a commensurate relationship between the remuneration received by a European in-house legal director and his or her level of responsibility? "As an industry, we have traditionally found it difficult to demonstrate the results of our actions. It is often not possible to directly link a lawyer's ideas, explanations or warnings to the outcome of a specific transaction or dispute", says **Ana Kleba**, team leader legal & compliance at Lidl. "Therefore, it is crucial for us as in-house lawyers to engage with the business, understand it and proactively address the legal issues, trends and risks affecting the business and, ultimately, show data", she adds.

## THE CASE OF GENERAL COUNSEL

There is a phenomenon in Spain, Portugal and other European markets where many in-house general



counsels also hold a second position. Often they are also responsible for other areas, such as compliance, data protection, ESG, among others. Why is this the case? "I believe that knowing the business well, communicating well, facilitating decision-making and managing risks puts us in a privileged position to take on these additional responsibilities", explains **Jorge Muñoz**, general counsel & compliance officer at Gilead Spain.

"The same is true for other areas such as government affairs, public affairs, among others, which can undoubtedly offer career development for lawyers interested in expanding their responsibilities", he adds.

## YOUNG TALENT

The truth is that, when it comes to career development, there is a lot of talk about a concept coined by **Steven Hankin** of McKinsey & Company and that is the

I BELIEVE THAT KNOWING THE BUSINESS  
WELL, COMMUNICATING WELL, FACILITATING  
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JORGE MUÑOZ





"war for talent", but what are the possibilities for young people's careers really like today? "We have a clear challenge based on the growing demand for skilled professionals. This determines the so-called war for talent that affects the in-house areas, due to the demand from law firms and also due to the competition from other companies in each of the sectors, which are also looking for this talent for their own legal departments", explains **Antonio Gómez Jarillo**, general counsel at NTT Data EMEAL.

To do this, it is essential to research what young talent wants and, according to Gómez Jarillo, one of the main demands of these professionals is flexible hours, multicultural and diverse experience, technology

LAWYERS IN THE UNITED STATES ARE THE HIGHEST PAID GLOBALLY, POSSIBLY BECAUSE OF THE VERY NATURE OF THEIR LEGAL MARKET, WHICH IS THE MOST LITIGIOUS IN THE WORLD


JOHN RIGAU



IT IS CRUCIAL FOR US AS IN-HOUSE LAWYERS TO BE INVOLVED IN THE BUSINESS, TO UNDERSTAND THE BUSINESS AND PROACTIVELY ADDRESS THE LEGAL ISSUES, TRENDS AND RISKS THAT AFFECT THE BUSINESS AND, ULTIMATELY, TO SHOW DATA

ANA KLEBA



and digital tools that allow them to work remotely and collaboratively. "Even an adequate soft skills management as trusted advisors, with a balance between commitment, dedication and productivity, versus other immersive skills", concludes the general counsel of NTT Data EMEAL at the end of the last debate of Legal Day 2022. 

WE HAVE A CLEAR CHALLENGE BASED ON THE GROWING DEMAND FOR QUALIFIED PROFESSIONALS

ANTONIO GÓMEZ JARILLO





# PORTUGAL'S PARTNER MOVES AND APPOINTMENTS



In 2022, *Iberian Lawyer* recorded 45 new partners in Portugal, 11 as lateral hires and the appointment of 34 new partners

by michael heron

Before the middle of the previous decade, partners moving between the top 20 firms was extremely rare in Portugal. The war for talent looks set to be a trend to continue and this year was no exception with *Iberian Lawyer* highlighting 11 partner moves. Furthermore, 34 lawyers have been promoted to the partnership in their respective firms since January 2022 (to 15 November 2022). This data has been collated from official statements by law firms or from the newsroom's collection of information published on LinkedIn. Of the 45 new partners, m&a is the most significant practice with 16%, followed by energy with 13%, real estate with 7% and banking, tax and tmt all representing 4% of the new partners.

## WHO WAS MOST ACTIVE?

Vieira de Almeida and Abreu Advogados led the way in 2022, with both firms welcoming five new lawyers each to their respective partnerships. In the case of VdA, they promoted **Francisco Cabral Matos**, **Inês Antas de Barros**, **Maria Cunha Matos** and **Pedro Corrêa de Oliveira** ([link here](#)). Cabral Matos and Antas de Barros have both been at the firm for 15 years. Younger lawyers that have been and might still be tempted to jump ship to rival firms, should perhaps note that the traditional route to partnership is still possible for associates willing to put in the time and be patient. VdA's other new partner in 2022 was one of the most memorable of the year. In January 2022, **Francisco Sá Carneiro** with 35 years of experience in the M&A market, joined from CS'Associados ([link here](#)). Abreu promoted **Diogo Pereira Duarte**, **Hugo Teixeira** and **Maria Santa Martha** ([link here](#)). There two other new partners were both lateral hires. They strengthened their criminal team with the incorporation of the associate partner **José Maria Formosinho Sanchez**, who joined from PLMJ ([link here](#)). **Bruno Azevedo Rodrigues** is the most recent partner at Abreu, with the firm announcing his appointment on the 10th of November, joining from Telles ([link here](#)). The lawyer reinforced the firm's projects & structured finance area. Azevedo Rodrigues is a big name in the market, having previously worked at Miranda & Associados and DLA Piper ABBC.

**16% OF NEW PARTNERS WERE  
M&A LAWYERS**

## LAWYERS IN POLITICS

Arguably the most high-profile move of 2022 was **Pedro Siza Vieira**'s return to the legal profession joining PLMJ's group of partners ([link here](#)). Between 2017 and the beginning of 2022 he performed Governmental functions, having been Minister of State, Economy and the Digital Transition of the XXII Government of the Portuguese Republic. In February of 2022, *Iberian Lawyer* published an article on the subject of lawyers that have transitioned into a political career and then returned to private practice ([link here](#)). Despite one of the conclusions of one of the interviewees being that "the doors are closing on this path," it is worth highlighting three other significant moves that happened this year as well as Siza Vieira. Back in September, **Cecília Meireles** was confirmed as the latest senior hire at Cerejeira Namora, Marinho Falcão, leading the Lisbon office. The former Member of Parliament born in Porto, returned to law after 20 years in the Assembly of the Republic ([link here](#)). In April, Telles announced the hiring of **João Pinho de Almeida** as a consultant. Pinho de Almeida was Secretary of State for Internal Administration in the XIX and XX Constitutional Governments. He was also a Member of Parliament in several Legislatures ([link here](#)). Furthermore in May, **Carlos Peixoto** joined Caiado Guerreiro. Peixoto is a former deputy of the Assembly of the Republic, and former president of the political committee of the PSD/Guarda district ([link here](#)).

## PARTNERS' MOVES

The other significant lateral hires at the partner level include DLA Piper ABBC. **Patrícia Paías** has nearly 20 years of experience in the Life Sciences sector. She worked at a number of top firms in Portugal, and in recent years in international leadership positions at Sandoz International and Gilead Sciences. As well as Paías, the firm also announced in September the hiring of **Stéphanie Sá Silva** ([link here](#)). The lawyer was previously legal director of TAP Air Portugal. One of the first partner moves recorded this year was by Miranda & Associados, who strengthened its litigation and arbitration practice with the integration of **Francisco Colaço** as partner, from Albuquerque & Associados ([link here](#)). **Gonçalo Madeira** integrated into the team of partners at

## THE 3 MOST SIGNIFICANT MOVES IN 2022



### PEDRO SIZA VIEIRA

**Pedro Siza Vieira** returned to the legal profession after being Minister of State, Economy in the Portuguese Government from 2017-2022. He joined PLMJ's group of partners back in September, to coordinate a multidisciplinary team dedicated to advising companies and the financial sector. With a career spanning three decades as a lawyer, having led some of the most important operations in the Portuguese economy and having made a decisive contribution to the modernisation of the legal sector, Pedro Siza Vieira joined PLMJ to reinforce its team. He brought an in-depth and unparalleled knowledge of the Portuguese business fabric as well as wide experience in advising Portuguese and international clients on major projects, transactions and arbitration.



### FRANCISCO SÁ CARNEIRO

VdA announced the hiring of **Francisco Sá Carneiro** back in January. The lawyer, with more than 35 years of experience practicing law, is recognised for his expertise in mergers and acquisitions, banking and finance, commercial and corporate, and capital markets. He regularly advises clients, namely financial institutions and investors, on complex domestic and international transactions. In 1982 he joined João Morais Leitão & Associados, a firm of which he was a partner and, in 1993, he founded Vasconcelos, F. Sá Carneiro, Fontes & Associados. In 2004, the firm integrated with Uría Menéndez, of which he was partner, co-director of Portugal (2004-2009), member of the Board of Directors (2004-2009) and member of the Executive Committee (2007-2009). In 2009 he founded Campos Ferreira, Sá Carneiro & Associados, of which he was a partner until 2021.



### BRUNO AZEVEDO RODRIGUES

**Bruno Azevedo Rodrigues** is the most recent partner at Abreu Advogados, having joined in November. The lawyer reinforced the firm's team in the projects & structured finance area. With over 25 years of experience, Azevedo Rodrigues is one of the most recognised lawyers in the areas of projects and project finance, especially in the energy sector. He joined from Telles, having also worked at DLA Piper ABBC and Miranda, and he is also the legal advisor to the board of Associação Portuguesa de Renewable Energies and the board of directors of ENERSIS (Babcock Group).

CMS Portugal. The lawyer who joined from Cuatrecasas, strengthened litigation the practice of the firm ([link here](#)). The first lateral move recorded this year was by CS'Associados, who strengthened its energy and sustainability areas by hiring partner **Mafalda Ferreira** from DLA Piper ABBC ([link here](#)). Also in January, EY's affiliated network representative

in Portugal, RRP Advogados, announced the integration of **Tiago Aires Mateus**, who is responsible for the new Legal Operations area ([link here](#)). Mateus is chairman of the Remuneration Committee at TAP. Finally, and a trend that may be set to continue, was Antas da Cunha Ecija announcing the integration of Paulo Morgado, former CEO of

## PARTNER LATERAL MOVES

NAME	SURNAME	FROM	TO
Bruno	Azevedo Rodrigues	PLMJ	Abreu
Francisco	Sa Carneiro	<i>Campos Ferreira, Sá Carneiro &amp; Associados</i>	VdA
Francisco	Colaço	<i>Albuquerque &amp; Associados</i>	Miranda
Gonçalo	Madeira	<i>Cuatrecasas</i>	CMS Portugal
José Maria	Formosinho Sanchez	<i>Telles</i>	Abreu
Mafalda	Ferreira	<i>DLA Piper ABBC</i>	CSAssociados
Patricia	Paías	<i>Gilead Sciences</i>	DLA Piper ABBC
Paulo	Morgado	<i>Capgemini</i>	Antas da Cunha Ecija
Pedro	Siza Vieira	<i>Portuguese Government</i>	PLMJ
Stéphanie	Sá Silva	<i>TAP Air Portugal</i>	DLA Piper ABBC
Tiago	Aires Mateus	<i>Hospital Cruz Vermelha</i>	RRP Advogados
Carolina	Tardín	<i>Head of Legal</i>	ORPEA Ibérica

Capgemini Portugal and Spain. **Paulo Morgado** has never practiced law but reinforced the firm's partners core to lead a new business area: the "Technology Transactions" Unit ([link here](#)).

## APPOINTMENTS

*Iberian Lawyer* recorded 34 partner promotions in 2022. As previously highlighted in this article, VdA had four promotions back in January as well as Abreu with three. Morais Leitão also counted on four promotions with **Duarte Santana Lopes**, **João Lima Cluny** and **Margarida Torres Gama**, as new equity partners. They all began their careers as trainees at ML, with **Philipp Melcher**, from the competition department, as a new non-equity partner ([link here](#)). There were, however, four other firms that promoted three of their own. Miranda & Associados welcomed **Luís Borges Rodrigues**, **Lília Tomé de Azevedo** and **Renato Guerra de Almeida** as its newest partners back in July ([link here](#)). **Manuel Cassiano Neves**, **Nuno Mansilha** and **João Paulo Gomes** were promoted to CMS Portugal's partnership ([link here](#)) and Serra Lopes, Cortes Martins announced

the promotion of **Alexandra Martins**, **Diana Simão Lourenço** and **Marisa Mirador** ([link here](#)). While for the data and purposes of this article no law firm mergers were taken into account, it is worth noting that in October, SLCM agreed to integrate their team and operate under the Cuatrecasas structure and brand ([link here](#)). When the integration is implemented, planned for 1 January 2023, Cuatrecasas will have a structure of 250 professionals in Portugal. The remaining promotions in the Portuguese market include **Inês Teixeira** and **Nuno Castelo Branco** for DLA Piper ABBC, **João Dias Lopes**, PLMJ, **Mariana Caldeira de Saravia** and **Neuza Pereira de Campos**,

## PARTNER APPOINTMENTS

NAME	SURNAME	LAW FIRM
Alexandra	Martins	SLCM
Ana	Simão Lourenço	SLCM
Diana	Bastos	AdCE
Diogo	Pereira Duarte	Abreu
Duarte	Santana Lopes	ML
Francisco	Cabral Matos	VdA
Frederico	Moura Pinheiro	JPAB
Gonçalo	Gil Barreiros	PRA
Hugo	Teixeira	Abreu
Inês	Antas de Barros	VdA
Inês	Teixeira	DLA Piper ABBC
Joana	Pereira Dias	CTSU
João	Lima Cluny	ML
João	Paulo Gomes	CMS
João	Dias Lopes	PLMJ
Leila	Grácio	PRA
Lília	Tomé de Azevedo	Miranda
Liliana	Borges da Costa	JPAB
Luís	Borges Rodrigues	Miranda
Manuel	Cassiano Neves	CMS
Margarida	Torres Gama	ML
Maria	Cunha Matos	VdA
Maria	Santa Martha	Abreu
Mariana	Caldeira de Saravia	SRS
Marisa	Mirador	SLCM
Marta	Valadas Coriel	VCA
Neuza	Pereira de Campos	SRS
Nuno	Mansilha	CMS
Nuno	Castelo Branco	DLA Piper ABBC
Pedro	Correia de Oliveira	VdA
Philipp	Melcher	ML
Renato	Guerra de Almeida	Miranda
Sofia	Sofia	VCA
Teresa	Freire	PBBR
Alexandra	Martins	SLCM

VDA AND ML BOTH PROMOTED  
FOUR OF THEIR OWN TO THE  
PARTNERSHIP THIS YEAR

## THE 3 MOST SIGNIFICANT APPOINTMENTS IN 2022



### NUNO SÁ CARVALHO

**Nuno Sá Carvalho**, Cuatrecasas, was promoted to managing partner back in July. Sá Carvalho joined the firm in 2000 and became a partner in 2007. Throughout his 27-year career, he has provided legal advice on the planning and implementation of major real estate investments, transactions and projects. He was the founder of the firm's real estate and town planning practice area in Portugal, which today has 15 lawyers who advise on large complex legal projects. Before joining Cuatrecasas, he was a lawyer and legal consultant for several public and private entities. He holds a master's degree in legal and political sciences from Universidade de Lisboa and a Bachelor of Laws degree from Universidade Católica Portuguesa. He took over from Maria João Ricou, who was managing partner of the firm in Portugal for 11 years and who has now become senior partner.



### MANUEL MAGALHÃES

**Manuel Magalhães** was confirmed as the new managing partner of Sérvulo & Associados. Paulo Câmara, the previous managing partner, continues to serve on the board of directors. Recognised by the main international directories as a "key figure" in the Portuguese market, Manuel Magalhães has already had a 20-year career leading some of the most emblematic operations that took place in the national market, in the areas of Finance and Governance, Restructuring and Insolvency, Real Estate, Tourism and Urbanism. The lawyer has been a partner at Sérvulo since 2011. Managing partner of Sérvulo since 2014, Paulo Câmara, leaves a leadership mark based on his ability to anticipate challenges and project the future based on a strategic vision. Over the last few years, Paulo Câmara has been a driving force behind the firm's internationalisation process, leading reference projects in the scope of corporate governance and financial regulation, in Portugal, Angola, Mozambique and Cabo Verde.

### DUARTE SANTANA LOPES, JOÃO LIMA CLUNY & MARGARIDA TORRES GAMA

Morais Leitão has confirmed the election of three new equity partners. **Duarte Santana Lopes**, **João Lima Cluny** and **Margarida Torres Gama**, the new partners, began their careers at Moraes Leitão as trainee lawyers and have made a truly unique progression in their respective areas.



Duarte Santana Lopes, from the criminal law, regulatory offences and compliance team, has specialised in the preventive aspects (compliance and internal investigations), particularly in matters related to the prevention of corruption, money laundering and terrorist financing.



João Lima Cluny, also a criminal law, regulatory offences and compliance lawyer, works regularly with clients from a wide range of sectors, with a strong focus on regulatory enforcement and corporate crime. He is also an arbitrator and mediator for the Portuguese Court of Arbitration for Sport, an area in which he is frequently engaged.



Margarida Torres Gama co-heads the insurance, reinsurance and pension funds team. Since the beginning of her career, she has been significantly involved in the insurance sector, in matters of corporate, M&A, contracts, distribution (including bancassurance), regulatory and also in the new and growing area of insurtech.



## IBERIAN LAWYER RECORDED FOUR LAWYERS WHO RETURNED TO PRIVATE PRACTICE HAVING WORKED IN THE PORTUGUESE GOVERNMENT

SRS, **Joana Pereira Dias**, CTSU (Deloitte legal practice in Portugal), **Frederico Moura Pinheiro** and **Liliana Borges da Costa**, JPAB, **Leila Grácio** and **Gonçalo Gil Barreiros**, PRA, **Teresa Freire**, PBBR, **Ana Bastos**, AdCE and **Sofia Quental** and **Marta Valadas Coriel** at VCA.

## 48% OF NEW PARTNERS ARE WOMEN

### GENDER GAP CLOSING

It would seem that the gender gap among new partners in Portugal may be starting to close sooner than expected. Women made up 48% of the 44 new partners recorded by **Iberian Lawyer** in 2022 in Portugal. 

## LAW FIRM INTEGRATIONS – TOP 3

### SERRA LOPES CORTES MARTINS

Cuatrecasas and SLCM – Serra Lopes, Cortes Martins & Associados agreed to integrate their teams and operate under the Cuatrecasas structure and brand. The agreement will enable the two firms to harness the capacities of their teams, as well as reinforcing Cuatrecasas' positioning in the Portuguese legal market, which is anchored in its highly professionalized structure, its excellent reputation on the market, its use of cutting-edge technological processes and resources, and its work culture focused on knowledge and innovation. When the integration is implemented—planned for January 1, 2023—Cuatrecasas will have a structure of 250 professionals in Portugal.

### ABOGADOS LENCASTRE

Antas da Cunha Ecija has announced the integration of Lencastre Advogados, a firm based in Porto. The firm chaired by Fernando Antas da Cunha incorporates Lencastre Advogados, a firm with almost 40 years of activity, specialising in the areas of Litigation and Insurance Law. With this merger, Antas da Cunha Ecija's Porto office now has 24 lawyers and 4 administrative staff, making it one of the largest and most specialised law firms in Porto.

### SMCA

MAIO Legal has announced the integration with the Portuguese firm SMCA, on its landing in Portugal, as part of the Strategic Plan for growth and internationalisation of the firm, which already has two other offices in Mexico, as well as a China Desk and an Italian Desk.

The objective of this expansion will be to accompany the growing number of Spanish companies with interests in Portugal, as well as to cover the local needs of Portuguese companies and their outbound activities. With the incorporation of the team of professionals in Portugal, the firm now has more than 80 lawyers in Spain, Mexico and Portugal, of which 28 are partners.



# Expert Opinion

Podcast IBL 

The appointment where the most important law professionals will discuss the latest legal trends, tips and tools in the Iberian context

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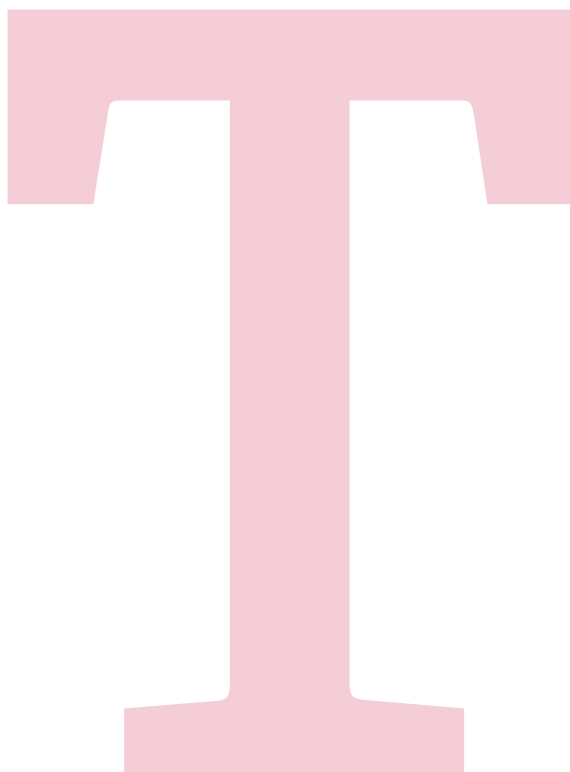


## REVOLVING DOORS:

# ALL THE PARTNERS' MOVES AND APPOINTMENTS IN 2022

In 2022, *Iberian Lawyer* recorded 96 partners' moves and the appointments of 83 new partners (along with 13 executive roles within the firm)

by ilaria iaquinta



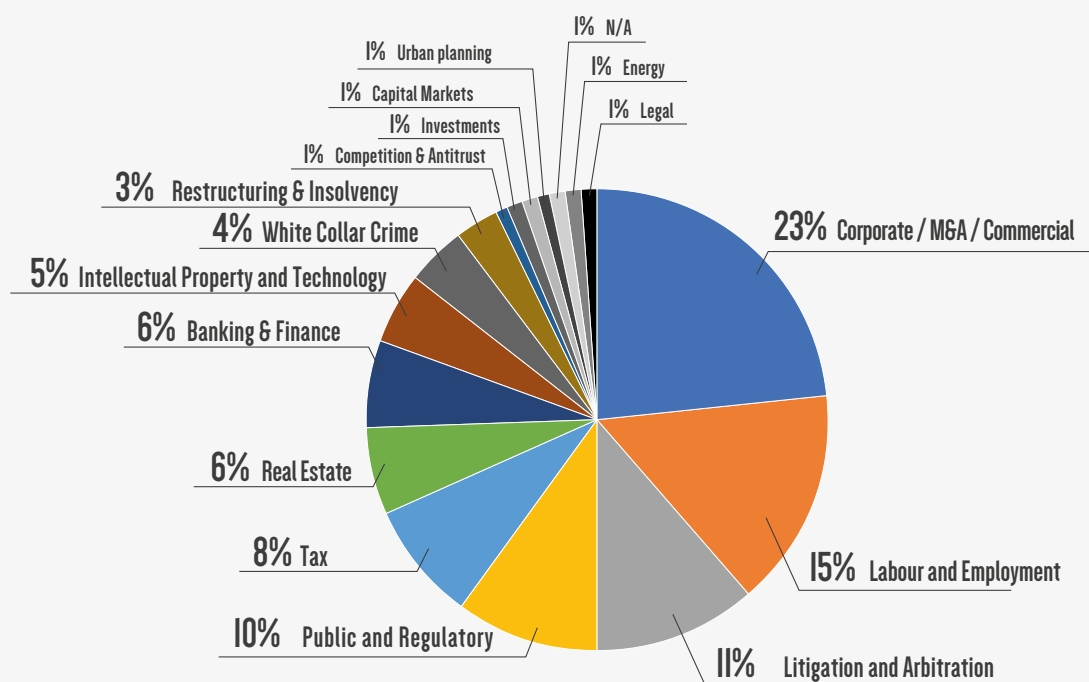
The year 2022 has been a very busy one for the Spanish legal market. A large number of partners moved from one law firm (but also from one company or an administrative position) to another. A ferment that confirms the vivacity of the legal services sector showcased by *Iberian Lawyer* during the year through its website.

In particular, according to *Iberian Lawyer's* observatory, as many as 96 partners have changed their hats since January 2022 (to 15 November 2022). During the same period, there have been 83 appointments to partnership and 13 appointments to executive roles within the law firms. These figures are derived from official statements by law firms or from the newsroom's collection of information published on LinkedIn.

### PARTNERS' MOVES

In general, with respect to the origin of the professionals, it should be noted that 82% of the changes occurred from one law firm to another. The remaining percentage moved from an administrative position or a company, as in the case of **Luis Carlos Moya**, who in October joined

### PRACTICE AREAS EXPERIENCING MOST CHANGES





## PARTNERS' MOVES 2022

NAME	SURNAME	FROM	TO
Sergio	Agüera	Pérez-Llorca	Cuatrecasas
Sebastián	Albella	Latham & Watkins	Linklaters
Francisco	Aldavero	Araoz & Rueda	Pinsent Masons
Ildefonso	Alier	King Wood Mallesons	Clifford Chance
Juan Ignacio	Alonso Dregi	Ceca Magán	Andersen
Rais	Amils Arnal	Clifford Chance	Pérez-Llorca
Ignacio	Aragón	Cremades & Calvo-Sotelo	DWF-RCD
Óscar	Arredondo	Cremades & Calvo-Sotelo	Andersen
Ismael	Aznar	Ministerio para la Transición Ecológica y el Reto Demográfico	PwC
Antonio	Bañón	Deloitte Legal	Squire Patton Boggs
Maria	Bartle Agustín	Martínez-Sanz Abogados	Kepler-Karst
Eliana	Bejarano	Colombian government	Cremades & Calvo-Sotelo
Federico	Belasteguigoitia	DWF-RCD	Andersen
Roberto	Benito	Acebo & Rubio	Grant Thornton
Juan Antonio	Botella	Garrigues	Devesa & Calvo
Guillermo	Bueno	Araoz y Rueda	Chevez Ruiz Zamarripa
José María	Buxeda	Dentons	Toda & Nel-lo
Fernando	Calancha	PwC	Hogan Lovells
Manuel	Calavia	ETL Global	Crowe Legal
Natalia	Callegjo Pla	Gómez Acebo & Pombo	Ontier
Juan	Calvente	Clifford Chance	Simmons & Simmons
Marc	Carrera	PwC	Sagardoy
Borja	Carvajal	KPMG Abogados	Gómez Acebo & Pombo
José Ramón	Casado	Baker & McKenzie	Ashurst
Luis	Cesteros	Pryconsa	Tornos Abogados
Anaïs	Cobo	Baker & McKenzie	Broseta
Jacobo	de la Guardia	KPMG Abogados	Evergreen Legal
Francisco	de León Miranda	Ashurst	Simmons & Simmons
Isidro	del Moral	Bird & Bird	Freelance
Pablo	Doñate	Martínez-Echevarría Abogados	Andersen
Pablo	Dorronsoro	State Lawyer	EY Abogados
Ruth	Duque	DWF-RCD	Cuatrecasas
Sandra	García	Auren	Ecija
Elena	García de la Torre	PWC	Crowe Legal
Josefina	García Pedroviejo	Ashurst	Pérez-Llorca
Pablo	Garrido	AddVante	ETL Global
Santiago	Garrido de las Heras	Hogan Lovells	Gómez Acebo & Pombo
Judit	Gené	Melero & Gené Advocats	Cuatrecasas
Rocio	Gil Robles	Andersen	Ceca Magán
Juan Carlos	Girauta	politician	Cremades & Calvo Sotelo
Daniel	Gómez	Andersen	Kepler-Karst
Eduardo	González	Acebo & Rubio	Grant Thornton
Enrique	González	EY Abogados	Ejaso ETL Global
Manel	Hernández	Sagardoy Abogados	Pérez-Llorca
Felipe Herrera	Herrera	N/A	Attolón
Victor	Horcajuelo	Bird & Bird	Andersen
Javier	Lacleta	Martínez-Echevarría Abogados	Andersen
Francisco Javier	Loriente	public corporate sector	Ontier
Miriam	Magdalena	Toda & Nel-lo	Intlaw

NAME	SURNAME	FROM	TO
Gonzalo	Mairata	abogacía General del Estado	Ramón y Cajal
Francisco	Málaga	Linklaters	White & Case
Carmen	March	Broseta	Andersen
Ángel	Márquez	Molina Revuelta Law Firm	Maio Legal
Susana	Martínez	Kennedys	Clyde & Co
Germán	Martínez	Laffer Abogados	Andersen
David	Martínez Guardia	Abdón Pedrajas	Lawyou
Javier	Martín-Merino	Verdegay Abogados	Andersen
Javier	Melero	Melero & Gené	González Franco
Victor	Mercedes	Baker McKenzie	Watson Farley & Williams
Isabel	Merenciano	EY	Cuatrecasas
José Luis	Migoya	Iberdola	Laffer Abogados
José	Millán	Penningtons Manches Coope	Pinsent Masons
Daniel	Miró	Mediapro	Abdón Pedrajas Littler
Marta	Morales Crespo	Lener	Andersen
Luis Carlos	Moya	Cision	Deloitte Legal
Carmen	Mozún	KPMG Abogados	Andersen
Gorka	Navea	European Commission	Squire Patton Boggs
Juan Ignacio	Olmos	Ceca Magán	KPMG Abogados
Alejandro	Ortiz	Linklaters	Latham & Watkins
Antonio	Paredes	Cuatrecasas	Zadal
Jaime	Peiro	KPMG Abogados	Ontier
Tomás	Peña Grande	Abogacía General del Estado	Ramón y Cajal Abogados
José Javier	Polo	De Carlos Remón	GVA Gómez-Villares & Atencia
Tomás	Poveda Ortega	Mobergy	Cremades & Calvo-Sotelo
José	Ramón Casado	Baker McKenzie	Ashurst
Juan José	Rios	Acebo & Rubio	Grant Thornton
Patricia	Rosell	Lener	Ceca Magán
Juan Carlos	Rubio	Acebo & Rubio Abogados	Ejaso ETL Global
Ignacio	Ruiz Carrasco	Grant Thornton	AGM Abogados
Alicia	Sáez	Consejo Andaluz de Cámaras de Comercio Industria y Navegación	Ecija
Rafaél	Sáez	CMS Albiñana & Suárez de Lezo	Lesayra
Mario	Sáez Bascuñana	Dentons	Ejaso ETL Global
Maria José	Sánchez	Forsesa Abogados	RocaJunyent
Miguel	Sánchez	Ramón y Cajal Abogados	Ecija
Álex	Santacana	Roca Junyent	Ceca Magán
Pablo	Santos	Andersen	EY Abogados
Carolina	Segade	Cuatrecasas	Bayolos
Begoña	Segovia	Cuatrecasas	Deloitte Legal
Paula	Segura	PwC	Crowe's Legal
Carlos	Serrano	State Tax Inspector	Deloitte Legal
Marcos	Soberón Campo	Linklaters	White & Case
Luis	Suárez de Centi Buján	State lawyer	Frago & Suárez
Roberto	Tojo Thomas de Carranza	Ramon y Cajal Abogados	Dentons
Santiago	Torent	Lener	Ceca Magán
Rafael	Vallet Vila	Lener	Ceca Magán
Iñigo	Zumalabe	Deloitte Legal	Ecija

## 82% OF THE CHANGES OCCURRED FROM ONE LAW FIRM TO ANOTHER

Deloitte Legal as the new partner in charge of the Compensation and Benefits practice within the firm's Global Employer Services (GES) area from the North American company Cision ([here the news](#)).

Looking at the gender of partners, 24% of professionals who changed their position were women. Among them: **Josefina García Pedroviejo**, who left Ashurst in February to enter Pérez-Llorca as the new finance partner who will lead and be responsible for the Financial Services practice ([here the news](#)); or **Ruth Duque** that moved in October from DWF-RCD to Cuatrecasas as a partner in the financial services and insurance area ([here the news](#));

or **Marta Morales** joining Andersen as corporate and M&A partner in the Seville office from Lener ([here the news](#)) last November.

As for the area of activities, among the most "bustling" areas of activities, stands out Corporate / M&A / Commercial with 23% of the movements. Such as those of **Alejandro Ortiz** from Linklaters to Latham & Watkins and **Sebastián Albella** from Latham & Watkins to Linklaters (see dedicated box). Labour and Employment follows with 15% of the changes, among which those of **Àlex Santacana** leaving Roca Junyent for Ceca Magán in March ([here the news](#)) and of **Anaïs Cobo** joining Broseta from Baker & McKenzie in June ([here the news](#)). Then we have: Litigation and Arbitration with 11% of partners' moves, as White & Case's hiring of **Francisco Málaga** from Linklaters in May ([here the news](#)), and

## THE 3 MOST SIGNIFICANT MOVES IN 2022



### SEBASTIAN ALBELLÁ

In September Linklaters announced the hiring of **Sebastián Albella** as a partner in the M&A team. He returned to what was his home until 2016, when he was appointed chairman of the Spanish securities and exchange commission (CNMV). He will return to the firm in mid-December, at which time he will no longer be subject to any restrictions stemming from his time with the CNMV. During the summer Albella left Latham & Watkins to open his own law firm ([here the news](#)) but then decided to go back to Linklaters. Albella is one of the leading corporate lawyers in Spain, advises on significant M&A transactions and corporate matters. He has more than three decades of experience working in private practice and public sector roles.



### ALEJANDRO ORTIZ

In September Latham & Watkins has appointed **Alejandro Ortiz** as a partner in the firm's M&A and private equity practices. Ortiz has extensive experience on complex transactional matters, in particular cross-border mergers and acquisitions, takeover bids, joint ventures, divestitures and refinancings. He is considered one of the most experienced Spanish lawyers in the field of mergers and acquisitions. He has more than twenty years of experience in advising on major transactions in the most strategic sectors, and frequently collaborates with boards of directors and companies on regulatory and corporate governance matters. He joined the law firm from Linklaters ([here the news](#)).



### ISIDRO DEL MORAL

In July Bird & Bird's co-managing partner **Isidro del Moral** left the law firm's management to start a new project as of September. He was also head of the Real Estate department and advised on matters including commercial and corporate real estate, on acquisitions of any type of property, above all office buildings and hotels. He also advised on the implementation of Spanish property market transactions, including the acquisition of unique buildings, high-profile office buildings, shopping centres, real estate portfolios and several sale and lease-back operations. The hotel industry is a particular specialty. He has over 30 years of experience and he has in-depth expertise in the distribution sector, from having worked as in-house counsel for the Spanish food and drinks company Diego Zamora ([here the news](#)).

## 24% OF PROFESSIONALS WHO CHANGED THEIR POSITION WERE WOMEN

Watson Farley & Williams's of **Victor Mercedes** from Baker McKenzie in June ([here the news](#)); Public and Regulatory with 10%, where we can mention the hiring of **Antonio Bañón** as head of Squire Patton Boggs' Public Law department in March ([here the news](#)) or of **Santiago Garrido de las Heras** in Gómez-Acebo & Pombo, who was the partner in charge of the Public and Regulatory area ([here the news](#)); Tax with 8%, such as the movement of **Elena García** de la Torre from PWC to Crowe Legal ([here the news](#)) and **Jacobo de la Guardia** from KPMG to the boutique law firm Evergreen Legal ([here the news](#)); Real Estate and Banking and Finance with 6% each; Intellectual Property and Technology with 5%; White Collar Crime with 4%; Restructuring & Insolvency with 3% and other (7%).

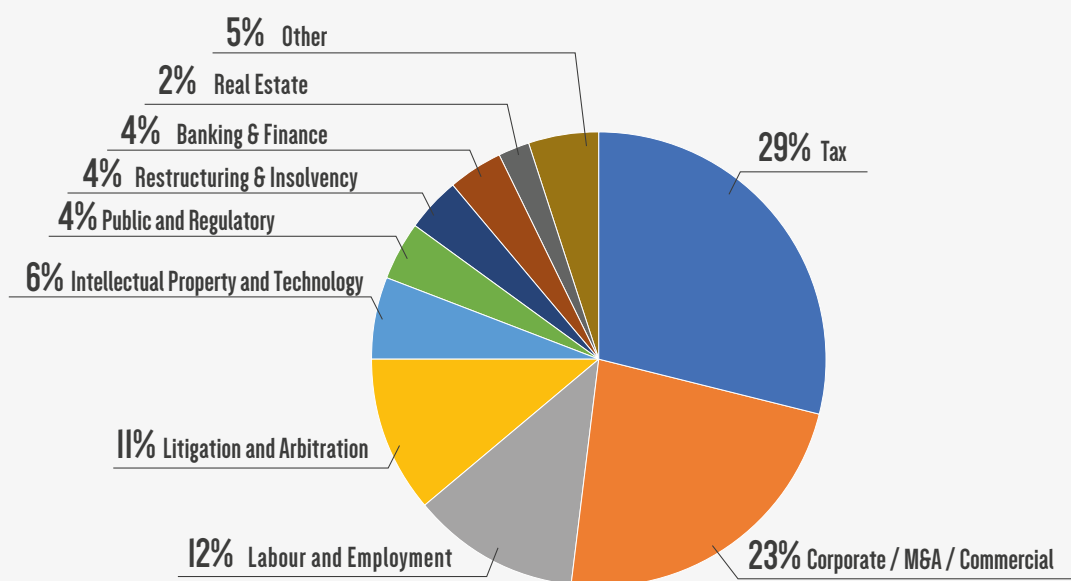
Looking more closely at law firms, the brand with the largest number of lateral hires this year is Andersen, which integrated no fewer than 12 partners (these are **Juan Ignacio Alonso Dregi**, **Óscar Arredondo**, **Federico Belausteguigoitia**, **Antonio Cañadas**, **Pablo Doñate**, **Victor Horcajuelo**, **Javier Lacleta**, **Carmen March**, **Germán Martínez**, **Javier Martín-Merino**, **Marta Morales Crespo** and **Carmen Mozún**). Follows

Ceca Magán with five new partners entering the law firm (**Rocío Gil Robles**, **Patricia Rosell**, **Álex Santacana**, **Santiago Torent** and **Rafael Vallet Vila**), Ecija and Cuatrecasas with 4 new partners each.

## APPOINTMENTS

Also, according to the data collected by Iberian Lawyer's newsroom there have been 83 appointments to partnership in 2022. Promotions that involved women in 33% of cases. Among them for example **Beatriz Cuevas** in Garrigues ([here the news](#)), **Elisabet Calzada Oliveras** in Cuatrecasas ([here the news](#)) and **Irene Arévalo** in Gómez Acebo & Pombo ([here the news](#)). The area of activity with the highest growth is Tax (29%), where there were for example the appointments of **Ricardo García-Borregón** in Ashurst ([here the news](#)) and **Daniel Tarroja** in Crowe Legal ([here the news](#)). Follows Corporate / M&A / Commercial (23%), where we can mention for example **Nasif Hamed** in Pérez-Llorca ([here the news](#)) and **Irene Miró** in CMS Albiñana & Suárez de Lezo ([here the news](#)). Then we have: Labour and Employment (12%), Litigation and Arbitration (11%), Intellectual Property and Technology (6%); Public and Regulatory, Restructuring & Insolvency and Banking

## 23% OF THE MOVEMENTS WERE IN CORPORATE / M&A / COMMERCIAL



## APPOINTMENTS TO PARTNERSHIP 2022

NAME	SURNAME	LAW FIRM
Bernad	Afonso	DWF-RCD
Silvia	Andrés	Garrigues
Irene	Arévalo	Gómez Acebo & Pombo
Esteban	Arza	Linklaters
Jara Alejandra	Atienza Jiménez	Garrigues
Jon	Aurrekoetxea	Hogan Lovells
Celia	Bartomeu	BDO
Alejandro	Bonitch Pearcey	Cuatrecasas
Patrick	Byrne	B. Cremades y Asociados
Gabriel	Cabello	Linklaters
Javier	Calzada	DWF-RCD
Elisabet	Calzada Oliveras	Cuatrecasas
Antonio	Canales	Jones Day
Lorena	Castells Felix	Garrigues
Ignacio	Cerrato	CMS Albiñana & Suárez
Nicolás	Clark Barragán	Garrigues
Cristina	Coca Fraile	Cuatrecasas
Cosme	Colmenero	Pérez-Llorca
Xavier	Coma	BDO
Beatriz	Cuevas	Garrigues
Carla	Daniels Vicente	Garrigues
María Teresa	Deltell Ulecia	Garrigues
Cristina	Díaz-Malnero	DWF-RCD
Mariana	Díaz-Moro	Gómez Acebo & Pombo
Pablo	Díez	Garrigues
Eva	Díez-Ordás Berciano	Garrigues
Bruno	Dominguez	Baker McKenzie
Pablo	Espolita Suárez	Cuatrecasas
Victoria	Esteban del Palacio	Garrigues
Javier	Ester	Watson Farley & Williams
Xavier	Fàbrega	DWF-RCD
Eugenio	Fernández-Rico	Clifford Chance
Pedro	Ferreras	CMS Albiñana & Suárez
Cándida	Ferris Villanueva	Garrigues
Vidal	Galindo	Jones Day
Elena	García	BDO
Francesc	García	DWF-RCD
José Vicente	García Sanjuán	Garrigues
Ricardo	García-Borregón	Ashurst
Alejandro	Gil Murillo	MAIO Legal

NAME	SURNAME	LAW FIRM
Jon	Goirigolzarri	Garrigues
Ramón Javier	Gómez Coll	Garrigues
Ignacio	González	Abdón Pedrajas Littler
Lucia	González Fernández	Ontier
Francisco	González Fernández-Mellado	PwC
Nasif	Hamed	Pérez-Llorca
César	Herreras	Garrigues
Clara	Herreros	Garrigues
Alejandro	Huertas	Garrigues
Jesús	Ibáñez	Gómez Acebo & Pombo
Sergio	Lavandera Noguera	PwC
Miguel	Lobón García	Lener Asesores
Itxaso	López	Dentons
José María	López Useros	Cremades y Asociados
David	Marco	PwC
Iván	Martín-Barbón	Jones Day
Pablo	Medina	Linklaters
José María	Mesa	Mariscal Abogados
Alejandro	Mico	Garrigues
Irene	Miró	CMS Albiñana & Suárez
Daniel	Muñoz Almazán	Garrigues
Antonio	Muñoz Vico	Garrigues
Franco	Muschi Loayza	Garrigues
Francisco Javier	Navarro Arias	Garrigues
Alberto	Ouro	DWF-RCD
Marcelino	Pajares	Marimón Abogados
Miriam	Pérez-Schafer	Freshfields
Jorge	Perujo Fariña	Ontier
Andy	Ramos	Pérez-Llorca
David	Riopérez	Gómez Acebo & Pombo
Antonio	Rosselló	DWF-RCD
José Ángel	Rueda García	Cuatrecasas
José Carlos	Ruiz Cabanes	Garrigues
Xavier	Ruiz de Loizaga	Garrigues
Patricia	Salama	Elzaburu
Ignacio Eloy	Sánchez López	Garrigues
Elena	Santías	Santiago Mediano Abogados
Daniel	Tarroja	Crowe Legal
Irene	Terrazas	Mariscal & Abogados
Cristian	Valcárcel	DWF-RCD
Luis	Vegas	Evergreen Legal
Teresa	Villarroya	Eversheds Sutherland



## THE 3 MOST SIGNIFICANT APPOINTMENTS IN 2022



### INMACULADA CASTELLÓ AND FERNANDO GUTIÉRREZ

Pinsent Masons has appointed **Inmaculada Castelló** and **Fernando Gutiérrez** as co-managing partners to lead the Madrid office from September 1, 2022. Both are founding partners of Pinsent Masons Spain, having joined when the office opened for business in 2017. Castelló is a partner in the Commercial team. Fernando Gutiérrez is director of the Litigation and Arbitration practice in Madrid. He is currently a State Attorney on leave. Both lawyers will take over from Diego Lozano, who is stepping

down after five years at the helm of the firm in Spain and will continue as a partner within the Mercantile team ([here the news](#)).



### NICOLÁS DE GAVIRIA

In June **Nicolás de Gaviria** has become the new managing partner of Deloitte Legal. De Gaviria joined the firm in 1997 and became partner in 2011. He has worked in restructuring processes at an international level with clients mainly in the tourism, hotel and services sector. This has been his main area of expertise, where he has years of experience working with large national and international business groups. Alongside him, María Guinot, Willy de Molina and José María Gómez Rosende have also been appointed as new partners responsible for legal, tax and commercial, respectively ([here the news](#)).



### ÍÑIGO ERLÁIZ

In January Gómez-Acebo & Pombo has appointed **Íñigo Erláiz** as the firm's new managing partner. Erláiz replaces Carlos Rueda who will become chairman of the firm's board of directors. Erláiz joined GA\_P in 1999, where he has developed his entire professional career and where he has been a partner since 2010. He has led the corporate area since 2016, a period in which the practice has experienced notable growth. He is a specialist in M&A having regularly advised on mergers and acquisitions and private equity transactions. Erláiz has been a member of the firm's board of directors for the last eight years ([here the news](#)).

## 33% OF APPOINTMENTS INVOLVED WOMEN

& Finance (with 4% each); Real Estate (2%) and others (5%). The law firm that has promoted the highest number of partners is Garrigues with 25 new people, followed by DWF-RCD with 8 new partners.

In addition, there were 13 appointments to executive roles within the law firm and related to national or international roles assigned to partners. These include, for example, the appointments as executive president or chairman (**Rafael Fontana** of Cuatrecasas – [here the news](#); and **Jesús Remón** of Uría Menéndez – [here the news](#)); as managing partner of the law firm (Inmaculada Castelló and **Fernando Gutiérrez**, Pinsent Masons – [here the news](#), **Nicolás de Gaviria**, Deloitte Legal – [here the news](#), **Íñigo**

**Erláiz**, Gómez Acebo & Pombo – [here the news](#); **Eduardo Peñacoba**, Simmons & Simmons – [here the news](#) and **Salvador Sánchez-Terán**, Uría Menéndez – [here the news](#)) or as of MP of a foreign headquarter (**Carla Frangoni**, head of the Guarrigues' office in New York – [here the news](#)); or head of departments or teams at international or national level (**Verónica Cerón**, as head of the Labour department of Garrido Abogados – [here the news](#); **Paz de la Iglesia** as new partner in charge of Labour and Employment at DLA Piper – [here the news](#); **Paulino Fajardo** as new Regional director of Litigation and Arbitration – [here the news](#); and **Jacobo Martínez** as new member of the Global Executive Committee of Eversheds Sutherland – [here the news](#)). 

# LAW FIRMS INTEGRATIONS

To the moves mentioned in the article we must also add those that resulted from the integration or merger of law firms, which clearly involved the transfer of professionals from one firm to another. Iberian Lawyer counted 13 mergers in 2022. You can find them here below

## BDO Abogados - AME

BDO Abogados has integrated Alemany & Muñoz de la Espada (AME) to strengthen its insolvency team in Madrid, AME partners **Dolores Alemany** and **Rafael Muñoz de la Espada** have joined BDO Abogados together with a team of nine professionals specialised in restructuring and insolvency, corporate and M&A and labour law ([here the news](#)).

## Martínez-Echevarría - San Simón & Duch

Martínez-Echevarría Abogados has signed an integration agreement with San Simón & Duch, law firm specialised in maritime, transport and insurance law, established in 2001 by founding partners **Luis de San Simón** and **Mercedes Duch** ([here the news](#)).

## ETL Global - Estivill

Estivill Assessors, the law firm founded in 1934, that is integrated into ETL Global is made up of 60 professionals. ETL Global adds and continues its growth objective and has just closed the integration of a new office, this time in Catalonia ([here the news](#)).

## Ontier - DG LAW

Ontier has integrated DG LAW and has appointed its founder, **Daniel Gutiérrez Bernardo** in the area of innovation and digital economy. Through this incorporation, the firm seeks to strengthen its position in technological sectors, such as artificial intelligence, blockchain, virtual reality and metaverse ([here the news](#)).

## Ejaso - Acuerdo

Acuerdo Servicios Jurídicos has merged and integrated with Ejaso ETL Global, after more than seven years of collaboration. The 27 lawyers from the Acuerdo boutique have joined the Ejaso team ([here the news](#)).

## RSM Spain - Letslaw

The digital business boutique Letslaw, founded and managed by **José María Baños** 10 years ago has integrated into RSM Spain. The Letslaw team is made up of 17 professionals specialized in digital business, data protection, intellectual and industrial property, privacy, e-commerce and fintech ([here the news](#)).

## Oleart Abogados - Sánchez & Vidal-Abarca

Oleart Abogados has merged with Sánchez & Vidal-Abarca. Oleart Abogados was founded by Javier Pérez and Ricardo Oleart in 2010. Since the merger, the team has grown to more than 20 professionals, including the former president of the Constitutional Court, **Francisco Pérez de los Cobos** ([here the news](#)).

## Vento - Sánchez-Iniesta Abogados

Vento Abogados & Asesores has reinforced its headquarters in Madrid, opened at the beginning of the year, with the integration of Sánchez-Iniesta Abogados, a law firm in the banking and financial sector. The Sánchez-Iniesta Abogados team, led by **Juan Manuel Sánchez Iniesta** and **Borja Sánchez Robledo**, is now part of Vento's organisational structure ([here the news](#)).

## Bellavista - Morison ACPM

The catalan firm of lawyers and economists, Bellavista has joined Morison ACPM. The resulting firm has offices in Barcelona, Madrid, Valencia and Girona. The team will have more than 250 professionals and expects to reach a turnover of €20m by the end of 2022 ([here the news](#)).

## Selier Abogados - Hispajuris

Selier Abogados has integrated into Hispajuris. With this new incorporation, Hispajuris has added a team of more than 35 professionals to the project. Hispajuris now has 33 offices distributed throughout Spain and more than 600 professionals ([here the news](#)).

## Morison ACPM - Fenoy and Llargues

Morison ACPM has integrated the professional services firm Fenoy and Llargues, based in Terrassa (Barcelona), thus reinforcing its growth strategy. By the end of 2021 it had incorporated the Madrid firm Vergara Dauden and Gómez Espinosa de los Monteros ([here the news](#)).

## Cuena & Gómez Aguilera - Espuela Asesores

Cuena & Gómez Aguilera Abogados has integrated the firm Espuela Asesores, a firm with more than 40 years of experience in the areas of Accounting, Tax and Labour law, into its structure. With the incorporation Cuena & Gómez Aguilera counts on 17 professionals ([here the news](#)).

## Zurbarán - [A]Code Abogados

Zurbarán has reached an agreement to merge with [A]CODE Abogados to strengthen the private equity market, the urban planning practice area ([here the news](#)).

## IN-HOUSE MOVES

As for in-house moves, *Iberian Lawyer* recorded those to follow

NAME	SURNAME	ROLE	FROM	TO
Carlota	Catalán	Head of Litigation	González Franco Abogados	Iberdola
Sergi	Cuenca	Legal Counsel	Novicap	Cofidis
Jaime	del Gallego Vida	General Counsel	I+D Energías	Greening Group
Victor	Gamazo Martín	Head of Legal	Caixa Bank	JB Capital Markets
Aurora	Juanas	Legal Counsel	DAC Beachcroft	Grupo Cosentino
Pedro	Marques Gaspar	Legal Counsel	Accor	Salesforce
Victor	Mella López	Legal Counsel Spain & Portugal	Hogan Lovells	TikTok
Jorge	Monclús Ruiz	Legal and compliance director	Cuatrecasas	Rakuten TV
Ana	Montes	Legal Director	Prisa	Alantra
David	Suárez Pelaz	Senior Legal Counsel	Linklaters	Repsol
Carolina	Tardín	Head of Legal	ORPEA Ibérica	DomisVi

## APPOINTMENTS TO EXECUTIVES ROLES

NAME	SURNAME	LAW FIRM
Inmaculada	Castelló	Pinsent Masons
Verónica	Cerón	Garrido Abogados
Nicolás	de Gaviria	Deloitte Legal
Paz	de la Iglesia	DLA Piper
Íñigo	Erláiz	Gómez Acebo & Pombo
Paulino	Fajardo	Herbert Smith Freehills
Rafael	Fontana	Cuatrecasas
Carla	Frangoni	Garrigues
Fernando	Gutiérrez	Pinsent Masons
Jacobo	Martínez	Eversheds Sutherland
Eduardo	Peñacoba	Simmons & Simmons
Jesús	Remón	Uría Menéndez
Salvador	Sánchez-Terán	Uría Menéndez



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SILVIA PEREA AND IRMA CEBRIAN

# Abroad,

## THE FIRST ALSP IN SPAIN

The history and milestones of the alternative legal services provider, which began operating in 2011

by ilaria iaquinta

## THE ANGLO-SAXON WAS THE MARKET ON WHICH WE BASED OUR PROJECT IN ORDER TO GENERATE A PARALLEL MODEL ADAPTED TO THE REALITY OF THE SPANISH LEGAL INDUSTRY

SILVIA PEREA

It was back in 2011 when **Irma Cebrián** and **Silvia Perea**, at the very forefront of the Spanish legal market, created the first alternative legal services provider (ALSP) in Spain, Abroading. Nobody in the country's legal sector had started this transformation process coming from the UK, where ALSPs were already an established reality and destined to proliferate further. "The Anglo-Saxon was the market on which we based our project in order to generate a parallel model adapted to the reality of the Spanish legal industry. Our intention was to change the way of understanding legal services, to make them more methodical and above all more agile. If what we do is still alternative today, imagine almost 12 years ago, it seemed like madness. But little by little the model took hold and, having overcome all the initial reluctance, today we can say that it works", Perea tells *Iberian Lawyer*.

The two lawyers (today partners and ceo's of the firm), who came from different departments of Garrigues, began this journey with the ambition of providing legal teams with a different kind of legal service, with new methodologies and significant cost savings, resulting in a kind of industrialisation of legal work. "Our aim was to focus on all the work that can be standardised and that was not really profitable for traditional law firms, which were normally more focused on providing value-added advice, and which it was very cost-effective for clients to outsource", adds Cebrián.



### WHAT IS AN ALTERNATIVE LEGAL SERVICE PROVIDER (ALSP)

According to *Thomson Reuters* an "ALSP is a business that provides legal-related services as an alternative to a traditional law firm. Except in jurisdictions that limit the practice of law to licensed attorneys, ALSPs can also provide certain legal services. In-house law departments and law firms typically use ALSPs to perform tasks such as litigation and investigation support, document review, intellectual property (IP) management, due diligence, and legal project management. The use of ALSPs has recently increased because ALSPs are often more cost effective, efficient, and technologically advanced than traditional law firms. Examples of ALSPs include accounting and audit firms, providers of managed legal services, staffing companies, and legal process outsourcers (LPOs)". According to *Thomson Reuters* report "Alternative Legal Service Providers 2021" (produced with The Center on Ethics and the Legal Profession at Georgetown Law and the Saïd Business School at the University of Oxford) the ALSP market is valued at nearly 14 billion dollars.

## ABROADING, IN NUMBERS

**1<sup>a</sup> ALSP**

*to reach the Spanish legal market*

**11**

*years in the market*

**10**

*people in the team*

**+600.000**

*documents handled*

**50.000**

*contracts reviewed per year*

**5**

*languages*

**2**

*offices (Barcelona and Madrid)*

OUR AIM WAS TO FOCUS ON ALL  
THE WORK THAT CAN BE  
STANDARDISED AND THAT WAS  
NOT REALLY PROFITABLE  
FOR TRADITIONAL LAW FIRMS

**IRMA CEBRIÁN**



### Irma Cebrián

GRADUATED IN LAW FROM THE UNIVERSITY OF ZARAGOZA AND HOLDS A MASTER'S DEGREE IN INTERNATIONAL BUSINESS LAW FROM ESADE BUSINESS SCHOOL. SHE ALSO STUDIED LAW AT CHARLES UNIVERSITY IN PRAGUE. SHE HAS WORKED IN LAW FIRMS SUCH AS GARRIGUES, DENTONS AND RCD ABOGADOS AS A LAWYER IN THE COMMERCIAL, CORPORATE FINANCE, BANKING AND ADMINISTRATIVE DEPARTMENTS.



### Silvia Perea

SHE GRADUATED IN LAW FROM THE UNIVERSITY OF NAVARRA, SPECIALISING IN ECONOMIC LAW. SHE HOLDS A MASTER'S DEGREE IN REAL ESTATE AND CONSTRUCTION LAW FROM THE UNIVERSITAT POMPEU FABRA. SHE ALSO HOLDS A DEGREE IN LEGAL AND SOCIAL SCIENCES FROM THE UNIVERSITY OF CHILE. SHE BEGAN HER PROFESSIONAL CAREER AT GARRIGUES, LATER FOCUSING ON REAL ESTATE AND CORPORATE MATTERS WITH CROSS-BORDER ELEMENTS IN EMEA AND LATAM.



OUR HORIZON IS TO DEVELOP  
SOFTWARE AT SOME POINT  
THAT WILL MEET THE REQUIREMENTS  
WE ARE LOOKING FOR

SILVIA PEREA

The difference between the services provided by an ALSP and a traditional law firm is what makes the two market players complementary, and not in competition, the two professionals explain. “Many of the services we offer are not offered by other firms, such as technology-based or management services. We are also very different in the way we work, as we work as an extension of the clients' teams, leaving to them the definition of the strategy and only taking on the execution tasks. Some law firms in recent years have established separate business lines to cover the ALSP sector, rather than with them directly, perhaps we could compete with those lines created ad hoc for this market”, tells Cebrián.

As for the services offered, according to the CEOs, these have evolved since the beginning, although the main focus remains on contract management and support in administrative law matters. And with regard to technologies, at the moment Abroading is not a software provider and instead uses and implements third-party tools, “but our horizon is to develop software at some point that will meet the requirements we are looking for”, Perea explains.

### The *ALSP* market in Spain

THE *ALSP* MARKET IS BOOMING IN SPAIN. ALTHOUGH IT IS NOT EASY TO ACCURATELY ESTIMATE THE VALUE OF THIS MARKET (SOME SAY IT IS AROUND €400 MILLION), THERE ARE AT LEAST SEVEN OPERATORS IN THE COUNTRY, WITH DIFFERENT BUSINESS MODELS, STRUCTURES, SIZES AND MARKET STRATEGIES. *ALSP*S IN SPAIN RENDER SOME OF THE SERVICES TRADITIONALLY PERFORMED BY LAW FIRMS AND THREE MAIN GROUPS OF ALTERNATIVE LEGAL SERVICES: FLEXIBLE LEGAL TALENT, MANAGED LEGAL SERVICES AND LEGAL TECHNOLOGY. THEY RANGE FROM SMALL DIGITAL LAW BOUTIQUES OR INNOVATIVE LEGAL START-UPS TO OPERATORS ALLIED WITH LARGE GLOBAL GROUPS. IN ADDITION, TRADITIONAL LAW FIRMS AND BIG FOUR FIRMS ARE INTRODUCING SUBSIDIARIES OR BUSINESS UNITS THAT INCLUDE *ALSP* COMPONENTS, ENTERING THIS SEGMENT.





**WE ARE PLANNING TO INCREASE OUR TEAM, TO STRENGTHEN AREAS THAT ARE IN GROWING DEMAND FROM OUR CUSTOMERS. WE ARE TALKING ABOUT COMPLIANCE AND SECONDMENT**

**IRMA CEBRIÁN**

the pandemic as a milestone – points out Cebrián. When confinement started and after that, the demand for the outsourcing of many services in our sector increased. Since then we have witnessed an exponential growth”.

Looking to the future, the firm wants to consolidate its position in the Spanish market and grow further. “We are planning to increase our team, to strengthen areas that are in growing demand from our customers. We are talking about compliance and secondment”, explains Cebrián. In the medium to long term, the firm targets Latin America. “We have been working on several issues in Latin America, where we would like to be able to expand our activity, because our clients have subsidiaries there. We do not close the door to generating alliances with alternative suppliers in the Latin American market, but I also believe that following the Spanish model, there is even the chance for us to open our own offices in Latin America”, adds Perea. ■

## MILESTONES

Today the firm counts on ten people and has grown considerably over the last few years, both in terms of headcount and turnover. “We estimate that this year we will grow by about 30-40% compared to last year”, says Perea. Indeed, the alternative legal services market has grown well in Spain in the last five years, during which the number of providers has multiplied. “Apart from the Anglo-Saxon paradigm, which has always been ahead, Spain is at the forefront of Europe”, she adds.

Among the milestones that marked the history of the alternative legal services provider, the two professionals point to the year 2016 that have since brought recognition of the business model among the legal teams of multinationals, the firm's target client base. Another important step has been the implementation of ever more advanced and complex technologies, which has meant being able to offer clients a service with a smaller margin of error, in less time and at lower costs. “I would also add



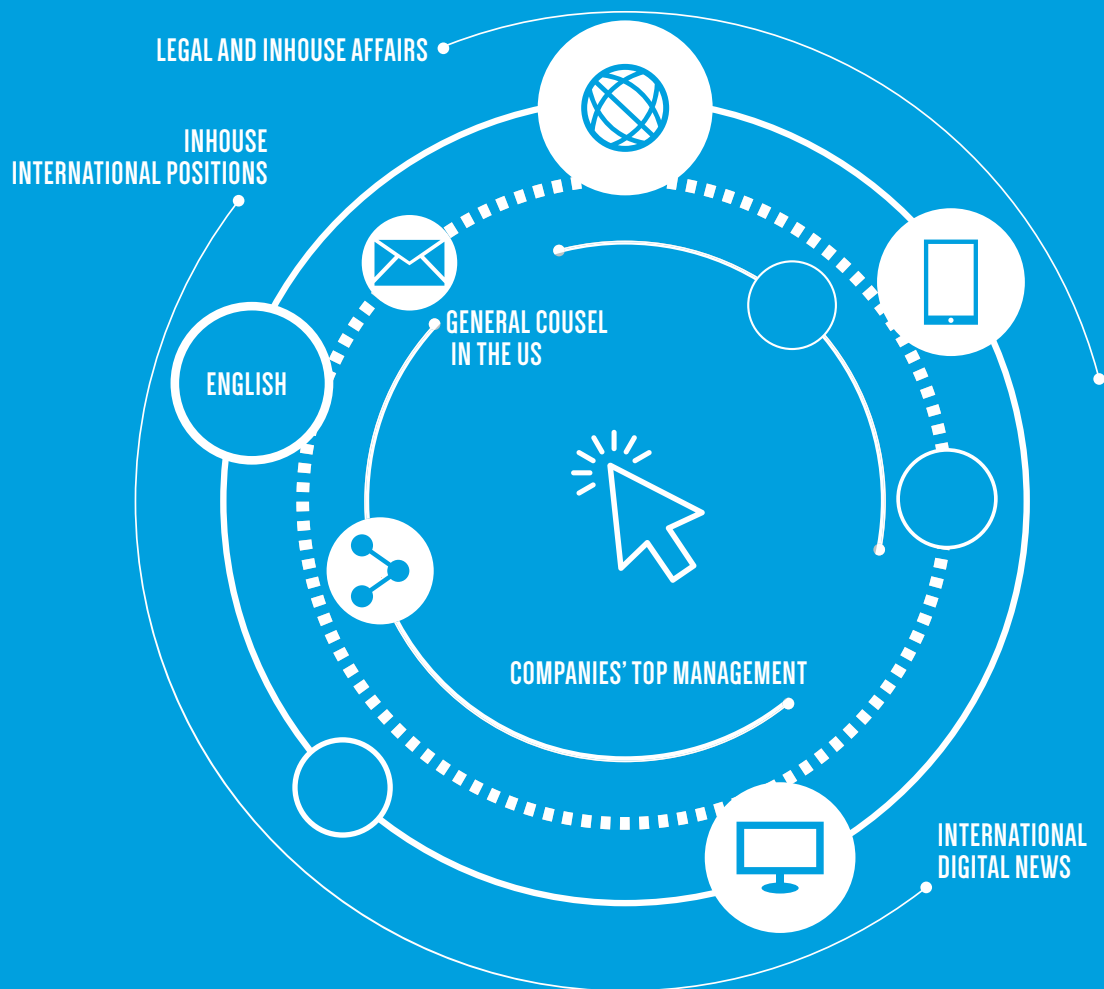




ALSPs

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# OPEN AND SUSTAINABLE OFFICES: THE NEW COMMITMENT OF LAW FIRMS

Ontier, Andersen, Cuatrecasas, DLA Piper, Casas Asin, Ecija and Abdón Pedrajas Littler are some of the firms that have opted for more modern, spacious and technological workspaces in 2022

by irina wakstein

F

Functionality, comfort, innovation, sustainability, practicality and openness are some of the requirements that firms demand when choosing their new workspace. *Iberian Lawyer* spoke to the partners, managing partners and architects of Ontier, Andersen, Cuatrecasas, DLA Piper, Casas Asin, Ecija and Abdón Pedrajas Littler, some of the law firms that opted for new offices this year.

## IN MADRID

Among the firms that changed their offices, Ecija moved in 2022 to a building located at Calle Serrano 69 in Madrid, designed by the architect Fernando Higueras with a total surface area of more than 5,000 square metres spread over seven floors. "This move responds to the growth experienced by the firm in recent years, which has forced us to triple the space in just five years and now leads us to need a unique and singular headquarters in the heart of the golden mile of Madrid," says the firm's partner, **Alejandro Touriño** to *Iberian Lawyer*.

The same is true for DLA Piper, which has recently moved to the building located at Castellana 39 in the Spanish capital. "This move to a complete building will allow us to adapt to the new post-pandemic work environments, more open, bright and flexible, with a strong investment in technology that helps to design functional and collaborative areas as well as allowing an easy adaptation to change in future work models; and having a more sustainable space in which energy efficiency, air quality and thermal, acoustic and environmental comfort are prioritised", explains Jorge García Cuestas, property and workplace manager of the firm.

The truth is that post-pandemic working life has brought with it new demands, requirements and needs on the part of workers. Flexible working hours, hybrid work and wellness policies have a direct impact on the design of these new offices. "DLA Piper was looking for bright, spacious and comfortable workspaces, paying

“  
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FIRM AND CLIENT,  
BETWEEN LAWYERS,  
AND IN GENERAL OF  
ALL THE STAFF

**ZALOA MAYOR**

special attention to the design of the relationship areas between the firm and the client, between lawyers, and in general for all the staff", explains architect **Zaloea Mayor**, one of those responsible for the project together with **Carolina Fernández** and **Alberto Peris** from Bibarch Architecture.

## IN VALENCIA

For its part, Abdón Pedrajas Littler is another of the firms

that chose to invest in new work spaces and, in April this year, opened its new headquarters in the city of Valencia. "We were looking to land in a strategic market to help our clients both in their local needs and in their interests in Spain and in the rest of the countries where Littler is present", says the firm's partner, **Antonio Pedrajas** to *Iberian Lawyer*. Thus, the new office in Valencia joins those in Madrid, Barcelona, Lisbon and the more than one hundred offices in America, Europe and Asia.

Another of the firms that landed in the Valencian community is Andersen, which opted for an emblematic building in the centre of the city located at Pintor Sorolla 1. Unlike the rest of the firms, Andersen opted for



ABDÓN PEDRAJAS LITTLER OFFICE, IN VALENCIA



WE OPTED FOR INDIVIDUAL SPACES, WHICH IS THE PREFERENCE OF OUR PROFESSIONALS, AND NOT FOR THE OPEN SPACE TO PROVIDE GREATER INDEPENDENCE AND COMFORT

**JOSÉ VICENTE MOROTE**

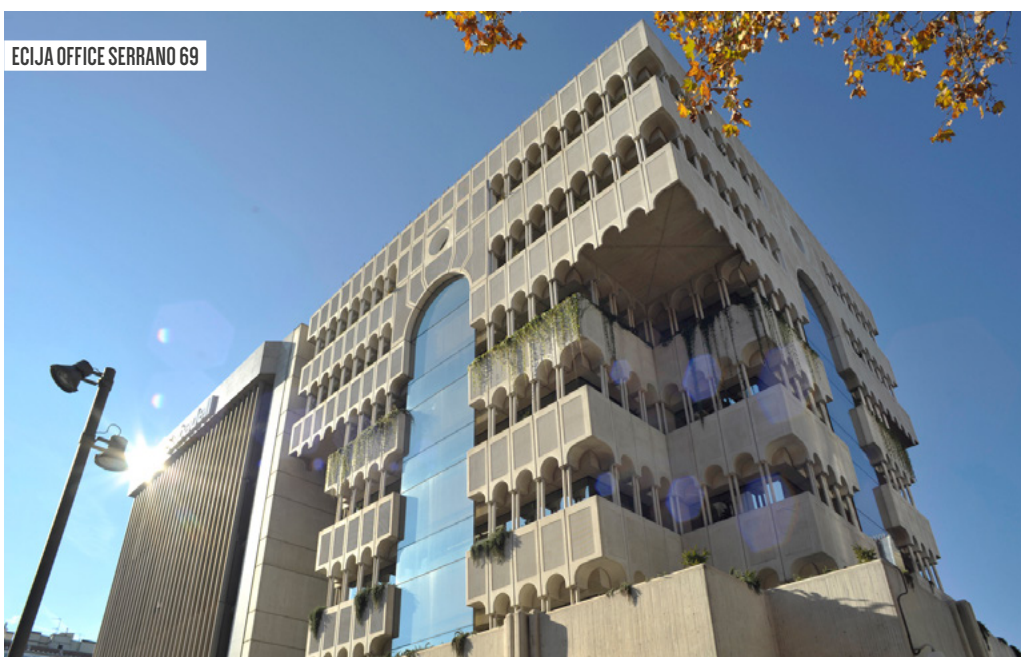
private spaces for its workers. "We are committed to individual spaces, which is the preference of our professionals, and not the open space to provide greater independence and comfort," says managing partner **José Vicente Morote**. "In all the changes we are making, we are looking for modern and bright buildings that improve the working environment, offering flexibility and immediacy as society is demanding. We are committed to central locations that allow the best accessibility for professionals and clients," adds **Íñigo Rodríguez-Sastre**, another of the firm's managing partners, in dialogue with the newsroom.

### GREEN SPACES

Ontier is not far behind as, last September, it moved its offices to the "Habana" building in Madrid. The new headquarters are owned by Socimi ÁRIMA Real Estate, whose work is signed by Fenwick Iribarren Architecture Studio and has a surface area of 4,356 m<sup>2</sup>, four floors, more

than 800 square metres of surrounding garden designed by the landscaping studio **Fernando Martos** and almost 600 square metres of landscaped penthouse. "The building represents a new office concept and transcends the traditional workspace to evolve towards collaborative environments. To this end, the project links open-plan, bright and modular spaces with socio-cultural areas, terraces and gardens," architect **Pablo González-Valcárcel**, who was responsible for the project, told *Iberian Lawyer*.

In line with his colleague, the architect **Lola Cano Coronel**, in charge of the project for the new offices of the firm Casas Asin, agrees in affirming that the priority nowadays is natural, spacious, modern and luminous spaces. "We achieved this by dividing only some offices with glass partitions to continue to obtain natural light and acoustically isolating those spaces that required it. We always looked for the greatest







possible visual cleanliness", explains Cano Coronel, regarding the firm's new headquarters with 20 metres of windows over República Argentina in the city of Seville. "Without a doubt, what is different and original about the project are the decorative touches that have been custom-designed. Like the vertical garden in the entrance area, the oak woodwork, the different shelves that have been made according to the needs of each room", says the person in charge of the project.

## VALUES

All the interviewees agree that, through their new workspaces, they seek to transmit the firm's main values. "We believe that our corporate image is fully aligned with our mission, vision and values. We want Ecija's global client to have the feeling of being in Ecija regardless of the country they are in. We want the new headquarters to represent a space where our clients can

find proximity, excellence and innovation", says Touriño. In congruence, García Cuestas, who maintains: "Workspaces are one of the main channels for transmitting corporate values and that is why they must faithfully reflect the culture and philosophy of the companies, in order to have a positive impact both on the internal teams and externally, on the clients". Thus, open, bright, modern and sustainable spaces became a priority for most law firms, abandoning the closed, old and dark offices where their professional activity used to be carried out in the past. "In the past, there was a tendency to isolate, to have small offices and small, sealed-off spaces, which responded to an erroneous vision of hierarchy. Nowadays, at our headquarters, brightness and transparency are the priority, all areas are connected", explains Casas Asin partner **Cristina Casas Feu** to *Iberian Lawyer*.



THE BUILDING REPRESENTS A NEW OFFICE CONCEPT AND TRANSCENDS THE TRADITIONAL WORKSPACE TO EVOLVE TOWARDS COLLABORATIVE ENVIRONMENTS. TO THIS END, THE PROJECT LINKS OPEN, LUMINOUS AND MODULAR SPACES WITH SOCIO-CULTURAL AREAS, TERRACES AND GARDENS

**PABLO GONZÁLEZ-VALCÁRCEL**



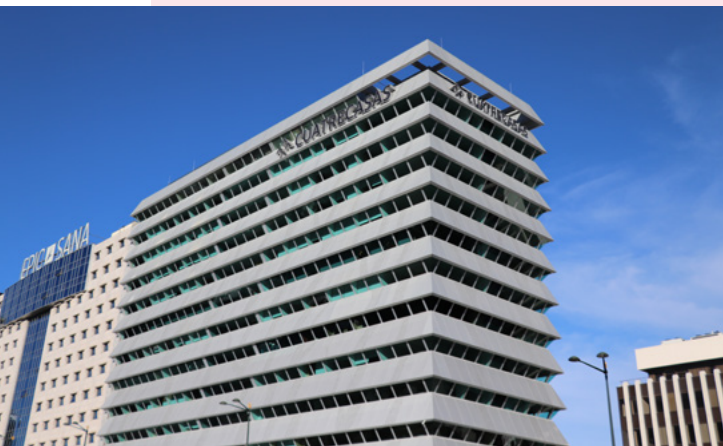


DLA PIPER

In the case of Ontier, sustainability was at the heart of Habana's design. According to the architect in charge of the project, **Pablo González-Valcárcel**, the building has charging points in more than 25% of its parking spaces and is the only office building in Madrid with a façade made of Krion by Porcelanosa, an active material that increases the health and safety of the space. Likewise, the air filtration, purification and monitoring systems increase the quality of the air inside the building, directly affecting people's wellbeing.

Natural, bright, open and sustainable spaces seem to be the new paradigm for offices. 🏡

## CUATRECASAS EN LISBON



In view of the firm's exponential growth in the number of professionals, which has reached 250 locally, and following the incorporation of the law firm SLCM Serra Lopes, Cortes Martins & Associados, Cuatrecasas decided to refurbish and renovate its headquarters in Lisbon, Portugal, between 2021 and 2022.

"The new facilities stand out for their investment in collaborative work spaces and for their eminently digital environment, incorporating technological advances that allow for greater agility, information security and productivity," **Nuno Sá Carvalho**, Cuatrecasas' managing partner in Portugal, told *Iberian Lawyer*.

The building, which was built in 1971, is located in the most central area of Lisbon and also stands out for the conditions it offers for holding internal and external events. It has a large-capacity auditorium, a training room, a multi-purpose space and spacious terraces.

"The main characteristic of the project in terms of interiors is that it seeks to respond, from a more contemporary vision, to the new ways of working and living in spaces, generating a dynamic environment that, at the same time, is a guarantee of safety, comfort and well-being for employees", explains the architect responsible for the project, Francisco de Paz of GCA Architects.

In addition, the building stands out for its capacity for solar exposure, a facet that the firm sought to take advantage of for reasons of energy efficiency. 🏡

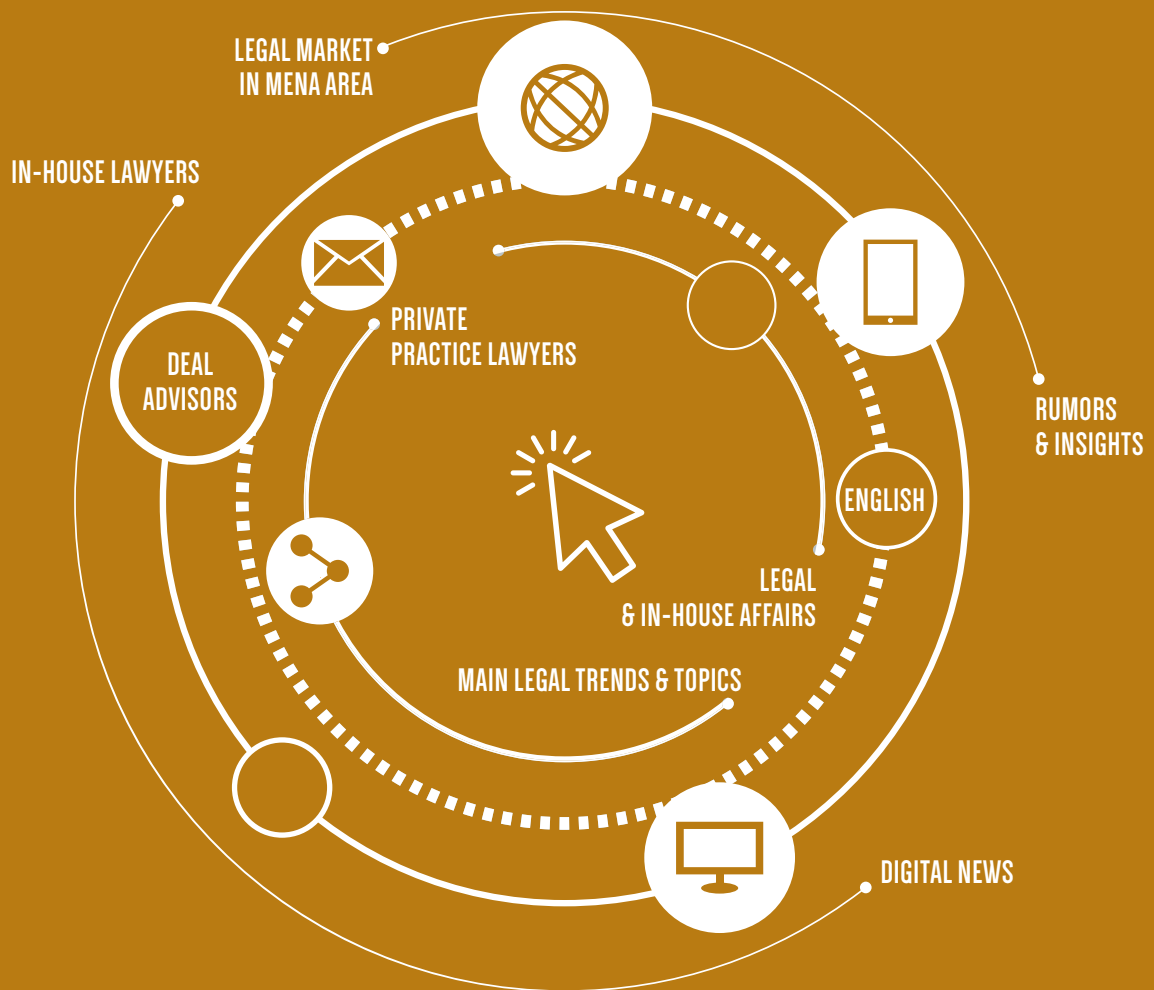
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JORDI MERCADÉ

# Baker Tilly Abogados, EAGER TO GROW

The future projects of the Spanish legal division of the major consultancy firm following the integration of Advance

by ilaria iaquinta



OVER THE YEARS WE HAVE EXPANDED  
OUR SERVICES AND AS OF TODAY WE HAVE STRONG  
PRACTICES ACROSS A RANGE OF AREAS SUCH AS  
INTELLECTUAL PROPERTY, REAL ESTATE,  
LITIGATION, INSOLVENCY, RESTRUCTURING  
AND COMPLIANCE

Young but with clear ideas **Jordi Mercadé**, 38 years old and managing partner and founder in 2008 of Baker Tilly Abogados, the Spanish legal division of the major consultancy firm. In the last fourteen years, under his leadership, the legal team has grown significantly to 70 professionals (including 12 partners), mainly in Madrid and Barcelona, but also covering the group's other Spanish offices: Bilbao, Pamplona, Logroño, Burgos, Toledo, Valencia, Alicante and Murcia.

## THE ORGANISATION

Despite the peculiarity of the organisation, which envisages that Baker Tilly Spain is structured as an integrated group, the legal division is very similar to a traditional law firm, both in terms of the services offered and the organisation of the work force. "Baker Tilly Abogados has its roots in corporate advisory services in a broad sense, as well as in tax and labour law. Over the years we have expanded our services and as of today we have strong practices across a range of areas such as intellectual property, real estate, litigation, insolvency, restructuring and compliance – Mercadé explains to *Iberian Lawyer*. In addition,

### BAKER TILLY SPAIN

Baker Tilly Spain is an independent member of Baker Tilly, the global business advisory network founded in London in 1988, operating across 148 countries, with 39,000 employees worldwide, 706 offices and revenues of around US\$4.3 billion.

Baker Tilly Spain has revenues of around 34 million euros and employs more than 375 professionals in its offices in Madrid, Barcelona, Valencia, Bilbao, Alicante, Burgos, Toledo, Logroño, Pamplona and Murcia. Its core expertise areas include auditing, tax, legal and labour advisory services, corporate finance, mergers and acquisitions, insolvency, ESG for SMEs and multinational groups, as well as integrated advisory services for non-profit organisations, among others.



FROM RIGHT TO LEFT JORDI MERCADÉ AND ORIOL RIPOLL, ONE OF THE FOUNDING PARTNERS OF THE TAX AND LEGAL ARE OF ADVANTE

we have a network of partners throughout Spain which strengthens our reach in certain territories or specialisations of services”.

As for the team, the firm is organised into: equity and salary partners (depending on whether they are partners of the holding company Baker Tilly Spain or only of its legal subsidiary), directors for each division and team, managers, senior lawyers, lawyers, junior lawyers and paralegals. In addition to these positions, there are also of counsel.

**WE HAVE SPECIALISATIONS SUCH AS M&A THAT ALLOW US TO COMPETE BOTH WITH LAW FIRMS AND WITH MULTIDISCIPLINARY FIRMS SIMILAR TO US**

The organisation by area of expertise also makes Baker Tilly Abogados similar to a traditional law firm. “For example, we have specialisations such as M&A that allow us to compete both with law firms and with multidisciplinary firms similar to us. One of our main characteristics is the multidisciplinary approach that allows clients in M&A transactions to have lawyers, tax advisors and accountants at the same negotiating table. We believe this is a great potential and advantage for our clients. Many law firms have lawyers specialising in many areas, but they don't have that component of other professionals who can provide that 360° approach”, adds Mercadé.

## THE FUTURE

The growth recorded in recent years will continue in 2023 with the start of the integration process, announced last summer, of Addvante, a professional services firm with thirty years of experience, which will gradually be implemented from December onwards. “This agreement was reached after a period of mutual rapprochement that has allowed us to observe a shared vision of the business and of the corporate values that define both brands”, says Mercadé.





With this merger, Baker Tilly Spain will have a combined team of up to 375 professionals and will strengthen all teams and areas of activities. More specifically, the legal division will incorporate around 25 new lawyers and 8 partners, which will enable Baker Tilly Abogados to increase its turnover by approximately 2.5 million, reaching a total of 7.5 million, and to continue expanding its current portfolio of local and international clients.


“At present we have over 500 clients – the lawyer points out – both international and national. Whereas when we founded the legal division the percentage between foreign and domestic clients was 80-20%, over the years we have balanced this ratio as we have been growing and consolidating the national market, and with the integration of Addvante we will be able to further cement our roots in the territory”.

The ambition still remains high in the medium and long term. “Growth is intrinsic to our DNA, but we never lose sight of the fact that it must be a controlled and sustained growth. That is why we will continue to

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seek a balance between organic and inorganic growth, in each of the areas and territories where we see needs and/or opportunities”, says Mercadé.

Now that with the integration of Addvante the Barcelona office is the most consolidated, as the lawyer explains, the next priority targets are: to strengthen Madrid, Bilbao and the Balearic Islands. In terms of practice areas, the priorities will be restructuring, real estate and energy.

“I don't want to fall into the temptation of saying 'we want turnover to be as much or to have as many lawyers', because for me what is really crucial is to have a team with an outstanding human and technical quality, which in the end results in the satisfaction of our clients and automatically leads to achieving the results we aim for. Therefore, our priority is to focus on people, on professionals, to provide them with optimal working conditions, encouraging them to provide their services with the best possible attitude and motivation”, concludes Mercadé. 

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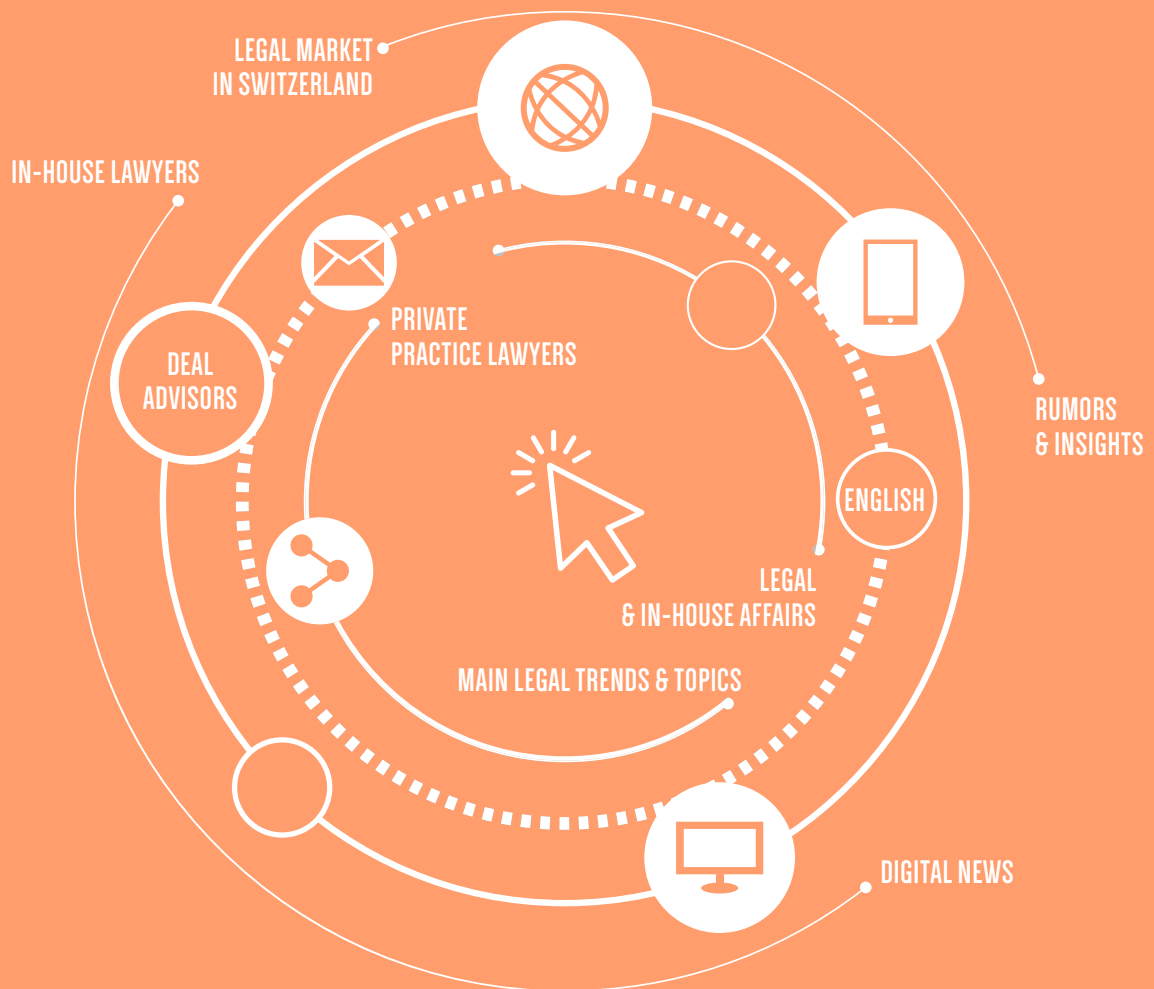
BAKER TILLY ABOGADOS' OFFICES



SCENARIO

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TOMASZ DABROWSKI

A professional portrait of Tomasz Dabrowski, a middle-aged man with a receding hairline, wearing black-rimmed glasses, a dark suit, a white shirt, and a blue patterned tie. He is standing with his hands in his pockets against a plain grey background.

**DENTONS:**  
“This is how we challenged  
**the status quo**”



**We wanted to create a global firm which is based on a new model, the law firm of the future. A decade later, we have come a long way on our journey**

Barely ten years have passed. But the numbers are those of a giant in the international legal services market. The Dentons story begins with an idea, in 2012. Then, in the first months of the following year, that idea became a fact: Salans, Fraser Milner Casgrain and SNR Denton merged to create a new legal firm that today has grown to have “more than 21,000 professionals, including more than 12,000 lawyers and 210 locations”, with a combined turnover of almost 3 billion dollars globally in 2021. Parading these figures is corporate M&A lawyer *Tomasz Dąbrowski*, recently re-elected as Europe CEO for the 2023-2025 term. MAG met him in Milan, where he arrived to celebrate this tenth anniversary.

As ceo of Dentons Europe and a member of the global management committee and global board, Dąbrowski is responsible for the law firm's strategy for continental Europe and Central Asia. Under his leadership, Dentons has experienced unprecedented growth in Europe and Central Asia, more than doubling turnover, securing significant lateral hires and opening seven new offices in key 'Old Continent' markets. “It has been an exciting ride and the journey continues – says the lawyer – . The theme of our anniversary celebration is “leading in next ten” – it is about positioning ourselves as the law firm of choice to assist our clients with the challenges they will be facing in the coming decade”.



DENTONS OFFICES IN MADRID

**Dentons crosses the finish line of its first ten years: what is your evaluation?**

Ten years ago we came together with an ambitious vision to create a new type of law firm – a firm that is global and local at the same time, that has no headquarters, but which is deeply connected to the communities in which we work and live. We wanted to challenge the status quo in the legal sector and create a global firm which is based on a new model – the law firm of the future. A decade later, we have come a long way on our journey and we have achieved a great deal that we are proud of. We are the world's fastest growing legal brand, a magnet for talented professionals, and we have the honor of counting many of the world's leading companies among our clients.

**These achievements, translated into figures, how do they look?**

When we formally launched Dentons, we had a presence in 53 locations in 28 countries. Today we are the largest law firm in the world, employing more than 21,000 people, including more than 12,000 lawyers, in 210 locations and 82 countries around the world. In Europe and Central Asia, we opened seven new offices in Milan, Rome, Amsterdam, Munich, Dusseldorf, Tbilisi and Tashkent. We more than doubled in terms of revenue and partner headcount, while also improving profitability.

**Over these years you have, like everyone else, had to deal with various emergencies (Covid, war...).**

**How have you reacted in the face of these "black swans"?**

No one was truly prepared for the Covid pandemic, so, like everyone, we had to be agile and do the best we could in a tough situation. Our first concern was the wellbeing of our people. We committed to protecting jobs and we introduced new technology to enable our people to work from home, while ensuring a regular flow of communication. We introduced new health and wellness initiatives, such as regular mindfulness practice and free professional counselling for our people and their families. We also focused on financial hygiene and profitability to ensure we could weather any potential downturn, while also being able to invest in our talent and other strategic priorities. And we stuck by our clients – both commercial and pro bono. As a result, despite the incredibly difficult conditions, we continued to grow in both 2020 and 2021. It is also worth mentioning that in 2020, we logged almost 24,000 pro bono hours in Europe alone.

**And then came the war...**

To get through the pandemic, just to face a war in our own backyard, has been heartbreaking. The safety of our Ukrainian colleagues was our top priority. We set up a 24 hour hotline and provided transport, accommodation, and resettlement assistance to help get our people out of Ukraine and we have also been providing support to those who stayed. We also raised money from our people and offices around the world through the Dentons Europe Foundation to provide

**We need to be able to help our clients in an environment of volatility and uncertainty. This means being able to provide complex solutions that often go beyond traditional legal services**

**Spain is one of our top priorities for investment, our presence there is still relatively small compared to the size of the market, so we see great potential for growth**

emergency relief to families and children displaced by war. So far the Dentons Europe Foundation has raised more than 500K euro, and we have given donations to 22 NGOs in eight different countries. Most of the NGOs to which we have donated are also organizations that we support with pro bono. Throughout these difficult times, although we've taken the necessary short term measures to deal with the crisis, we have stayed true to our long term vision, and have continued to invest in our strategic priorities.

**What has changed in Dentons since the Covid emergency? What has changed in the legal services market?**

The most obvious change is the shift to remote and hybrid working. While our people worked from home

even before the pandemic, the scale has shifted and a completely new working culture has emerged. This definitely has some benefits: the digitalization of work processes is accelerating and our people have more flexibility to manage work and personal life. On the other hand, it does present some challenges in terms of building personal relationships and team spirit among colleagues and creating a strong firm culture. The pandemic also caused many people to reevaluate their personal priorities and what they expect from their employer. People are looking for a purpose to make their work more meaningful and rewarding.

**Russia, China, geopolitical scenarios how are they affecting business at this stage?**

The most direct impact on our business was the decision to separate our Russian offices from Dentons as a result of the war. We expect the process to be completed soon. But of course the geopolitical situation and political tensions are having an increasing impact on markets and economies in Europe and around the world. It has created an environment of extreme uncertainty. The dramatic rise in energy prices is impacting businesses as well as individual consumers, and it is creating a ripple effect throughout the economy as businesses pass on the higher costs to their customers. The high inflation rates are a big concern. Not only are costs going up, but many businesses are experiencing supply chain issues preventing them from being able to keep up with customer demand.

**We are heading into a recessionary phase in the markets. How are you positioning yourselves? What do you think the effects of this conjuncture might be?**

In good times and in bad, we stand by our clients. And we position ourselves to be able to fulfill



JABIER BADIOLA



DENTONS OFFICES IN MADRID



their needs, now and in the future. In the short term we are likely looking at a recession, and it is often in the difficult times that our clients need us the most and we want to stay even closer to them. While transaction volume is likely to slow down, our clients will be seeking our advice on financing, restructuring, employment, litigation and tax, and of course, compliance with the ever-growing regulatory burden.

#### **And looking forward to the next ten years?**

Looking forward to the next ten years we need to be able to help our clients in an environment of volatility and uncertainty. This means being able to provide complex solutions that often go beyond traditional legal services. Companies are also operating globally, and Dentons is ideally positioned to assist on cross-border transactions, disputes and compliance programs. The revolution in technology and AI is accelerating and issues such data privacy and security are top of mind for many GCs. Issues such as climate change and sustainability will only grow in importance, so we are building up our ESG service offering. The list goes on.

#### **What about Spain?**

Spain is one of our top priorities for investment – our presence there is still relatively small compared to the size of the market, so we see great potential for growth. We are actively investing in expanding our presence, service offering and brand in the Spanish market. Over the last three years, under the leadership of Jabier Badiola, we have brought in eight new partners, including six lateral hires and two internal promotions, to strengthen our

Corporate and M&A, Capital Markets, Energy, Real Estate, Employment, Litigation and Banking and Finance practices. We are already starting to see a return in this investment. We are seeing double-digit growth and our team has been working on some very exciting deals.

#### **Many American law firms are leaving Paris:**

##### **why? Have you given yourself an explanation?**

None of the American law firms that have recently left Paris have a very strong presence in Europe – they tend to be mainly focused on the US market. I am not in a position to speak for other firms, but I imagine that in these uncertain economic times, many law firms are reflecting on their strategy, and in some cases, adjusting priorities. Dentons is in an entirely different boat. We have a long and very strong connection to Paris. Our legacy firm Salans was founded in Paris back in 1978, and the office remains one of our largest in Europe to this day. While some other firms are pulling out, our plan is to invest and grow. France is the EU's second largest legal market after Germany, and it is an important market for our global clients. The math is simple: if we want to be a leader in Europe, we have to be a leader in France and Germany.

#### **What will be the biggest driver in the coming years in the evolution of the legal services market: technology, mergers between firms, competition from the big four...?**

All of the above! None of these factors exists in a vacuum. The legal sector is changing, and there is no doubt that 10 years from now, our profession will be very different from what it is today. ■



# Iberian Lawyer



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# SUSTAINABILITY

## INVOLVING TWO OUT OF THREE CORPORATE LAWYERS

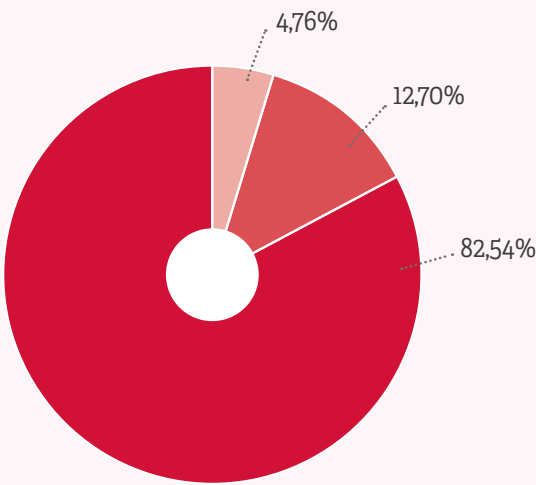
*Iberian Lawyer* publishes the results of the survey conducted on the role of in-house lawyers in this new area of activity, increasingly strategic for companies

by ilaria iaquinta

THE SURVEY SAMPLE

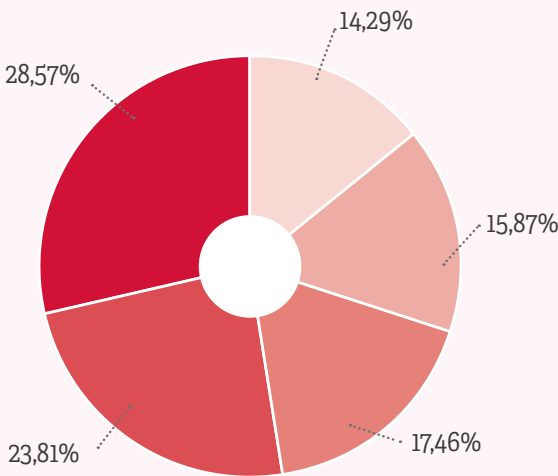
The survey was carried out among around 70 lawyers from companies operating in different business sectors which are mainly big (with more than 500 employees in 82% of the cases) and medium-sized (with 150 to 499 employees for 13% of the respondents), but also small (with 50 to 149 employees - 5%).

The interviewed in-house lawyers work in legal departments of different dimensions. In particular, these are teams consisting of less than five (29%), between six and nine (14%), between ten and twenty (17%), more than 50 (24%), and less than 30 (16%) professionals.



INDICATE THE SIZE OF YOUR COMPANY

- Company with 50 to 149 employees
- Company with 150 to 499 employees
- Company with more than 500 employees



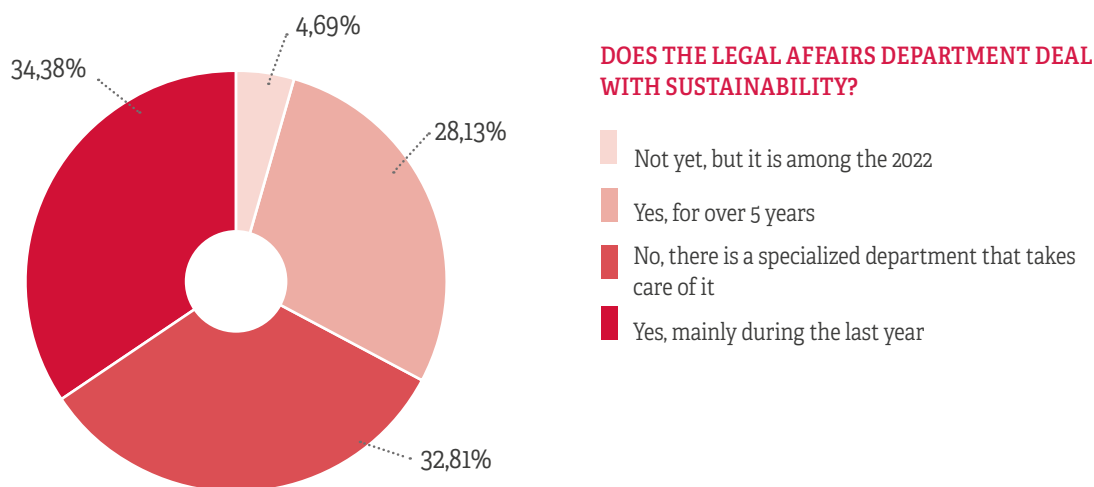
INDICATE THE NUMBER PF PEOPLE FORMING THE LEGAL TEAM

- 6 to 9
- Less than 30
- 10 to 20
- More than 50
- Less than 5

Sustainability is the new test bed for corporate lawyers. This is due to the rise of sustainability regulations and ESG issues among corporate strategic priorities and to the same role of lawyers in companies, called by vocation to deal with all-round justice topics, including ethics and social issues. As a result, in the Iberian Peninsula more than two out of three legal departments (67%) are involved in sustainability affairs.

That is one of the findings of the “General counsel and sustainability” survey conducted in October 2022 by the *Iberian Lawyer* newsroom along with ACC Europe Spain on a sample of 70 in-house lawyers (see dedicated box).

But if in many cases lawyers and especially general counsel have taken the lead in sustainability management within the organisation, at the same time, however, special functions have sprung up in the company. Indeed 33% of the respondents who claim that they do not deal with sustainability explain that there is a specialised department in the company that takes care of it. It must be pointed out that, in any case, at a leadership level, according to the 61% of the sample, there is a dedicated sustainability manager in the company and that just in 39% of the cases sustainability is a task entirely entrusted to the general counsel, to a specific in-house counsel within the legal team or to the chief compliance officer.



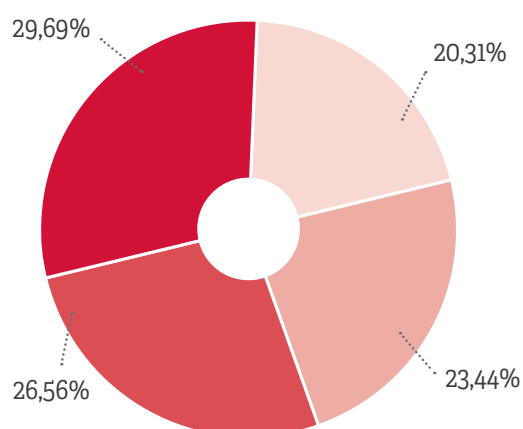


## CORPORATE GOALS

When it comes to sustainability, the top priority for companies is to combine economic growth, social development and environmental protection (according to 56% of respondents). Also of great importance is the creation of an ESG performance evaluation system (22%) and consolidating a structured and transparent relationship with stakeholders (12%). The need to raise the awareness on the subject among people within the organization, on the other hand, is not among the main objectives (8%).

## THE CHALLENGES AHEAD

On such a sensitive subject, which is set to transform the shape of our society and consequently also that of companies, many challenges hover. First and foremost, according to corporate lawyers, to make effective and measurable the contribution of companies to the achievement of the SDGs (69%). Important for companies are also to: implement effective stakeholder engagement policies and strategies (21%), protect and promote human rights in business activities (5%), and sustainably manage the supply chain (5%).



### WHAT ROLE CAN THE LEGAL DEPARTMENT PLAY?

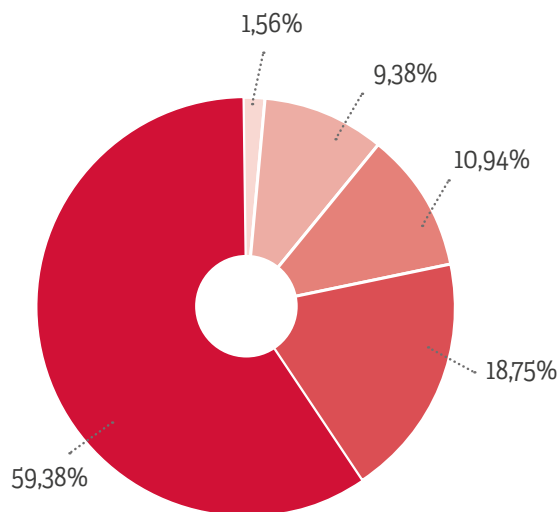
- Orienting ESG programming in the medium to long term
- Actively promote sustainability in the company, creating long-term business value
- Design and build the specific programs and tools that drive the company towards the achievement of sustainability objectives
- Coordination between different functions to give a holistic view also in the field of innovation

### COVID-19 IMPACT ON SUSTAINABILITY ISSUES

The pandemic has undoubtedly contributed to the increased attention on sustainability topics in companies. This is true for almost one in two in-house lawyers. Although there are those who think that Covid-19 did not influence it at all, since sustainability is a separate issue from the pandemic (22%) and the attention on the topic was already paid previously (17%).

Considering these targets, the legal department can act as a coordinator between different functions to give a holistic view also in the field of innovation. This is true according the 30% of respondents. In general, the in-house team can design and build the specific programs and tools that drive the company towards the achievement of sustainability objectives (27%), actively promote sustainability in the company, create long-term business value (23%) and also orient ESG programming in the medium to long term (20%).

The real challenge, one might say, is rather legal training on the subject. Three in-house lawyers out of five claim that there is a gap to be filled between the needs of the market and the current preparation. Only a small percentage (11%) thinks that the legal department already has all the tools to be updated on sustainability. In general, to prepare the lawyers of the future, according to the 19% of the sample, universities should include specific programs on the topics in lawyers' curriculum.



#### ON TRAINING ON SUSTAINABILITY

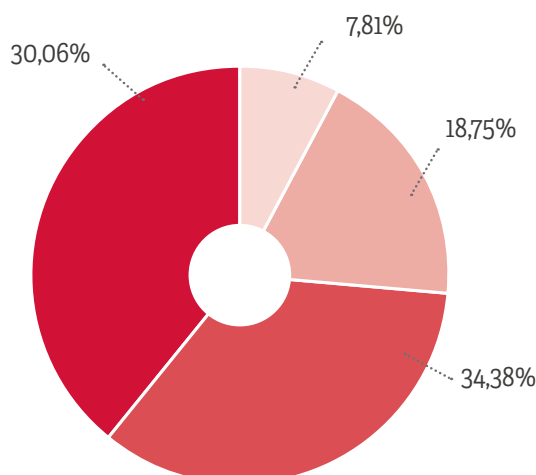
- Other
- Trade organisations should encourage courses on the subject
- The legal department already has all the tools to update on sustainability
- Specific programs for university studies for new lawyers should be included
- There is a gap to be filled between the needs of the market and the current preparation

## WHAT ABOUT LAW FIRMS

If sustainability is among the priorities of companies and there is great awareness on the subject in legal affairs departments, the same cannot be said for law firms, which according to corporate lawyers are still unprepared to handle the topic. According to 39% of GC, law firms do not offer interesting services in the field of sustainability and are still being structured on the topic (36%). However, this is a trend that will soon be inverted as some in-house departments are starting to include firms in their preferred panels for

their preparation on these issues (9%).

Looking to the future, what horizons can be glimpsed? The general counsel will be increasingly responsible in this matter according to 39% of respondents and legal figures with special expertise on sustainability will rise (34%). In any case there will still be room for law firms, since external consultants will be used more and more frequently (19%) and the general counsel cannot fully manage this area as well (8%).



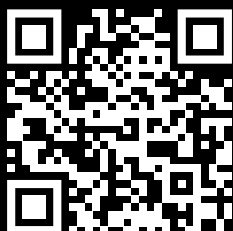
#### LOOKING TO THE FUTURE, WHAT HORIZONS CAN BE GLIMPSED?

- The general counsel cannot fully manage this area as well
- External consultants will be used more and more frequently
- Legal figures with special expertise will rise
- The general counsel will be increasingly responsible in this matter

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# THE ART OF LAW



The head of legal at the iconic National Gallery in London shares with us how he became one of the youngest GCs at the age of just 33 and why art and history is so important in our culture

by michael heron

## THE NATIONAL GALLERY

The National Gallery houses the national collection of paintings in the Western European tradition from the 13th to the 19th centuries. It is on show 361 days a year, free of charge. The Gallery's aim is to care for, enhance and study its collection, so as to be able to encourage access to the pictures for the education and enjoyment of the widest possible public now and in the future. It aims for the highest international standards in all its activities.

growth of NFTs and impact it could have on their business.

**You became one of the youngest heads of legal in the country, joining the Science Museum Group at the age of 33. What attracted you to the in-house world?**

I was very happy in private practice, and I found the work rewarding and interesting. But I just thought about where that career trajectory takes you, and I decided I didn't want to become a partner in a smaller business. I always had my heart set on working in the public sector and when I saw the opportunity advertised at the Science Museum with such a low level of PQE, I couldn't resist applying. I was lucky enough to get the job. I think you can always tell two stories about your career; it's either a series of well-planned strategic moves

When **Richard Barnett** became the head of legal at the Science Museum in London, he was one of the youngest in the UK at the age of just 33. Six years later he now runs an in-house team of five at the National Gallery. Barnett completed his training contract at Eversheds before moving to the prestigious boutique Hansel Henson, where IP and a close proximity to an enviable client base, launched his legal career. Deciding that becoming a partner in private practice wasn't for him, the UK qualified solicitor transitioned to the in-house world, where it was his dream to work in the public sector and in museums he loved visiting as a child. We also uncover from Barnett the challenges of keeping the public engaged with the museum during the pandemic and the ubiquitous

“ONE OF THE BIGGEST CHANGES, IS THAT WHEN YOU ARE IN PRIVATE PRACTICE, IT CAN FEEL LIKE YOU ARE ON ONE TEAM, THE OTHER SIDE OF LAWYERS ARE ON ANOTHER TEAM AND YOUR CLIENT IS A SEPARATE TEAM”

“THE REASON YOU HAVE A SEAT AT THE TABLE IS BECAUSE OF YOUR LEGAL TRAINING, BUT I DO THINK THAT LAWYERS CAN OFFER A DIFFERENT PERSPECTIVE AND A DIFFERENT WAY OF APPROACHING PROBLEMS”

where you accrue the right experience at each step to move forward, or it's a series of lucky breaks. It may sound a bit cheesy and nostalgic, but I always loved visiting museums as a child, in particular the Science Museum, so it was a great fit for me!

**You are now head of legal at the National Gallery. Can you describe a typical day?**

If you ask most GCs they don't have typical days, but the key bits of work are dependent on projects. It involves a lot of dialogue with internal clients and my team. I am a facilitator in helping the Gallery achieve its objectives. The weird thing about the Gallery is that, as well as being a prestigious museum and gallery, is that there are so many other threads to what we do. We have a significant curatorial team, a fundraising operation, we move paintings all around the country and abroad and have exhibitions here in Trafalgar Square and around the world as well as a catering operation, publisher, shop and events business. I guess the common thread through all of these different aspects is that you need to talk to and understand them.

**What would you say has surprised you the most about the role of in-house compared to private practice?**

One of the biggest changes, is that when you are in private practice, it can feel like you are on one team, the other side of lawyers are on another team and your client is a separate team.

Whereas in-house, it really feels like you are in lock-step with the internal clients. Which is very rewarding. I am also asked to have a lot more commercial input than I would in private practice.

**That makes sense... Do you therefore think it is easier to sit on the fence as a private practice lawyer as supposed to being in-house?**

Yes, I would agree with that. Private practice lawyers must be careful, as they can't really make business decisions for their clients. It is an understandable position and one that they can defend to their insurers and clients in the future if anything goes wrong. Whatever you do in private practice, you are not really making decisions on behalf of your clients. But when you are part of the business then you have to make important calls.

**How important is it that the board sees you as a strategic advisor and not just as legal counsel?**

I think it is important to be both. The reason you have a seat at the table is because of your legal training, but I do think that lawyers can offer a different perspective and a different way of approaching problems. It's not just the legal skills that make you a valuable inhouse but that you can also offer solutions to problems, legal or otherwise. We didn't previously own our trading company and my team was able to facilitate that purchase through our work which had a very positive impact on our relationship with the board.

**What are your views on NFRs and digital galleries? What challenge/opportunity does this pose for you and the Gallery?**

I have a lot of time for digital galleries. I have worked with our digital team on a couple of great projects with carefully curated digital galleries, as well as digital recreations of what we have on the ground. Currently we also have a fabulous augmented reality app for children to interact with our art developed in collaboration with Royal Holloway University, Brunel University and a developer Arcade called "the Keeper of Paintings". Digital Galleries and experiences can be a space for the public to interact with us and our collection. It was a great tool during lockdown when we were closed for 117 days, which by the way was the shortest closure time of any national

## RICHARD BARNETT

*Richard Barnett* is a commercial, intellectual property and technology lawyer specialising in contract negotiation, brands, and data protection in the cultural sector. He is the head of legal at the National Gallery, where he manages a team of five. He was previously general counsel at the Science Museum Group in London. He began his legal career at Eversheds where he completed his training contract before moving to the boutique Hansel Henson.



RICHARD BARNETT

museum during the pandemic. Are digital galleries competition or the future? I am not sure. I think the attraction of coming to the Gallery is too great—art is a different experience in person, and we also have an amazing site. That is why I am in the office today and I will head up to the galleries later to have a look around.

### And what about NFTs?


With regards to NFTs, I think it's a new art market which can be a little bit speculative. We are aware of them, but personally I see it as being a bit frothy and there are serious questions about the environmental impact of NFTs. We don't sell our pictures, but it could be an interesting revenue stream for the future. The blockchain technology that underpins it is potentially more impactful.

### What does your museum do to proactively encourage younger visitors?

Attracting younger generations to connect with history is important. We have lots of incredible programmes to engage young people and we have many schools visits every day. We have an art display competition where primary school children can create innovative recreations of our works and we then exhibit them in the gallery. If you go on our TikTok and Instagram channels you can see all the fun ways we connect with a younger audience on social media. What may be of more interest to your audience is the phenomenally large number of young Europeans that visit the gallery, especially Spain, Portugal and Italy. It really is an integral part of any visit to London. Many have a very strong relationship with their own national

collections and are very proud of their own artists. For example, we have an incredible collection of pictures by Velazquez, Goya and Murillo for example.

### What do you look for when working with external law firms?

Quality, price and transparency are the basic metrics. In-house lawyers price the risk and try to match it. It's thinking about things in these sorts of terms. 

“

WHATEVER YOU DO IN PRIVATE PRACTICE, YOU ARE NOT REALLY MAKING DECISIONS ON BEHALF OF YOUR CLIENTS. BUT WHEN YOU ARE PART OF THE BUSINESS THEN YOU HAVE TO MAKE IMPORTANT CALLS

”



# CYBERSECURITY? OUTSOURCED TO LEGAL DEPARTMENTS

According to the ACC, 84% of chief legal officers play a key role in cybersecurity

by michela cannovale





While the demand for professionals capable of defending corporate cybersecurity is growing in Spain and Portugal and around the world, recent studies have shown that this task increasingly falls on general counsel and in-house legal departments. What are the implications of this trend? And how are in-house teams facing the challenges of these new responsibilities? One tried to understand this by looking at three points of view. The ones of **Maria Mariniello**, head of legal and compliance southern Europe at JLL, **Andrea Di Paolo**, head of legal and regulatory affairs southern Europe at British American Tobacco (BAT), and **Giuseppe Marletta**, managing director of the Association of Corporate Counsel (ACC).

## 22 PER CENT OF COMPANIES HAVE THEIR LAWYERS FULLY DEDICATED TO CYBERSECURITY

According to the '2022 state of cybersecurity, an in-house perspective' survey conducted by the ACC in collaboration with Ernst & Young (which evaluated 265 small, medium and large

companies based in 24 different countries), 84 per cent of companies now assign the chief legal officer (clo) a key role in their corporate cybersecurity strategy (compared to 71 per cent in 2021). If not in the hands of the clo directly, cybersecurity is indirectly outsourced to the clo 20 per cent of the time – and the clo, however, is part of a team with cybersecurity responsibilities only 39 per cent of the time.

The survey also shows that 22 per cent of companies now have an in-house lawyer fully dedicated to cybersecurity (compared to 18 per cent in 2021). Also, in comparison to last year, 20 per cent more companies require annual cybersecurity training for all employees – which is why 38% of respondents stated they spend more for cybersecurity. “Among the 38% who said they spend more on cyber than one year ago, about 50% say the money is spent primarily externally (e.g., law firms, ALSPs, consultants), about 25% say it is spent primarily internally (cyber-specific internal legal resources), and the remainder say a mix of both”, ACC’s Giuseppe Marletta explained to *Iberian Lawyer* while confirming that in-house lawyers are indeed increasingly dealing with cybersecurity.

Is this trend a natural consequence of digital transformation? For sure this has accelerated the convergence of legal and compliance issues. In other



MARIA MARINIELLO

words, the structure where the lawyer operates is under transformation. Nowadays, the lawyer is no longer someone who only provides basic advice, but is also involved in mitigation and defence strategies against corporate security threats. “We’ve seen a steady increase in the role that legal departments have played in cybersecurity since 2015”, noted Marletta. “I believe this trend is much more linked to the digital transformation of businesses and the increasing reputational and financial risk associated with cyber breaches”.

## CYBERSECURITY, BETWEEN IT DEPARTMENTS AND COMPLIANCE

Speaking of cyber breaches, according to the Fortinet 'Global Threat Landscape Report', they increased tenfold in 2021 compared to the previous year. Previous year when – do you remember? – due to the pandemic, more and more employees started working from home logging on from their unprotected computers, which were therefore more susceptible to data leaks or fishing attacks. According to the same Fortinet report, moreover, organisations state that many of the challenges they face in fighting cybercrime are related precisely to the lack of qualified professionals in this field.



GIUSEPPE MARLETTA

But wasn't cybersecurity a duty of IT staff? Things are not (any longer) exactly like that. While IT continues to play a key role in cybersecurity through the development of firewalls, antispam and antivirus, as Marletta said, “cybersecurity responsibilities are not now suddenly falling entirely on legal. It has been a steady progression of involving legal as cyber risk has become more recognized as a general legal risk with serious legal, financial, and brand/reputational implications for the company”. In this regard, we can just think of the risks involved in the GDPR. If mishandled, data might compromise the company's competitiveness, ending up with reputational damage or the termination of the relationship with customers. “It is also important to recognise – continued Marletta – that legal has greater oversight of cyber in smaller companies where there are fewer layers and smaller teams. Larger companies are much more complex and almost always have a separate cybersecurity department. In this case, legal is much more of a partner rather than the sole owner of cyber. Cyber threats are also often not singular, one-off issues. They impact the business as a whole and Legal understands the broader risk profile that the business faces and so are in a unique position to be involved”.

Let's see how it works at JLL (98,000 employees with offices spread across 80 countries, according to 2021 figures) and BAT (52,050 employees with offices spread across 55 countries, according to 2021 figures). “At JLL – said Maria Mariniello – cybersecurity is an increasingly interdisciplinary field, where several games are played: that of the IT and cybersecurity experts, that of the HR, that of the data protection officer and, in parallel, that of the compliance lawyer. Given the multiple regulations that govern the company's activities at a global level, the large number of international clients and the continuous management of confidential and strategic information, the group's procedures are very stringent so to mitigate the risk of confidential data loss. That's why we also have special prevention programmes. In the event of a potential risk, the local legal department ensures the correct application of risk management procedures. In this sense, we can say that the in-house legal counsel no longer deals only with purely legal issues but has now taken on a role of

promoting and defending employees and all the assets of the company, including the IT”.

“At BAT – said Andrea Di Paolo – the large umbrella of the legal department includes a very close and increasingly frequent collaboration with the IT and security departments, which, in turn, are responsible for ensuring that the company's activities take place without data leaks and in perfect compliance with the GDPR. It is precisely this interaction between the departments that allows us to minimise IT security risks”.

“So, yes, I confirm: we have seen an increase in the workload in the cybersecurity sector, and this is also because work tools are more cyber-enabled. The world, after all, is evolving rapidly: when I was hired, the existing channels were only sales channels, now there is e-commerce, there is e-mail, tools only for internal use and those for external use as well. Advanced technology is part of most of the daily work tools and the legal department has taken a central and coordinating role to avoid data security incidents”, Di Paolo stressed.

## MIXED ROLES FOR LAWYERS

Being at the forefront of cybersecurity leads in-house lawyers to optimise their risk and compliance skills. How do they do this? Simple: courses. “At JLL, all employees, including lawyers, are obliged to take courses in information technology and cybersecurity, which serve both to learn how to handle and to protect technology and data on an IT level. There are also simulations to assess whether the employees' response is consistent with the rules adopted”, Mariniello emphasised.

“Also at BAT we have cybersecurity courses for everyone. We do this mainly to prevent, and not necessarily because cyber-attacks have increased. The motto is: prevention is always better than cure, especially if we think of sanctions that may get up to 4% of a company's worldwide turnover”, Di Paolo pointed out. He said further: “But don't only do courses. Unannounced simulations are also set up, like fake fishing alerts on the employees' devices (and from their reaction we understand whether the course was useful or not...) or mock dawn raids. In this way, through the simulation of a real inspection by the guarantor, we can verify the level of knowledge and awareness

of employees on issues relating to data protection and IT security”.

The mix of responsibilities assigned to cybersecurity can also include, for legal teams, the drafting and review of policies and courses activated by the company. “It is clear that we work together with the IT department, supporting it in the analysis and management of risk as well as in the review of communications, processes and the cybersecurity preparedness plan”, Di Paolo explained.

“And of course – he concluded – we take the field when the pathology is diagnosed. If a cyber-attack occurs, the legal department has first to involve the guarantor and the parent company, but also the ad hoc IT departments, which in turn draw up an analysis of the event. This analysis is then assessed by the lawyers, who define the actions to correct the problem and mitigate the risks. If the attack was carried out by an employee within the company, for example, disciplinary measures are taken, which can even lead to litigation”.



ANDREA DI PAOLO



# SPAIN:

## How much and who is investing in legaltech?

Worldwide, the legaltech market has generated more than 27 billion euros and Spain already has more than 400 companies and startups operating in the sector

by irina wakstein



When analysing the rise of legaltech on the continent, we automatically think of two regions that are at the forefront: Barcelona and London. The former is favoured by an international environment of innovation and the consolidation of disruptive providers, while the latter represents the main focus of legal innovation in the north of Europe. Furthermore, according to a UK government analysis, 29% of companies adopting artificial intelligence solutions belong to the legal sector.

Another factor that favours the development of the legaltech market at a national level is the high concentration of lawyers in the country, with 132,844 practising lawyers for a population of 47 million inhabitants. While in countries such as France, for example, there are 68,000 practising lawyers with a population of 65 million inhabitants, i.e. half as many.

It is also worth noting that Spain is positioned as a spearhead, not only for having more than 400 companies and startups operating in the field, but also for hosting the largest innovation events on the continent.

Undoubtedly, the boom in the legaltech market is a phenomenon that transcends borders, generating strong impact and repercussions around the world. So much so that, according to figures from the German consulting firm Statista, the sector has already generated more than 27 billion euros globally.

## SITUATION IN SPAIN

Although there is currently no report available that analyses the exact investment received by legaltechs in Spain, different capital managers, business angels and financial institutions choose to invest in the development of this market on a daily basis.

Such is the case of the business angel network, Esade Ban, where 20 small investors injected one million euros in the firm Signaturit, one of the Spanish legaltechs that, according to the global platform specialised in finance, Finnovating, is the one that has received the most investment. Esade Ban has also invested in other legaltechs such as Blocktac, Pridetect, Unison and Kuorum, where the injection exceeds 2.7 million euros.

Another case to highlight is that of Cabiedes & Partners, a fund led by brothers José and Luis Martín Cabiedes, who have invested a total of 2.5

million euros in legaltechs such as Reclamador, ElDerecho, ElAbogado and LegalPigeon. Reclamador, a platform specialising in online claims, has also received an investment amounting to 72.000 euros from Indexa Capital.

Bonsai Partners is another of the leading funds in terms of investments in the legaltech world, having invested 1.5 million euros in Codeoscopic, a software tool used by independent brokers in Spain to generate policies.

For its part, the private equity fund MCH has acquired 100% of the capital of Logalty, the legaltech company specialising in electronic certification, for a value of 70 million euros.

## BANKS

The banking sector is not lagging behind in terms of investments in favour of the legaltech world. Such is the case of Banco Sabadell which, through the BStartup programme, has two investment instruments: BStartup10, where it injects 100,000 euros each year into 10 early-stage companies in exchange for a stake in share capital, and Sabadell Venture, a vehicle aimed at companies seeking to boost their growth through rounds of up to two million euros. In fact, the first tool was the one that the bank of Catalan origin chose to promote Signaturit and Red Points with a total of 200,000 euros. It should be noted that the latter has also received 15 million euros from the European Investment Bank (EIB).

On the other hand, Caixa Capital Riscla, Criteria Caixa's venture capital manager, has investments in vLex, Validated ID and Lexdir, with a total sum of two million euros. Another of the capital managers that has recently invested in vLex is Oakley Capital, acquiring 60% of the firm's shares.

The truth is that, at present, more and more companies are betting on the development of the legaltech market with large injections of money and growth projections. According to the consultancy firm Gartner, legal areas will increase spending on technological solutions by 200% by 2025. Likewise, the Association of Corporate Counsel (ACC) indicates that 42% of corporate lawyers will adopt new legal technology solutions over the next year. ■



ANA IRUSTA



MAYTE VALVERDE ELICES

# SANTANDER: THAT'S HOW WE PUSH ON DIVERSITY

The bank achieved the highest score in Bloomberg's Gender Equality 2022 Index. How did it do?

by michela cannovale





The last issue of *Iberian Lawyer* already explored the topic of gender diversity in the financial industry in Spain. In our article 'Gender diversity in Spanish banks: there is still work to be done' we anticipated that Banco Santander is the only national bank boasting a female chair. That female chair is **Ana Patricia Botin**, daughter of founder **Emilio Botin** and today one of the most powerful women in banking – the first one ever to chair a global financial organisation in 2014 and to count on a net worth of \$150m in 2015.

Despite being quite busy with her role, or perhaps because of it, Ana has repeatedly emphasised her interest in gender equality in the workplace.

It is perhaps also due to this interest that Santander group achieved the highest score of any global bank and number two of any global company in Bloomberg's Gender Equality 2022 Index, with an overall score of 90.26 (compared to the average score of the financial sector, which gets only to 72.69 in case of best practices). Santander is not new to good news on gender diversity, as it has been included in the Bloomberg Index every year since it was introduced and this year for the seventh time.

Part of Bloomberg's questions were grouped into five pillars: whether Santander is viewed as a pro-women brand (it scored 100), whether it has

an inclusive culture (94), on equal pay & gender parity (96), and anti-sexual harassment policies (86). Finally, the group has been judged on a female leadership & talent pipeline (74).

Is this the final destination? Is it really that excellent from the inside as well? We talked to **Ana Irusta**, global DE&I at Santander group, and **Mayte Valverde Elices**, talent & culture HR global manager and co-founder of Santander Women Network & Women in Banking Spain. They explained to us how Santander managed so far to drive diversity and inclusion as a strategic initiative and what are the plans in this sense in the foreseeable future.

#### How high is the percentage of women in leadership in Santander?

**Ana Irusta (AI):** Santander set a public commitment regarding women in senior positions: 30% for 2025. This target is based on a very small group of top managers, representing the 1,15% of the total population of the group, so it is really challenging. If we look at the top 10% of the pyramid, we already have 40% of women. And this year we will close very near to the goal of 30%.

#### But 30% is not 50%...

**(AI)** True, but we are also working on increasing this figure with actions such as: ensuring that the processes are meritocratic and guaranteeing

diverse panels for hiring, promoting and developing programmes. We also included the *Bias Champion* role in every decision-making committee (succession planning or performance and potential calibration), whose aim is to raise awareness about the main biases operating in this kind of decisions. Further, we set mandatory DEI training for top managers to continue breaking the bias.

### **What are the advantages of having many women?**


**(AI):** At Santander we know that if we want to understand the world we live in, we need diverse and inclusive teams that reflect the society and manage this diversity of talent in an inclusive way, that is why we aim to create a diverse and inclusive workplace, reflecting our values. We have a double goal: attract, develop, and retain the best people, while achieving better results in a sustainable way; provide a better service to society and understand the needs of our customers.

### **Let's now talk about Santander Women Network & Women in Banking Spain. Where did the need to found a network of women come from?**

**Mayte Valverde Elices (MVE):** Women's networks are an important driver of gender diversity in the professional field. They have become an instrument that supports and promotes female talent. More and more companies are promoting the development of ERGs (Employee Resource Groups) or employee communities that are created as self-managed spaces where professionals can promote diversity initiatives, share information, personal experiences and, above all, support each other. This is the context where Santander Women Network was created to promote female leadership and empowerment. It began in 2018 with 60 women from different areas of the Santander group in Spain and in 3 years it got to more than 2,000 professionals, men and women, with a common goal: promoting equal opportunities within the organisation.

### **And what about the Women in Banking initiative?**

**(MVE):** The good thing is that we didn't only promote collaboration within the Santander group. Since 2020, meetings have been held with other women's banking networks to share best practices and identify barriers and challenges within the banking sector. Finally, together with 7


"Like many other women, I have faced bias in my life and career. There was a time when I was condescendingly called 'la niña' which in English translates to 'the little girl', even though I had been working in banking for almost two decades", wrote Ana Botín on her Twitter page last March, 2022, for the International Women's Day. 

other women's networks from other banks (BBVA, Citibank, ING, Banc Sabadell, Deutsche Bank and BNYMellon), Women in Banking (WIB) was born in March 2022. The purpose of this initiative is to lead and promote change by raising awareness of the value of women in decision-making positions in banking in Spain. We are competing companies, but it is true that women are experts in building bridges of collaboration and that is what we have achieved with this network of women in banking. Our objectives are not only framed in terms of benefits for women in the banking sector, but we also aim to have an impact on our society: we want WIB to become a benchmark in the financial sector.

### **How do you keep this network growing?**

**(MVE):** Communities generate value within any organisation as they enrich our experience and our culture. Based on this, we founded the "Women Angel" concept. In the same way that a business angel supports a start-up, through an investment or by offering itself as a guide or reference model, the mission of the Women Angels in Santander is none other than to support the creation of women's networks in different countries by acting as mentors and sharing best practices. There are currently 11 women angels collaborating with 11 international networks.

### **Tell us one last initiative of this project you like a lot...**

**(MVE):** The "Thursday for sharing". It's a monthly meeting where we go through the trajectory of our directives, including managers too. It is also an opportunity to learn more about our organisation and the projects carried out in each area, like Responsible Banking, Cybersecurity, Technology, Tax and Legal Advice, Private Banking. And every 3 months we make it global to share with local networks in other countries. 





CELEBRATION NIGHT

# DIVERSITY & INCLUSION

The event dedicated to the top 50 private practice and in-house women lawyers in **Spain & Portugal**

SAVE THE DATE

**9 March 2023**

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Madrid

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**IBERIANLAWYER**

GOLD AWARDS 2022

# GoldAwards

●●●●● by Inhousecommunity

6th Edition



MOTIVATIONS

VIDEO

PHOTO

The winners of the Iberian Lawyer 2022 Gold Awards were announced during the gala ceremony held at the Wellington hotel.

In their VI Edition, the Gold Awards recognized, once again, the excellence amongst in-house professionals in Spain and Portugal. On this occasion, the Gold Awards were celebrated after the Legalday.

The Gold Awards have been granted, taking into account the most important sectors of activity in the economy. In this edition, a total of 39 awards were presented, distinguishing in each category the best legal team and the most outstanding lawyer of the year.

The winners were the following:





Category	Winner
In House Team of the year	Telefónica
In House Counsel of the year	Isabel Fernandes - Grupo Visabeira
International In house Team of The Year	HP
Thought leadership	Pablo Bassols - Fresenius Kabi
Market Leader	El Corte Inglés
In-house Team of the year Automotive & Transport	Renault
In-house Counsel of the year Automotive & Transport	Teresa Minguez Díaz - Porsche Ibérica
In-house Team of the year Banking & Finance	Banco Santander
In-house Counsel of the year Banking & Finance	Patricia Afonso Fonseca - Novo Banco
In-house Team of the year Construction, Projects & Infrastructure	Grupo Visabeira
In-house Counsel of the year Construction, Projects & Infrastructure	Marcos Felipe Macedo de Andrade Pinto - Propav Infraestructuras
In-house Team of the year Consumer Goods & Manufacturing	Fluidra
In-house Counsel of the year Consumer Goods & Manufacturing	Alexandra Reis - Tabaqueira
In-house Team of the year Energy & Renewables	Iberdrola
In-house Counsel of the year Energy & Renewables	Antonio Adami - Canadian Solar
In-house Team of the year Fashion & Luxury	Inditex
In-house Counsel of the year Fashion & Luxury	Oliver Ribera - Desigual
In-house Team of the year Food & Beverage	Mahou San Miguel
In-house Counsel of the year Food & Beverage	John Rigau - PepsiCo
In-house Teams of the year Insurance	Allianz Partners

Category	Winner
In-house Counsel of the year Insurance	Isabel Lage - Fidelidade
In-house Team of the year Pharma, Healthcare & Lifescience	Bayer Hispania
In-house Counsel of the year Pharma, Healthcare & Lifescience	Isaac Millán - Quirónsalud
In-house Team of the year Real Estate	Idealista
In-house Counsel of the year Real Estate	Marjorie Colas - AccorInvest
In-house Team of the year Retail & E-Commerce	Uriach
In-house Counsel of the year Retail & E-Commerce	Natália Rebelo - Ikea
In-house Team of the year Services & Consultancy	Accenture
In-house Counsel of the year Services & Consultancy	Eva Argilés - Applus+
In-house Team of the year Technology	Salesforce
In-house Counsel of the year Technology	Lucía Conde - Huawei
In-house Team of the year Telecommunications & Media	Secuoya Grupo De Comunicación
In-house Counsel of the year Telecommunications & Media	Nuno Conde - Impresa Group
In-house Team of the year Travel & Tourism	Accor
In-house Counsel of the year Travel & Tourism	Patricia Miranda Villar - OUIGO
Best Practice Automotive	Ana Prado Blanco - Mercedes Benz
Best Practice Hospitality & Hôtellerie	Mariano Pérez de Cáceres Meliá Hotels International
Best Practice Pharma, Healthcare & Lifescience	Jorge Muñoz - Gilead Sciences
Best Practice Technology	Fátima Correia da Silva Critical TechWorks







## IN-HOUSE TEAM OF THE YEAR

TELEFÓNICA

### FINALISTS

Banco Santander  
Grupo Visabeira  
Inditex  
OUIGO



JORGE COBO, ALVARO RICO, ELENA MONTERO, NICOLÁS ORIOL, ANGELES LÓPEZ, MARIA CERMEÑO, CARMEN GARCÍA ARREGUI, TATIANA CARBONELL, NATALIA MAIZ, ADOLFO GARCÍA, ALVARO SÁNCHEZ, JOSÉ ESTEBAN MARTÍNEZ VILA

## IN-HOUSE COUNSEL OF THE YEAR

ISABEL FERNANDES  
*GRUPO VISABEIRA*

### FINALISTS

Pablo Bassols  
*Fresenius Kabi*  
Jorge Muñoz  
*Gilead Sciences*  
Javier Ramírez Iglesias  
*Hp*  
John Rigau  
*PepsiCo*





## INTERNATIONAL IN HOUSE TEAM OF THE YEAR

HP INC



## THOUGHT LEADERSHIP

PABLO BASSOLS  
*FRESENIUS KABI*



## MARKET LEADER

### EL CORTE INGLÉS



JUAN CARLOS ARECES GARCIA, RAFAEL DIAZ YEREGUI  
ERNESTO RODRIGO TALAVERA, CARLOS SANZ MALLO, CARLOS ALFONSO CUÑAT

## IN-HOUSE TEAM OF THE YEAR AUTOMOTIVE & TRANSPORT

### RENAULT

## FINALISTS

Mercedes-Benz  
OUIGO  
Porsche Ibérica  
Transfesa



GUILLERMO ROVIRA VILCHES, JOSÉ MIGUEL ORALLO FUERTES, MARIA JOAO CATARINO  
CARLOS MENOR GÓMEZ, MARIA PERTIERRA ASENSIO, REBECA ITURMENDI BENEDI, PEDRO BARDISA LÓPEZ



## IN-HOUSE COUNSEL OF THE YEAR AUTOMOTIVE & TRANSPORT

**TERESA MÍNGUEZ DÍAZ**

*PORSCHE IBÉRICA*

### FINALISTS

Carlos Menor Gomez  
*Renault*

Patricia Miranda Villar  
*OVIGO*

Ana Prado Blanco  
*Mercedes-Benz*

Javier Vives  
*Ford España*



## IN-HOUSE TEAM OF THE YEAR BANKING & FINANCE

**BANCO SANTANDER**

### FINALISTS

BNP Paribas

Citibank

Goldman Sachs

Novo Banco



MARIA SEDANO VARAS



## IN-HOUSE COUNSEL OF THE YEAR BANKING & FINANCE

**PATRÍCIA AFONSO  
FONSECA**  
*NOVO BANCO*

### FINALISTS

**María Jesús Arribas**  
*BBVA*

**Isabel Charraz**  
*Citibank Europe*

**Lola Conde**  
*Banco Santander*

**Silvia Madrid**  
*UniCredit*



## IN-HOUSE TEAM OF THE YEAR CONSTRUCTION, PROJECTS & INFRASTRUCTURE

**GRUPO VISABEIRA**

### FINALISTS

**Acciona**

**Aena**

**Propav Infraestructuras**

**Sacyr**



ISABEL FENANDES





IN-HOUSE COUNSEL OF THE YEAR  
CONSTRUCTION, PROJECTS &  
INFRASTRUCTURE

**MARCOS FELIPE MACEDO  
DE ANDRADE PINTO**  
*PROPAV INFRAESTRUTURAS*

## FINALISTS

Jorge Cuervo Vela  
*Cosentino Group*

Isabel Fernandes  
*Grupo Visabeira*

Ana Piera Gomez  
*Acciona*

Leonor Sampaio Santos  
*José de Mello SGPS*





## IN-HOUSE TEAM OF THE YEAR CONSUMER GOODS & MANUFACTURING

FLUIDRA

### FINALISTS

Bosch

British American Tobacco

Henkel Ibérica

Tabaqueira



JESÚS GRAGERA, MAXIMINO MONTERO

## IN-HOUSE COUNSEL OF THE YEAR CONSUMER GOODS & MANUFACTURING

ALEXANDRA REIS

TABAQUEIRA

### FINALISTS

Andrés Botella

Fluidra

Jorge Cuervo Vela

Cosentino Group

Alejandro Garcia-Casal

Anderte

Bosch

Cristina Hernández Tielas

British American Tobacco









## IN-HOUSE TEAM OF THE YEAR ENERGY & RENEWABLES

**IBERDROLA**

### FINALISTS

Canadian Solar  
Cepsa  
Ferroglobe  
Repsol



JUSTO GARZÓN ORTEGA, IRENE AGÚNDEZ LERIA, LUCÍA VARELA MERINO, JAVIER GARCÍA DE FUENTES CHURRUCA

## IN-HOUSE COUNSEL OF THE YEAR ENERGY & RENEWABLES

**ANTONIO ADAMI**  
*CANADIAN SOLAR*

### FINALISTS

Borja Acha Besga  
*Endesa*  
Pelayo Echevarría Ybarra  
*EDP España*  
Santiago Martínez Garrido  
*Iberdrola*  
Fernando Reina Muñoz  
*BayWa r.e. Projects España*



TEAM



## IN-HOUSE TEAM OF THE YEAR FASHION & LUXURY

**INDITEX**

### FINALISTS

Bimba y Lola  
Camper  
Desigual  
El Corte Inglés



## IN-HOUSE COUNSEL OF THE YEAR FASHION & LUXURY

**OLIVER RIBERA**  
*Desigual*

### FINALISTS

Esteban Buldú Freixa  
*Camper*  
Carlos Sanz Mallo  
*El Corte Inglés*  
Guillermo Zulueta  
*Bimba y Lola*



## IN-HOUSE TEAM OF THE YEAR FOOD & BEVERAGE

**MAHOU SAN MIGUEL**

### FINALISTS

Campofrio Food Group

Danone

PepsiCo

The Heineken Company



JUAN RUIZ DE VELASCO MARTÍNEZ DE ERCILLA, IRENE MUÑOZ ACEVEDO  
BEATRIZ MARTÍNEZ-FALERO GARCÍA, PABLO GARCÍA-MURGA MONAGO

## IN-HOUSE COUNSEL OF THE YEAR FOOD & BEVERAGE

**JOHN RIGAU**  
*PEPSICO*

### FINALISTS

Natalia Berenguer  
*Danone*

Marta García Alba  
*Campofrio Food Group*

Beatriz Martínez-Falero  
García  
*Mahou San Miguel*

Ignacio Mendoza  
*The Heineken Company*





## IN-HOUSE TEAMS OF THE YEAR INSURANCE

### ALLIANZ PARTNERS

#### FINALISTS

BNP Paribas Cardif  
Fidelidade  
Generali  
Sanitas



## IN-HOUSE COUNSEL OF THE YEAR INSURANCE

### ISABEL LAGE

*Fidelidade*

#### FINALISTS

Ángel Luis Dávila Bermejo  
*MAPFRE*  
David De La Cueva Méndez  
*Marsh*  
Joaquín Pons Maicas  
*Zurich Santander Insurance America*  
Nuria Sobrino Lajo  
*Allianz Partners*





## IN-HOUSE TEAM OF THE YEAR PHARMA, HEALTHCARE & LIFESCIENCE

**BAYER HISPANIA**

### FINALISTS

Gilead Sciences  
Novartis  
Pfizer  
Uriach  
Zeiss



## IN-HOUSE COUNSEL OF THE YEAR PHARMA, HEALTHCARE & LIFESCIENCE

**ISAAC MILLÁN**  
*QUIRÓNSALUD*

### FINALISTS

Pablo Bassols  
*Fresenius Kabi*  
Ana Bayó Busta  
*Bayer Hispania*  
Ana de Nardiz  
*Zeiss*  
Jorge Muñoz  
*Gilead Sciences*





## IN-HOUSE TEAM OF THE YEAR REAL ESTATE

IDEALISTA

### FINALISTS

AccorInvest  
Auchan Retail International  
Haya Real Estate  
Realia Business



CLAUDIA FERRER, DARIO STIFANO, ANDREA VIALE, CINDY CABRERA, IRENE ESPERANTE

## IN-HOUSE COUNSEL OF THE YEAR REAL ESTATE

MARJORIE COLAS  
*ACCORINVEST*

### FINALISTS

Isabel Fernandes  
*Grupo Visabeira*  
Manuel Mesquita  
*Auchan Retail International*  
Ana Suárez Garnelo  
*Haya Real Estate*  
Andrea Viale  
*Idealista*





## IN-HOUSE TEAM OF THE YEAR RETAIL & E-COMMERCE

**URIACH**

### FINALISTS

Amazon  
El Corte Inglés  
Ikea  
World Duty Free Group



## IN-HOUSE COUNSEL OF THE YEAR RETAIL & E-COMMERCE

**NATÁLIA REBELO**

*IKEA*

### FINALISTS

Ana Buitrago  
*Amazon*  
Sagrario Fernández Barbé  
*DIA Group*  
Zina Safer  
*Uriach*  
Carlos Sanz Mallo  
*El Corte Inglés*





## IN-HOUSE TEAM OF THE YEAR SERVICES & CONSULTANCY

ACCENTURE

### FINALISTS

Applus+

Idealista

Securitas Seguridad

Servinform





## IN-HOUSE TEAM OF THE YEAR TECHNOLOGY

**SALESFORCE**

### FINALISTS

Bit2Me

Critical TechWorks

Huawei

Nokia



CARLOTA PÉREZ, ANA SEDANE LOPEZ, MARIA BERLANGA

## IN-HOUSE COUNSEL OF THE YEAR TECHNOLOGY

**LUCÍA CONDE**

*Huawei*

### FINALISTS

Sara Castelo Ruesgas

*Salesforce*

João Augusto Cavalcante

Teixeira

*Bit2Me*

Fátima Correia da Silva

*Critical TechWorks*

Asier Crespo

*Microsoft*

Mafalda Mascarenhas

Garcia

*IBM*





## IN-HOUSE TEAM OF THE YEAR TELECOMMUNICATIONS & MEDIA

**SECUOYA GRUPO DE  
COMUNICACIÓN**

### FINALISTS

Impresa Group

LaLiga

Telefónica

The Walt Disney Company



MARINA PADILLA CUADRA, JORGE SÁNCHEZ SÁNCHEZ, JAVIER BERMÚDEZ DE CASTRO BERBEL  
CARLOS LÓPEZ MARTÍN DE BLAS, ISABEL HABELA SANZ, JUAN MANUEL DE LOS SANTOS LABRADOR

## IN-HOUSE COUNSEL OF THE YEAR TELECOMMUNICATIONS & MEDIA

**NUNO CONDE**  
*Impresa Group*

### FINALISTS

Lucía Conde  
*Huawei*

Tiago Da Mota  
*The Walt Disney Company*

Carlos López Martín de  
Blas  
*Secuoya Grupo De Comunicación*

Carlos Segovia  
*Mogambo Productions*



INÉS CASTRO RUIVO



## IN-HOUSE TEAM OF THE YEAR TRAVEL & TOURISM

ACCOR

### FINALISTS

Amadeus  
Melia Hotels Internationals  
OUIGO  
TAP Air Portugal



JOSÉ MIGUEL VIANA, MARIANA GARCIA FERNANDES DE MESA





## BEST PRACTICE AUTOMOTIVE

**ANA PRADO BLANCO**

*Mercedes Benz*



## BEST PRACTICE HOSPITALITY & HÔTELLERIE

**MARIANO PÉREZ DE  
CÁCERES**

*MELIÁ HOTELS INTERNATIONAL*





**BEST PRACTICE  
PHARMA, HEALTHCARE &  
LIFESCIENCE**

**JORGE MUÑOZ**  
*Gilead Sciences*



ANTONIO MONTORO, VIRGINIA COLOMINA, LUIS GARCIA-PRIETO  
TERESA MERCADAL, JORGE MUNOZ

**BEST PRACTICE  
TECHNOLOGY**

**FÁTIMA CORREIA  
DA SILVA**  
*CRITICAL TECHWORKS*







# Labour<sup>4<sup>th</sup> Edition</sup>

The event dedicated to private practice lawyers & teams  
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**29 March 2023**

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Madrid

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# THIS IS NOT THE TIME FOR EXPERIMENTS

by eugenio ribón

On December 20th, the Madrid Bar Association (ICAM) will decide in whose hands it will place the oldest and largest Bar Association in Europe. ICAM is an Institution that has been working at the service of the legal profession for more than 425 years. And whose greatness lies in its members: more than 77,000 members, among them great leaders of the national and international legal profession.

Our profession is connected to society, involved in its progress, and concerned about its difficulties. These difficulties also mark our path and, as we have seen over the years, affect our practice. That is why, in these complex times, who governs ICAM should matter to us.

Along with fourteen professionals who make up the transversal list of Compromiso Abogacía and stand up for their excellence, I am running for the elections of the Bar Association of Madrid with the firm and determined stance to put ourselves at the service of

our colleagues to improve their conditions and work for the advancement of the legal profession.

We are committed to provide security and solvency in uncertain times.

I thank all the candidates who have accepted to put their talent, experience, and knowledge at the service of the Madrid legal profession as a whole.

It is the time for collective projects and not individualistic experiments.

## TRANSVERSAL AND INCLUSIVE CANDIDACY

Ours is a candidacy of parity, inclusivity and excellence.

An innovative and transversal initiative by and for all lawyers in Madrid: from small and medium-sized law firms to large law firms, the Public Defence Service, legal advisors, and consultants, and corporate lawyers.

It incorporates professionals from all branches of law, of different ages and professional backgrounds, but always under the premise of excellence. Professionals of recognised prestige who will contribute with their professional knowledge and great experience to the improvement and dignifying of the legal profession.

A project that represents solvency and security in uncertain times and that is born with the vocation to elevate the profession and the position of the Madrid Bar Association, to improve the conditions of all the professionals in this field, to facilitate the incorporation of young people, to improve the situation of the Legal Aid Service and Free Justice... In conclusion, to achieve the advancement of the legal profession in all aspects.

Joining me on this list are **Isabel Winkels Arce; Ignacio Monedero Montero de Espinosa; Dolores Fernández Campillo; Emilio José Ramírez Matos; José Ramón Couso Pascual; Ana Isabel Buitrago Montoro; Francisco Javier Mata Vázquez; María Isabel Klimt Yusti; María Teresa Mínguez Díaz; Ester Mocholí Ferrándiz; Roberta Laura Poza Cid; Juan Manuel Mayllo Martínez; and Gabriel Rodríguez Leva.**

Law is a profession of commitment and service. The construction of a fairer society through the law admits an infinite number of prisms: from those who devote their lives to banking, to those who dedicate their lives to business, to those who join a large law firm, to those who practice in the legal profession, to those who

start their own firm, to those who go into research or even the civil service, there are a thousand paths in this wonderful profession that Voltaire referred to as the most beautiful in the world.

That is why I am striving for a transversal and inclusive list.

## A REALISTIC AND INNOVATIVE PROGRAMME

The programme with which this team is standing for election is based on 10 commitments and more than 100 concrete and innovative measures.

A programme that provides solutions for the real problems faced by Madrid's legal professionals on a daily basis.

These commitments and measures have been studied and aimed at solving the real problems faced by the legal profession on a day-to-day basis. It is a programme that arises from a candidacy based on excellence and experience in the profession, aware of the real problems faced by the legal profession. From the problems of paying the Madrid Bar Association fees, access to training, to the violation of the professional's honor as a practicing lawyer or the impossibility of balancing work and life.

Some of its main measures are: immediate intervention of the Madrid Bar Association against disrespectful attitudes towards the legal profession or attitudes that restrict its independence and freedom. ICAM will take on the responsibility of raising the complaint, as well as all


the measures that may be necessary; tangible return of the collegiate through Fee 0, a wallet card that will be charged to the ICAM membership card with the same amount that is paid for the membership fee and which can be used to pay for training courses as well as others services; and the digital disconnection, as it already occurs in other areas of the Administration, such as the Tax Agency, suspending the member from notifications, judicial or administrative deadlines during 30 days chosen per year.

## THE ICAM WE WANT

The commitment of the excellent candidates who stand with me on the list, together with a programme full of innovative and exciting measures, will lead us to the Bar Association we want:

- A useful Bar Association: ICAM and the legal profession must be at the service of society.
- A respected ICAM: we have 20 measures to dignify the profession and defend the legal profession.
- An effective ICAM: To be effective is to have the capacity for the College to DELIVER ITS PROMISES and its PURPOSES. Actions 103, 104, 105 and 106 of the programme give concrete meaning to this commitment.
- An influential ICAM.

I hope to earn the trust of my colleagues as the next Dean with humility and a vocation for service.

This is not the moment to waste time, this is not the moment for alternative experiments, this is the time for work, effort, and commitment. 



## CANDIDATES



**Eugenio Ribón**  
Candidato a Decano



**Isabel Winkels**  
Candidata a Vicedecana



**José Ignacio Monedero**  
Candidato a Secretario



**Lola Fernández Campillo**  
Candidata a Tesorera



**Emilio Ramírez Matos**  
Candidato a Bibliotecario



**José Ramón Couso**  
Candidato a Diputado 2º



**Ana Buitrago**  
Candidata a Diputada 3ª



**Javier Mata**  
Candidato a Diputado 4º



**Mabel Klimt**  
Candidata a Diputada 5ª



**Teresa Mínguez**  
Candidata a Diputada 6ª



**Ester Mocholí**  
Candidata a Diputada 7ª



**Roberta Poza**  
Candidata a Diputada 8ª



**Juan Manuel Mayllo**  
Candidato a Diputado 9ª



**Gabriel Rodríguez Leva**  
Candidato a Diputado 10º



3<sup>RD</sup> EDITION

# IIP & TMT

The event dedicated to private practice lawyers & teams  
in the field of IP protection, telecommunications and media in **Spain**

## SAVE DATE

## 23 May 2023

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Madrid

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# DMA KEY ISSUES AND IMPLICATIONS FOR B2B TRANSACTIONS

by álvaro vidal and patricia peregrin from bird & bird



The Digital Markets Regulation (EU) 2022/1925, commonly referred to as "DMA", entered into force the last 1 November 2022. However, its provisions will not apply until 2 May 2023.

The adoption of the new regulation introduces a broad list of obligations and prohibitions that will affect the so-called Core Platform Services ("CPS") that are designated as Gatekeepers and whose services are provided to Business Users and/or final users established in the European Union ("EU"), according to the following

criteria:

- Companies providing a CPS: the DMA provides an exhaustive list of services that are automatically identified as CPS, i.e., web browsers; online search engines; social networks; video-sharing platforms; or cloud computing services.
- Companies classified as Gatekeepers: the obligations of the DMA will only apply to CPS qualified as Gatekeepers based on to the presumptions set out in Article 3 of the DMA.



## IMPLICATIONS OF THE DMA FOR B2B RELATIONSHIPS BETWEEN BUSINESS USERS AND GATEKEEPERS

The enforcement of the DMA opens a new and more advantageous regulatory scenario for Business Users using CPS as Gatekeepers to carry out their business activities. Although the obligations of the DMA do not apply directly to Business Users, the regulation could have an impact on their B2B relationships with Gatekeepers. One of the main purposes of the DMA is to promote competition between Gatekeeper and Business User services. To this end, the application of fair, reasonable and non-discriminatory criteria ("FRAND") to avoid favouring by default CPS services over those of Business Users, together with the imposition of prohibitions on Gatekeepers' practices, could trigger the implementation of favourable changes to the Business User in the contractual relations with the latter (including the terms and conditions that they implement in the framework of their CPS). So as to avoid incurring the heavy fines set out in the DMA (10% of the total worldwide turnover in the previous financial year).


Furthermore, the introduction of obligations such as providing access to aggregated and disaggregated data generated by the Business User upon request, will allow Business Users to have a greater level of resources for the management and improvement of their business activities. This obligation on the Gatekeeper—or right for the Business User—together with the prohibition imposed on the Gatekeeper to use Business User data that is

not publicly accessible, would again imply the possibility that modifications favourable to the Business User could be implemented with regard to contractual relations with the Gatekeeper, as mechanisms through which a Business User could request access to such data free of charge would have to be regulated.

In addition, there are prohibitions such as preventing the Business User from filing a claim against the Gatekeeper for non-compliance which, although might seem to indirectly favour the Business User (by providing him with a mechanism to complain in case his B2B relationship with a Gatekeeper fails to comply with the framework of the DMA) it will ultimately depend on the authorities' interpretation of the right of Business Users and Gatekeepers to establish in their contracts the conditions for the use of legal mechanisms for the processing of such claims.

Thus, the DMA will have both a direct impact on Gatekeepers, as obliged parties to comply with the regulation, and an indirect impact on Business Users who will interact with Gatekeepers within the framework of the CPS they make use of to carry out their business activity and may see their B2B relations with Gatekeepers favoured through the provisions established by the DMA.

In Spain, the authority that will be designated to cooperate with the European Commission in the monitoring of the DMA is still unknown. Therefore, it will be necessary to await for developments in the coming

months and, in any case, the final date of application of the regulation to determine the real impact that the DMA may have on the framework of B2B relations between Gatekeepers and Business User. 



# Keeping your promises **IS IT AN ART OR A HABIT?**

by bárbara de eliseu

**L**awyers need to keep their word to other people, otherwise we may risk our reputation. Daily, we give our word to our clients, peers, partners. We work to show that we are reliable and prioritize those we manage or to whom we report. Also, in our personal lives, we make promises to our family members, our kids, our partner and our friends.

But how often do we keep the promises we make to ourselves? I would dare to ask: how often do we promise anything to ourselves, for real?

Yes, our ethical codes of conduct, our values in life teach us to keep the promises we make to others. So, who teaches us to keep the promises we make to ourselves? Are they less important?

Somewhere along the way, we convinced ourselves that the

promises we do for other people holds more weight compared to the promises we should be doing for ourselves. If we lose ourselves in others needs and priorities, it will be difficult to keep our word (to ourselves) and this will lead us to long-forgotten aspirations, failed goals and broken dreams.

I am not referring to our new year's resolutions about quitting some old habits and establishing new ones. How many years have you told yourself: "From tomorrow, I will [something]!", let us say, for example "From tomorrow, I will go to the gym three times per week". But a week later, you haven't been to the gym once.

Instead, I am referring to the things we have promised ourselves along the way and simply forgot. Things that we think are not urgent, that do not

have immediate consequences, that we can postpone a bit more... I am also referring to the things or people we need to leave! Things like "From now on, I will never ever let this person talk to me like that again!". Do you know we, humans, have a problem about letting go, even those things (or people) we know are bad or hurt us? Yes, it is true. So, we keep going, keep things unchanged, keep postponing again and again, year after year. Does that happen because we are weak? No. It happens because we do not prioritize ourselves.

What can we do to reverse this? It is simple. Take ourselves into consideration, take care of us, make us a priority, give our wishes and dreams and promises the same importance we give to others wishes, dreams or promises. The goal is to become consistent about also being a



priority in our lives, in a way that it becomes a habit, and we no longer have to force to think about ourselves too.

The second thing we should do is to make sure that the promise we made to ourselves is what we really want. If ten years ago, we have promised ourselves to buy a motorcycle and now we have three kids and a dog, we need to check if it still makes sense to buy it. It is okay to have different goals than we did ten or four years ago, but if a promise is yet to be fulfilled, it is probably worth it to go back and see if it still makes sense. What I mean is confirming that our goals, dreams, promises are still relevant and meaningful to us.

On the other hand, you should also ask yourself why. Why you have been promising yourself something for the past ten years? Why you have been promising yourself new habits and could not keep them? Why you have been promising yourself best working hours

and still cannot do it? What is preventing you from going on that trip to Iceland by yourself? Be honest and stop blaming external agents. Is it because you think you are not worthy? Is it because you are afraid? Are you afraid prioritizing yourself will turn you into a selfish person? Ask yourself: Is it because promising is far more comfortable than fulfilling your promise? The more you feel comfortable about being uncomfortable, the more you will keep your promises. Facing discomfort is a habit and one of the more valuable skills you can develop on high performance.

What would you think if someone that made promises to you regularly broke them? Would you date that person or be her/his friend for too long? So why do you undervalue the promises you break just because you break them to yourself? Do you think it has no damage? It has, it damages the way you look at yourself, the way you think and act about yourself and this

affects every part of your life.

You have learned to manage your time to fit everyone else but you. So, be respectful to yourself too and, in case you need an anchor, a reminder about the good you owe to yourself, adopt a positive behaviour: wake up at 5 AM, do morning meditation, go to the gym, read daily, take tennis classes... Start slowly, commit to something, and be disciplined.

Also take responsibility and be consistent! In those days where you feel like giving up on your dreams and self-promises, break them into smaller steps if needed, and just keep moving. Do not give up on you!

I would like to leave a challenge to all *Iberian Lawyer* readers: on the next 31st December, please write down your wishes and dreams for 2023 and promise yourself you will achieve them. Throughout the year, keep the promise you made, just as serious as anything else! 📌





# Decalogue of **KEY CONCEPTS** to understand current **AI REGULATION**

by adya esteban

In the last years, we are living a race to the technological innovation without precedents, that pose legal challenges, such as its relationship and consistency with some of the most relevant principles and fundamental rights in current society.

One of these technological developments is the Artificial Intelligence (AI), that has the potential to be one of the main change motors during this siècle and that will influence all aspects of our daily life.

Regulation must be consistent with these technological advances. In the following lines, we will summarize the most relevant points up to date when it comes to the AI regulation, as a sort of decalogue of ten key ideas in the AI regulation field:

1. When we talk about AI

systems, we refer to many different things: from an algorithm to automatic or semiautomatic machine learning systems, gamification, etc.

2. While Europe started the race towards the AI regulation, it now may be laid down due to the lengthy legislative process. Since Europe started the path to the AI regulation four years ago, in April 2018, many documents, resolutions and proposals have been published, among which the following points out: the European AI Strategy, the Communication on Building Trust in Human-Centric AI, the Guidelines on trustworthy AI; the White Paper on AI, a bunch of EP resolutions with regards certain fields where the AI is most relevant (ethical aspects, civil liability,

IP rights, etc.); the proposal for a AI Act; or the most recent proposal for the adaptation of non-contractual civil liability rules to AI systems.

The most relevant document up to date is the proposal for a AI Act, submitted by the European Commission last April 21, 2021, that settles the principles of transparency, data governance, traceability, and security, already claimed since 2018 and 2019. This proposal looks for the fulfillment of a double objective: promote the use and development of these AI systems while establishing certain rules aimed at mitigating the risks and negative consequences of AI systems.

3. Other jurisdictions have also launched their AI strategies and started their legislative processes (whether regional or



federal/national, sectorial or general) on the AI regulation and the use of algorithms, such as US, UK, China or Brazil.

4. Europe has followed a risk-based approach and the accountability principle, from the design phase of the technology to the end (by design and by default), similarly to the approach followed in privacy regulation. This approach distinguishes among AI forbidden systems, high risk AI systems, medium risk AI systems and the rest of AI systems. First two types of AI systems are legally listed, including specific obligations and legal certifications for high risk AI systems; certain transparency obligations for medium risk AI systems; and a voluntary scheme for the rest of AI systems.
5. The key principles for a trustworthy AI is that the AI must be legal, ethics and

robust and safe. In order to achieve that, the AI must (i) respect human autonomy; (ii) prevent harms; (iii) be fair; and (iv) be explicable; and fulfill the following seven requirements: (a) human agency and oversight; (b) technical robustness and safety; (c) privacy and data governance; (d) transparency; (e) diversity, non-discrimination and fairness; (f) environmental and societal wellbeing; and (g) accountability.

6. Apart from the general AI regulation, there are certain areas where the AI may create greater inconsistencies or may pose more risks and where we cannot stay behind and simply forward to the general regulation applicable to such area. We are talking of privacy, civil liability, IP or military uses, among others.
7. AI may also influence other technologies that may be relevant to review, and where

the dialogue is now open, with regards to whether they need a particular sector specific regulation, such as neurotechnology, use of algorithms, facial recognition or emotional recognition.

8. One of the globalization learnings is the need to find some common standards, applicable regardless of the country where the AI is developed or deployed, to guarantee the interoperability and legal security.
9. Although many advances have been carried out, legislative processes are long and the times we are living require more agile processes, consistent with the speed of the developments.
10. As a society, we must try to extent the benefits of AI systems to the whole society, including small and medium enterprises and public in general. ■

#### ABOUT ADYA ESTEBAN

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# LEGAL VACUUM in the CRYPTOCURRENCY WORLD

by fátima rodríguez gonzález

The legal void in the world of cryptocurrencies is a reality in both Spanish and European legislation. In fact, there is such concern about this issue that, from the European Union, there has been developed the so-called fifth Anti-Money Laundering Directive (5AMLD), conceived as a regulatory body focus on the prevention of money laundering through the use of these crypto assets. Indeed, in Spain, the aforementioned Directive has been transposed through the Royal Decree Act 7/2021, of April 27th, by which the Law 10/2010, of April 28th, about Money Laundering Prevention, among others, was modified. Despite this being a step in the right direction towards an effective and centralized regulation of this type of “payment methods”,

it shows that much remains to be done.

Nowadays, one of the main problems a legislator faces is that one of the biggest incentives for the use of cryptocurrencies is the anonymity attached to its consumption. Thus, since the moment a company decides to invest in cryptocurrency, it already has the possibility to remain anonymous, facilitating the commission of offences such as money laundering, offences against the public finances and even terrorist financing.

The basis of the previously mentioned anonymity is that, to have cryptocurrencies, the one requirement is to hold a Wallet Account, where an identification



number will be assigned to you, towards which you will be able to execute all operations, leaving a trace associated with this number, but not with your identity.

Regarding the operation of cryptocurrency trading, it is important to mention there are three possibilities to consider:


- The operation could be executed towards a centralized cryptocurrency exchange, such as BitTrex, conceived as a type of banking application in which you relinquish the control of your wallets with your crypto assets, and from where every operation is executed. Having a centralized nature, the services is controlled by someone who acts as an intermediary, and that will be able to track users through KYC (Know Your Client), therefore, to control their services, users must register and identify themselves correctly.
- On the other hand, there are decentralised exchange, such as BitShares where there is no intermediary, due to operations are executed directly between users who do not have physical location thus their presence is virtual, everything works throughout the network. In this type of entities there a higher level of privacy, due to there is no third-party interventions in the operations, even more, those transactions cannot be tracked, and it will be more complex to obtain traceability of them. Therefore, it works via Smart contracts (peer to peer). Given the disadvantages that

involves anonymity in their operations, these entities obtain a higher percentage for each transaction and, furthermore, because of its decentralized nature, they are not “subject” to the Law of Money Landing Prevention.

- The third option are exchange offices, such as Bit2me, that, in the same way as centralized exchanges, they are subject to the Law of Money Landing Prevention, as these are entities with a legal entity, register as such in the Bank of Spain. In this modality high percentages of transactions are obtained. Notwithstanding the above, this does not imply necessarily that they are reporting suspicious activity that would be appreciated. So much so that there are known cases of exchange offices where it was found that current regulations were not being complied with.

It should be noticed that, both in exchange offices and centralized exchange cash can be withdrawn from a cash machine. This is possible because these ATMs relate to a bitcoins wallet that is used as deposit from which coins are sent or loaded. This methodology guarantees a high level of privacy thus up to 995 euros can be withdrawn, given only a phone number, that can be property of whom is withdrawing the money or may belong to a third party.

In the view of the above, it can be observed that there is still a long way to go. Nevertheless, MiCa legislation, conceived as a law that tries to regulate

crypto assets markets; the Law of Money Landing Prevention, establishing transparency obligations to entities that operate with crypto coins; or the Securities Market Law, supervising that the obligations set out in respect of non-financial instruments are met, are getting closer to a greater control over the operations, and the transparency of operations themselves. 

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# CORPORATE TRANSPARENCY



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## Current context of the transposition of the Whistleblowing Directive in Iberia and France

Individuals who blow the whistle on wrongdoing in the workplace, commonly known as whistleblowers, are in the spotlight across Europe. Back in April 2018, the European Commission established the proposal for a Directive of the European Parliament and Council for the protection of whistleblowers. The main objective of this regulation was to introduce stricter and more focused measures to unify protection protocols for anyone reporting an irregularity. Workers are often the first to become aware of illegal activities,

so it was necessary to safeguard their psychological and physical integrity from reprisals such as dismissal, threats or discrimination. Faced with a confusing regulatory patchwork of whistleblower protection laws in different European countries, a provisional agreement was reached between Member States and the European Parliament in March 2019. In December 2019, EU Directive 2019/1937 on Whistleblower Protection, known as the Whistleblowing Directive, entered into force.

From then on, European countries had until 17 December 2021 to transpose the Directive into national law. Today, only 11 countries have managed to implement the Directive: Por-

tugal, France, Cyprus, Croatia, Ireland, Romania, Denmark, Latvia, Lithuania, Malta and Sweden. Most of the other Member States are in the process of transposing the legislation and progress is expected in the coming months. In addition to Spain; Italy, Germany, Belgium, Austria, Bulgaria, Czech Republic, Estonia, Finland, Greece, Luxembourg, the Netherlands, Poland, Slovenia and Slovakia are very close to implementing the new law.

As experts in bringing ethics and good practices to the corporate culture of all companies, we at EQS Group analyse the current situation regarding the transposition process, primarily focusing on Spain and our neighbours Portugal, and France.

## Whistleblower Protection Act: Spain

On 13 September 2022, the Spanish government approved the "Proyecto de Ley reguladora de la protección de las personas que informen sobre infracciones normativas y de lucha contra la corrupción" derived from the Whistleblowing Directive. Like the Directive, the main objective of the new law is the full protection against retaliation of any person who reports an infringement of EU law. To this end, the law emphasises the importance of preserving the protection of whistleblowers by means of internal reporting channels that are secure and confidential, thus ensuring the protection of personal data and promoting corporate transparency. The law should apply to natural or legal persons in the private sector with 50 or more employees and to all public sector entities. One of the measures that most clearly demonstrates the strictness of the regulation is undoubtedly the establishment of a sanctioning regime. Failure to comply with the mandatory requirements would result in a fine of up to 1 million euros for very serious violations, such as preventing the reporting of information and its follow-up by the reporter.

## Law n°93/2021 of 20 December 2021: Portugal

In Portugal, Law 93/2021 entered into force on 18 June 2022. Similar to the Whistleblower Protection Law in Spain, the main requirement of the regu-

lation is to protect whistleblowers against retaliation for reporting wrongdoing. The Act establishes the implementation of internal whistleblowing channels as the main solution to protect individuals from cases of discrimination or harassment. In addition, the transposition is part of a broader legislative framework, with the establishment of the general regime for the prevention of corruption (regime geral de prevenção da corrupção) (RGPC) from which other new and relevant obligations for companies arise. In Portugal, all public and private companies with 50 or more employees must have a secure and confidential information system to protect the whistleblower. Failure to implement a whistleblowing channel, or applying it incorrectly, constitutes a serious offence, punishable by a fine ranging from 10,000 to 125,000 euros for legal entities, and from 1,000 to 12,500 euros for individuals. It is also important to properly manage the whole process of the whistleblowing channel to ensure the viability and follow-up of cases, as well as confidentiality. This is punishable by a fine ranging from €1,000 to €250,000.

## Law n° 2022-401 of 21 March 2022: France

France already has a whistleblower protection law in place as of March 2022. French public companies, as well as private companies with 50 or more employees, will have to implement secure and confi-

dential information systems to protect whistleblowers. The regulation is an evolution of the Sapin 2 Law of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life. The new regulation goes a step further in terms of whistleblower protection coverage. On 21 July 2021, Sylvain Waserman, MP, presented his draft law to improve the protection of whistleblowers in France (No. 4398 of 21 July 2021) and a draft organic law to strengthen the role of the ombudsman in whistleblowing (No. 4375 of 15 July 2021). These two texts were finally adopted on 16 February 2022.

## In conclusion

If proper internal whistleblowing channels are not established, the whistleblower could contact the competent authorities or even make the information public, which could also be very damaging for organisations. It is therefore essential that, in addition to making the appropriate channels available, they are communicated effectively within the organisation. Of all possible solutions, digital whistleblowing channels remain the best option because they are the only systems that meet all the requirements for secure, anonymous, and GDPR-compliant communication. Building a transparent corporate culture is simplified, and the key is guaranteeing the safety of whistleblowers.





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