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**IBERIAN  
LAWYER**

ISSUE 127	4 september 2023	ENG
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**SPECIAL**

**IPTMT Awards 2023  
ESPAÑA AND PORTUGAL**

**Talent Networks  
in the legal sector**

**IPTMT Awards 2023  
Spain and Portugal**

**A 20 million euro strategy**

# A Portuguese Renaissance

Iberian Lawyer had the pleasure to converse with Sérvulo's managing partner, Manuel Magalhães. The lawyer has just completed the first year of his tenure, and it felt like the perfect time to dissect the firm's trajectory and strategy

# Editorial

Michael Heron

## The home straight?

Welcome back! I hope you all had a great summer break. We are delighted to bring you our September issue. While it may seem premature to be already talking about the financial results for law firms at the end of 2023, as many lawyers return to their desks across Iberia, firm leaders will be immediately casting their eyes across balance sheets, to ensure their teams are focusing on the final leg of this year. In our on the web section, we summarise the top deals over the summer and reflect on whether the eurozone economy is set for a hard or soft landing in 2024. Time will tell.

This edition is packed with some fantastic interviews. We have the double tag team at Ambar Partners as the cover for Spain who have been making shockwaves in the market. From Portugal, Servulo's managing partner Manuel Magalhães, who is one year into his tenure, impresses with his outlook and analysis. The firm was one of the bigger movers and shakers in the revenue rankings for 2022 that we published earlier this year. We also include a full report on the IP &TMT awards for Iberia that took place earlier in the summer. Congratulations again to all the winners and finalists for making it such a fun and successful evening.

Our valued collaborations by Women in a Legal World, World Compliance Association and The Coach Approach complete this issue.





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## THE COACH APPROACH

Do not curse the darkness,  
light up a candle.\*

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

Iberian Lawyer Legaltech Day	Madrid, 20/09/2023
Iberian Lawyer Forty Under 40 Awards	Madrid, 17/10/2023
Legal Day	Madrid, 07/11/2023
Gold Awards	Madrid, 07/11/2023



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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The Legalcommunity Switzerland Awards is the event celebrating in-house & private practice lawyers in Switzerland.

Inhousecommunity Days Switzerland	Zurich, 26-27/10/2023
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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.

Legalcommunity MENA Awards	Cairo, 23/11/2023
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These events refer to Iberian Lawyer and they reward the best lawyers and law professionals in Spain and Portugal.

Iberian Lawyer Sustainability Summit Spain	Madrid, 19/02/2024
Iberian Lawyer Labour Awards	Madrid, 19/02/2024
Iberian Lawyer Inspiralaw	Madrid, 07/03/2024
Iberian Lawyer Sustainability Summit Portugal	Lisbon, 16/04/2024
Iberian Lawyer IP&TMT Awards	Madrid, 30/05/2024
Iberian Lawyer Energy Day	Madrid, 27/06/2024
Iberian Lawyer Energy Awards	Madrid, 27/06/2024
Iberian Lawyer Legaltech Day	Madrid, 24/09/2024
Iberian Lawyer Forty Under 40 Awards	Madrid, 29/10/2024
Iberian Lawyer Legal Day	Madrid, 05/11/2024
Iberian Lawyer Gold Awards	Madrid, 05/11/2024



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

The LatAm Awards Energy & Infrastructure Awards	São Paulo, 11/12/2024
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The global event for the legal business community in Milan.

Legalcommunity Week	Milan, 10-14/06/2024
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The Legalcommunity Switzerland Awards is the event celebrating in-house & private practice lawyers in Switzerland.

Legalcommunity Switzerland Awards	Zurich, 16/05/2024
Inhousecommunity Days Switzerland	Zurich, 24-25/10/2024



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.

Inhousecommuynity Days MENA	Dubai, 12-13/02/2024
Legalcommunity Mena Awards	New Cairo, 21/11/2024



## On the Move



### PROMOTION

## Antas da Cunha Écija promotes Raquel Ribeiro Correia as partner

Antas da Cunha Ecija has confirmed the appointment of Raquel Ribeiro Correia as partner. The lawyer, who joined the firm in 2021 after more than two decades at PLMJ, focuses her activity in the areas of litigation and arbitration. With the promotion of Raquel Ribeiro Correia, Antas da Cunha Ecija now has 15 partners.

According to Fernando Antas da Cunha, managing partner: "Raquel's promotion is an act of total justice and aims to reward a brilliant professional career. She is very committed to the growth of the firm's activity in an area that has been assuming an increasingly important role within our practice: the area of Litigation and Arbitration". He adds, "It is a natural choice, well-deserved and, because of Raquel's exceptional legal skills and human qualities, we believe she is a great asset to our firm!"

Raquel Ribeiro Correia is specialized in litigation, where she has followed numerous litigations of enormous technical complexity and high economic value, with special focus on real estate law (in particular leasing), consumer law, distribution law and private law (electronic) security.



#### PROMOTION

## **CTSU appoints Miguel Cordeiro as partner**

CTSU, Deloitte's legal practice in Portugal, has announced the promotion of Miguel Cordeiro. With more than 17 years of experience, Miguel Cordeiro has developed his professional activity in the financial sector, advising banks, asset managers, investment services companies and insurance companies and assisting them in the incorporation and registration before the competent supervisory authorities. Cordeiro is recognized in the market for his activity in digital transformation projects in the financial sector, as well as in other industries.

Prior to joining CTSU, Miguel worked as in-house counsel at Deutsche Bank and Barclays Bank. CTSU Managing Partner Monica Moreira says, "We are proud to announce that Miguel Cordeiro has been promoted to partner. Miguel is a lawyer of recognized prestige and a reference in the banking and financial market and for his clients. He has the qualities and values that we seek for our firm and with which we identify ourselves. This promotion is the validation of an outstanding professional career and the natural recognition of Miguel's competence and dedication to CTSU. This appointment also strengthens the commitment that CTSU has been acquiring in the Banking and Finance practice. We are very proud".



INCORPORATION

## DLA Piper Portugal announces new partner

DLA Piper Portugal has strengthened its team with the integration of João Bento as a new partner in the Lisbon office. João leaves Linklaters Portugal and joins DLA Piper's corporate, finance and projects and infrastructure department.

With 15 years of experience and career in leading law firms, as well as in relevant national and international financial institutions, João Bento was also advisor to the Portuguese Secretary of State for Tourism at the Ministry of Economy.

Nuno Azevedo Neves, National Managing Partner of DLA Piper Portugal, underlines that: "We have welcomed João to our team with great enthusiasm. João has a fantastic track record in renowned law firms and will strengthen our global Corporate and Finance practice, with a particular focus on the financial area. His vast experience will be a very important asset to support our global clients, augmenting DLA Piper's already established capability in Portugal."

"João shares our values, our vision, our strategy and, above all, our ambition. This integration will allow us to increase our offering in Portugal and internationally in strategic sectors", reinforces Nuno Azevedo Neves.





## INCORPORATION

# Pérez-Llorca incorporates new partner

Pérez-Llorca today announced the addition of Yolanda Azanza as a new partner to strengthen its capital markets practice, as part of Pérez-Llorca's 'Women in Corporate' program.

Azanza, with 27 years of experience working in the Madrid office of a reputable international firm, is a specialist in all aspects of capital markets and represents issuers and placement banks in cross-border transactions, including convertible bonds, bond issuance programs, regulatory capital, covered bonds, hybrid instruments, IPOs, secondary offerings and block trades.

Azanza's in-depth knowledge of the market, coupled with its technical strength, has enabled it to build long-lasting relationships of trust with its clients, which include financial institutions as well as multinationals and large Spanish companies. Azanza has a high international profile and has been recurrently involved in multi-jurisdictional transactions.

"The incorporation of Yolanda responds to the Firm's strategy of having the best professionals. Her experience strengthens the team dedicated to capital markets to continue offering the best service to our clients," said Ander Valverde, financial partner at Pérez-Llorca.

"Pérez-Llorca has a solid multidisciplinary practice in Capital Markets. The incorporation of a person with Yolanda's professional prestige responds to our strategy of leadership in this area," said Carlos Pérez Dávila, capital markets partner at Pérez-Llorca.

The appointment of Yolanda Azanza is part of Pérez-Llorca's 'Women in the Corporation' program, through which the firm promotes equality between men and women through different actions and fosters female talent in the corporate environment.



IBERIANLAWYER  
.....  
AWARDS

11<sup>th</sup> Edition

# Forty40

UNDER

The event aiming to honor private practice lawyers  
under the age of 40 across **Spain** and **Portugal**

**SAVE THE DATE**

**17 October 2023 • Madrid**

**Four Seasons Hotel**

C. de Sevilla, 3, 28014 • Madrid

**19:30** CHECK-IN

**19:45** COCKTAIL

**20:30** AWARDS CEREMONY

**21:15** STANDING DINNER

For more information please visit [www.iberianlawyer.com](http://www.iberianlawyer.com)  
or email [awards@iberianlegalgroup.com](mailto:awards@iberianlegalgroup.com)



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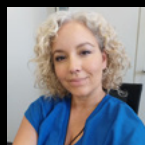
**#IBLFortyUnder40**



**Marta Almeida**  
Human Resources Manager  
*Sika Portugal*



**Marta Almeida Afonso**  
General Counsel, *REN*



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Head of Legal Services  
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**Cristina Castro Vela**  
Head of Commercial and Real Estate Legal Department  
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**Miguel Martín-Calama**  
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Responsible for Human Resources  
*Luis Vitaliano & Luis*



**Carlos Menor Gómez**  
Legal Director & Compliance Officer  
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**Joana Mota Rego**  
Head of Compliance  
*xMoney*



**Carolina Mouraz**  
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*TAP Air Portugal*



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**Teresa Palacios Blasco**  
Vicesecretary of the Board of Directors and Head of the Corporate Legal Department  
*Sareb*



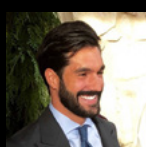
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Senior Leader Counsel for Southern Europe  
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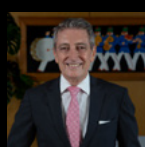
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Country Chief Legal Officer  
*Novartis Farma*



**Javier Ramírez Iglesias**  
Vice President and AGC Regions Litigation, *HP Inc.*  
Head of Advocacy, *ACC Europe*



**Jorge Rodríguez Lopategui**  
Legal Counsel  
*Philip Morris Spain*



**Francisco Sebastian**  
Head of Legal Affairs  
*ANA – Aeroportos de Portugal*



**Diego Trillo Ruiz**  
Legal Services and Corporate Affairs General Manager  
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**Natália Veiga Rebelo**  
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*IKEA Portugal*  
Board Member  
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**Andrea Viale**  
Global Head of Legal  
*Idealista*



**Manuel Zapata**  
Responsible for Legal M&A and Financing Transactions  
*Roadis*





## INCORPORATION

# Abdón Pedrajas Littler signs new partner

Abdón Pedrajas Littler, a leading labour law firm, has hired Victoria Villanueva as a partner in the firm's Valencia office. Her appointment comes a year after the launch of the firm's new Valencia office, which opened in April last year under the leadership of Javier Molina, until then a Cuatrecasas labour partner in Valencia.

Villanueva is an expert in labour law and labour relations. Specifically, she specializes in advising on recruitment policies, senior management and remuneration and benefits, as well as the implementation of other remuneration systems, such as productivity incentives and flexible remuneration. She also has extensive experience in labour design and implementation in all phases of a company's life, both in family businesses and in group and international environments, where she has advised on numerous expatriation processes.

Throughout his professional career he has advised on a multitude of corporate restructuring processes, both in mergers and acquisitions as they affect employees, as well as in relation to the internal resizing of workforces. During his career he has also participated in the planning and negotiation of measures to make labour relations more flexible in companies in the industrial and service sectors, especially in the health sector.

Villanueva is also a regular lecturer and speaker at various forums and business schools on aspects related to labour relations and has participated on numerous occasions in the drafting of specialized monographs on labour and comparative law.

Antonio Pedrajas, managing partner of Abdón Pedrajas Littler, reaffirms the firm's commitment to the Valencia office, "a strategic region for the development and growth of the firm". He adds that "the incorporation of Victoria will further boost the quality of the service provided to our clients both in their local interests and in the rest of Spain and other countries, thanks to her extensive knowledge of the region and the Valencian legal market".

In the same vein, Javier Molina, managing partner of the Valencia office, highlights "Victoria's experience in all areas of labour law, her knowledge of the local market, as well as her commitment to the client, so her incorporation is excellent news". for the firm in this stage of growth and consolidation of the firm in the region".



## INCORPORATION

# White & Case incorporates two new partners

White & Case LLP has expanded its Madrid office with the addition of two global M&A partners, Ignacio Paz and Pablo Garcia-Nieto.

"Our Madrid office works closely with our offices worldwide on landmark M&A transactions for large, listed companies in Spain and international banks and investment funds. Despite the current economic challenges, we see continued demand for this advice from clients, particularly in the non-cyclical infrastructure and energy sectors where clients are looking to invest," said White & Case partner John Reiss, head of the firm's global M&A practice. "Therefore, Ignacio and Pablo's M&A and infrastructure experience makes them important additions to expand our global M&A practice and build on our highly regarded infrastructure M&A offering in EMEA, which continues to strengthen."

Ignacio advises infrastructure funds, large corporations, banks and government entities on domestic and cross-border transactions in the infrastructure, energy and natural resources sectors. He has experience in acquisitions and disposals, projects, public-private partnerships and dispute advisory in a wide range of sectors, including infrastructure, distribution networks, energy, renewables, water and waste, and mining. Ignacio joins White & Case from Herbert Smith Freehills, where he was a partner and head of the energy and infrastructure practice in Spain.

Pablo advises private equity funds, infrastructure funds and other financial buyers on all types of mergers and leveraged buyouts, including private acquisitions, spin-offs, consortium agreements, portfolio assistance, acquisitions, and distressed disposals. He has expertise in advising on transactions in the infrastructure and telecommunications sector. Pablo joins White & Case from Herbert Smith Freehills, where he was a partner and head of corporate and private equity in Spain.



## PROMOTION

# Cuatrecasas appoints new partner

Cuatrecasas has appointed Sergio Agüera as partner in charge of the commercial practice in the Balearic Islands, a strategic territory for the firm for the last twenty years. He joins the Palma office to promote and consolidate the real estate practice, a task he will combine with his current duties in the Barcelona office.

A specialist in real estate transactions, M&A and project development and execution, with more than two decades of proven experience, he joined the firm at the end of 2022.

"We are convinced that the Palma office has a lot of potential. With the assumption of my new responsibilities, we want to give a boost to the commercial and real estate team, as well as to Cuatrecasas' leading position in the Balearic Islands. The economy of the archipelago has been showing great dynamism in recent years, led by the hotel and tourism sector, so the firm has decided to expand the team and the office, which has been showing very significant and sustained growth since its creation," says Sergio Agüera about his new role within the firm.

Sergio Agüera will have a team of seven lawyers, five of them located in the Palma office and two, Aina Maragall (Real Estate and Urban Planning) and Ane Ballano (M&A), from the Barcelona office, who will receive the support of the Finance and Tax Department with partner Daniel Coloma at the helm. Meanwhile, the lawyer Enrique Álvarez leaves the firm to start other professional projects.

Some 20 professionals work at the Palma office, actively participating in all phases of this type of transaction: contracting, design of all branches of law, implementation, final execution and possible subsequent adjustments. Grouped in multidisciplinary teams, the firm's lawyers are fully aware of the particularities of each island of the archipelago.

Cuatrecasas offers specialized services in the Balearic Islands in the most representative sectors: tourism, labour, tax, commercial, financial, real estate, litigation and arbitration. In its expansion process, Agüera's appointment reinforces the firm's growing practice in the islands, where it plans to inaugurate its new offices in September 2024, when it completes the project to expand its offices at Colón 9, Palma, with an additional floor. The building will be fully occupied by Cuatrecasas, which has redesigned the building with a more contemporary image, in line with the changes made to its offices in Valencia, Seville and Zaragoza.

Javier Solá, managing partner of the Palma office, says: "The incorporation of Sergio Agüera as partner in charge of the Corporate and Commercial practice in our Palma office represents a firm commitment to become the firm of reference in all types of corporate matters and collaborative operations, with a very strong specialization in the hotel real estate market, as well as in the private client, so characteristic of our islands".





## INCORPORATION

### Dentons signs a new partner

Dentons has strengthened its Spanish office with the incorporation of Javier Moya as the new partner responsible for the public law and regulated markets practice.

With a law degree from the University of Deusto, during his more than 20 years of professional career, Moya has accumulated extensive experience in both the public and private sectors. Before joining Dentons, he was a partner in the litigation and arbitration area in the Madrid office of Andersen and, before that, he held the position of counsel, leading the administrative law and regulated sectors department of the Spanish international law office of Jones Day.

Prior to his move to the private sector in 2018, the new partner of Dentons developed his professional career in the service of the public administration as State lawyer before the National Court in regulated sectors (before bodies such as CNMC, CNMV, Bank of Spain, ICAC, FROB or Contract Appeals Tribunal). He has also held the positions of legal advisor to the Board of Directors of Adif and Adif Alta Velocidad and director of legal advice and undersecretary of their Integration Companies, as well as director of legal advice, legal advisor and undersecretary of the Board of Acuamed.

Thanks to his extensive professional experience in advising public and private sector companies, his incorporation will allow the Spanish office of Dentons to expand its coverage in matters of advice, procedure and arbitration, both national and international, in projects of financing and operation of public infrastructures (PPP), sanctioning procedures before the CNMC, administrative procurement (public procurement bids and contractual claims) and concessions regime, among others.

Likewise, Moya has a wide and recognized experience in antitrust and TMT matters, challenging administrative decisions in environmental matters; licenses for opening and operation of industries and mines; advising international funds in relation to foreign investment in Spain, as well as the authorization regime; negotiation of contracts for international tenders; or negotiation of syndicated and participative loans.



## INCORPORATION

### Ecija incorporates new partner

The Ecija Barcelona office has strengthened its urban planning, administrative law and public law practice with the signing of Ignasi Subirachs.

Ignasi Subirachs specializes in advising municipalities, companies and individuals in matters related to public law, administrative law and urban planning, with more than 25 years of practice also advising on civil, contractual and mortgage matters.

Subirachs holds a law degree from the Universitat Abat Oliba and the Universitat de Barcelona, has been a member of the Administrative Law Section of the ICAB from 2012 to 2019 and professor at the ICAB of the Administrative Law and Urban Planning Courses.

With his incorporation, Ecija's Barcelona office strengthens its area of urban planning, administrative law and public law. "With Ignasi we reinforce Ecija Barcelona's commitment to excellence and the proximity of the partner to the client, the only way to generate effective added value and maintain the quality of service" comment from the firm's management.



## INCORPORATION

### Andersen brings in new public and regulatory partner

Andersen has incorporated the State Lawyer, Marcos Mas, as partner of the public and regulatory law area in the Barcelona office, with the aim of having a solid and consolidated practice in Barcelona.

Marcos Mas has a Law Degree from the Abad Oliba University and has more than 25 years of experience in the field of public law, during which he has worked as a State Attorney and also in private practice, representing and advising both administrations and public entities as well as private companies.

As a State Attorney he has focused his professional career on legal advice and litigation in matters related to public procurement, compulsory expropriation, service concessions and public domain, among others.

He was also a member of the Provincial Jury of Forced Expropriation and secretary of the Regional Economic Administrative Court of Catalonia. He also held the position of General Director of Counsel of the Legal Office of the Generalitat de Catalunya.

José Vicente Morote and Íñigo Rodríguez-Sastre, managing partners of Andersen in Iberia, have highlighted that "the incorporation of Marcos Mas is especially relevant, not only because it strengthens the public law area of the firm, but also because it follows the line of growth in our Barcelona office, thus advancing in our objective of developing all practices to the highest level until we become one of the main players in the legal market in Catalonia".



## INCORPORATION

# Pinsent Masons adds new partner

Pinsent Masons, a multinational law firm, has hired real estate partner Patricia Pérez Lago to join the firm's real estate practice in Madrid. She has joined the firm alongside associate Fernando Bazarra.

Patricia has more than 13 years of experience advising national and international clients on complex real estate transactions, particularly in land planning. She regularly advises clients on transactions involving real estate assets including land, residential and commercial buildings, hotels, as well as industrial and logistics assets, with a particular focus on real estate investors.

Patricia comes from Bird & Bird, where she headed the firm's land planning group. She joins the firm from associate Fernando Bazarra.

José Luis García-Manso, head of real estate in Spain, said: "The real estate sector is key to boosting the Spanish economy. Patricia's experience will enhance the team's real estate capabilities in Spain, advising clients on all their real estate needs, especially in terms of planning. Patricia's 360-degree view of real estate transactions means that clients will benefit from comprehensive support, from the analysis of the asset and its urban planning and licensing implications through to the closing of the transaction, its transaction structure, negotiation and contractual documentation."



## PROMOTION

# Simmons & Simmons promotes a new lawyer

Simmons & Simmons Spain has promoted Santiago Castelló as new of counsel to the litigation resolution team of Simmons & Simmons Madrid.

Santiago has more than 15 years of experience as a litigator, with experience in all types of proceedings (particularly corporate, civil and arbitration litigation). He also has extensive experience in corporate and commercial counseling, as well as in mergers and acquisitions transactions.

He joined Simmons & Simmons in March 2007 as a result of the merger with Mochales & Palacios, where he had been an attorney since December 1998.

Santiago's experience focuses on advising companies in all litigation matters, and he also has experience in corporate restructurings, insolvency and all types of corporate litigation proceedings and arbitrations, mergers and acquisitions transactions and private equity transactions. As a member of the Information and Communications Technology (ICT) group in Madrid, Santiago has completed internships at Amadeus IT and Dell Inc.

He received his law degree in 1997 and was admitted to the Madrid Bar in 1998. He holds a Master's degree in Business Law (MAJ) from Instituto de Empresa (1998) and a Bachelor's degree in Law and Business from Universidad de Alcalá de Henares, CEU (1997). He is fluent in English and Spanish.



## INCORPORATION

# Ceca Magán incorporates new board members

Ceca Magán Abogados has incorporated Isaac Millán from Quirónsalud as managing partner of the Madrid office and Jaime Velarde, from Sony Dadc, as organization director.

Isaac Millán is an expert in team management and corporate law. He also has extensive experience working in venture capital investee companies. For more than 10 years he has been director of the legal and compliance department of Quirónsalud.

He holds a degree in Law from the University of Barcelona, a Master's degree in International Business Law from Esade and an MBA from the Instituto de Empresa, in addition to various complementary training courses from IESE and the international business schools of Columbia and Baruch College in New York. In recognition of his professional career, he has been awarded by the international directories Iberian Lawyers in 2022 as "In-house Counsel of the Year" for the Pharma, Healthcare and Lifescience sectors.

Millán comments on his arrival: "It is an exciting challenge for me to be able to collaborate in the development of a firm like Ceca Magán Abogados, which has experienced spectacular growth in recent years and, in my opinion, is one of the law firms with the greatest future projection and with the best positioning in the Spanish legal market".

Jaime Velarde is a specialist in team management, business strategy and cost control. He has extensive knowledge of the consumer goods and services sector and has extensive experience in negotiating with suppliers and clients. For the last 19 years he was CFO and later General Manager of Sony DADC Iberia. He holds a degree in Economics and Business Administration from the Universidad Pontificia de Comillas (ICADE).

Velarde declares: "I am very excited about the Ceca Magán project, a law firm with a young and brilliant team, with an undoubtedly enormous growth potential. It is a challenge to move from the environment of a multinational company to a local company, whose growth requires the reorganization of its support structure to adapt to the needs of new teams and clients and to continue providing a top quality service. In my opinion, the firm is at a turning point in its history, making the great leap to become a leading law firm in Spain, and I am delighted to bring all my knowledge and effort to contribute to the success of this change".





#### INCORPORATION

## **Chevez Ruiz Zamarripa incorporates new partner and head of the real estate area.**

Mexican law firm Chevez Ruiz Zamarripa has added Paula Hernández as a new partner and leader of the real estate practice in Spain and Europe.

She joins the Madrid office, led by Pere Pons, bringing the total to 4 partners in Spain and 64 globally. Previously she was part of PwC as partner in charge of the Real Estate legal practice.

Paula, with more than 20 years of experience, has extensive knowledge and understanding of the particularities of the different real estate activities that have been developed in Spain and Europe, both development, construction and investment.

He has extensive experience in providing legal advice to national and international companies and family business groups. He has advised in all types of real estate transactions and in investment/disinvestment processes of real estate assets through sale and purchase transactions (of companies and assets), sale & lease-back transactions, turnkey sales, joint ventures, etc., as well as in the due diligence of real estate assets of various types, including hotels, office buildings, housing, land, golf courses, real estate complexes, among others.

In addition, he has extensive experience in advising on real estate development and construction (construction contracts, architecture, leasing, surface rights, etc.), as well as in the incorporation of real estate complexes and in the development of systems for the accreditation of the quality of legal processes and compliance with legal requirements in real estate developments.





## PROMOTION

# BK ETL Global appoints two new partners

BK ETL Global has appointed Ana Arrieta and Sara Arrieta as partners of the firm BK ETL Global in Logroño. This appointment is part of the generational change that began a few years ago in this firm and now has five partners, Javier Perez Itarte, Fernando Canals, Fausto Rodriguez, Ana Arrieta and Sara Arrieta, demonstrating the strategic vision of the firm to adapt to changes and ensure its long-term sustainable growth.

Ana Arrieta has a degree in Law and Business Administration and Management (E-3) from Universidad Pontificia Comillas (ICADE) in Madrid and an Executive Master's Degree in Tax Advice from Centro de Estudios Garrigues. A practicing lawyer and economist, she is a member of the Madrid Bar Association and the Economists Association of La Rioja, respectively.

Sara Arrieta is a member of the Madrid Bar Association. She holds a degree in Economic Law from the University of Deusto and a Full Time Master's Degree in Tax Advice from Centro de Estudios Garrigues. She specializes in tax and accounting advice to companies, tax inspections and appeals before the different Tax Administrations.

For Raúl Barambones, CEO of Despachos BK ETL Global "having Ana and Sara Arrieta as partners means the strengthening and projection of the firm in Logroño. Both are great professionals, but above all, two reliable professionals. In addition, with this appointment, BK ETL Global intends to continue its expansion and integration of new projects in different areas, being people the center of any operation. Ana and Sara are part of our present and future and are called to have great responsibilities, not only in Logroño, but also in the firm".



## INCORPORATION

# SPB signs new litigation and arbitration managing partner

Squire Patton Boggs has announced the signing of Javier Izquierdo as managing partner of its Madrid litigation and arbitration practice. The new partner in the Madrid office joins the recent additions of corporate partner Carlos Blanco and competition partner Gorka Navea.

With more than 20 years of experience, Javier develops his practice in civil and commercial litigation, financial litigation, insurance litigation, construction litigation and bankruptcy. In addition, he also has an excellent track record in arbitration before the Madrid Chamber of Commerce (CAM), the Court of Civil and Commercial Arbitration (CIMA), and before the Court of Arbitration of the International Chamber of Commerce (ICC).

Jonathan Jones, European managing partner, says: "Over the past two years, we have focused on developing our M&A, private equity and financial services offering across Europe. We are delighted with the work and scope of these teams, which have broadened the scope and depth of the work we do for our clients. The development of the corporate area has generated new opportunities for our litigation practice and we are committed to recruiting new partners in London, Paris and now Madrid, to respond to the demands of our clients."

"With Javier joining the firm, we secure the services of a market-leading team that will be able to lead our practice in Spain to reach Squire's level in other jurisdictions with a stronger litigation tradition." Teresa Zueco, managing partner of the Madrid office, highlights: "We are delighted to welcome Javier to the firm. Javier is one of the leading litigators in the country, so it is great news that he has decided to join us."

On his appointment, Javier Izquierdo highlights that "Squire Patton Boggs' recognized track record in US Dispute Resolution, its ambitious growth plan and the dynamism of its Madrid office make the firm a perfect fit with my practice and my clients".



#### PROMOTION

## Dentons appoints director of the labor and employment department.

Dentons has appointed Juan Alonso Berberena as head of the Spanish office's Labor and Employment department. Until now, he was a lawyer in the firm, which he joined in 2010.

With a degree in Law from the Universidad Autónoma de Madrid and a Master in Comparative Law from the Université Libre de Bruxelles and in European Law and European Community Policy from the Universidad Politécnica de Madrid, Mr. Berberena has more than 25 years of experience providing comprehensive advice on Labor and Social Security Law to both Spanish and international companies.

Throughout his career he has specialized in matters and issues such as hiring of employees and executives; modification, suspension and termination of individual and collective labor relations; salary policies, incentives and pension plans; drafting of labor audit and due diligence reports; as well as labor aspects derived from corporate restructurings and mergers and acquisitions of national and cross-border companies.

Additionally, he has extensive experience in labor litigation, regularly intervening in judicial and extrajudicial proceedings, as well as in collective bargaining procedures. Previously, he worked in other international law firms such as Ashurst or Baker & McKenzie and in the national law firm Gómez-Acebo & Pombo.

The new CEO of Dentons is a member of Forelab (Foro Español de Laboralistas) and combines his activity as a lawyer with teaching, giving courses for practicing lawyers at the Madrid Bar Association on various labor matters, as well as participating in the Instituto de Capital Riesgo's master's degree on "private equity for entrepreneurs".





## INCORPORATION

### **Fieldfisher incorporates new partner**

Fieldfisher has incorporated Víctor Casarrubios as a permanent partner in the Madrid office, expanding the real estate team, which currently includes partner Javier Galán in the real estate area, also located in Madrid.

With a degree in Law and Business Administration from the University of Comillas - ICADE, he has extensive experience working with national and international clients and has been involved in numerous real estate transactions, on all types of assets.

His practice focuses on: acquisitions and disposals of real estate assets (whether asset or corporate acquisitions, as well as real estate portfolios); real estate financing; real estate mergers and acquisitions; joint ventures, funds, socimi and other investment structures; restructuring and acquisition of real estate in bankruptcy or pre-bankruptcy situations; corporate real estate services, complex leases and sale and leaseback transactions; hotel asset transactions; development, construction, rehabilitation and related services; real estate aspects of energy, infrastructure and mining projects; sustainable real estate development, land contamination and environmental liability management in acquisition and financing transactions.

Throughout his professional career at Gómez - Acebo & Pombo for 16 years and, subsequently, at Jones Day as head of Real Estate since 2007, he has advised all types of clients in the real estate sector, collaborating closely and continuously over time with their management teams. Víctor Casarrubios faces this new challenge "with enthusiasm for being part of a project in full growth and with the aim of continuing to consolidate Fieldfisher's real estate department as one of the engines of the firm's development strategy in Spain".

For Jordi Ruiz de Villa, managing partner of Fieldfisher, "The incorporation of Víctor Casarrubios is an important commitment to expand the real estate area. His professional background and experience will be key to the growth of the department. We are currently immersed in a strategic plan in which the attraction of talent and the incorporation of quota partners are key to ensure the pace of growth of the firm".

# LegalDay

5<sup>th</sup> Edition

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## On the web



### Hard or soft landing for 2024?

Although the eurozone is now technically in a recession following its -0.1% contraction in Q1 2023 and Q4 2022's revised -0.1% GDP, there has been scant evidence of any hard landing thus far. The eurozone, however, faces a subdued growth environment, with inflation weighing on real incomes, high interest rates increasingly feeding through the broader economy, and weak external demand hurting the region's manufacturing sector. ECB chief Christine Lagarde said inflation remains "too high" and has suggested that a smaller rate increase could be on its way.

Financing, re-financing, restructuring, energy, and real estate dominated the deals in Iberia this month. In July 2023, Hogan Lovells advised Atom, the first listed real estate investment company (Socimi) specialised in hotels in Spain. The company successfully closed a long-term syndicated financing for 211.5 million euros led by BBVA and Santander and in which a total of ten financial institutions have participated. This important transaction has been carried out at a time when financial conditions are being influenced by rising interest rates in both Europe and the United States. We turn to the energy sector where Watson Farley & Williams advised IKAV on a €65m pre-construction debt for a 767MW portfolio comprising twelve wind farms and seven solar photovoltaic plants currently under development in the region of Aragón. WFW and Gómez Acebo & Pombo also advised on the sale of two operating onshore wind farms in Southern Spain to Helia Renovables III, a renewable private equity fund structured and raised by Bankinter Investment and managed by Plenium Partners. Squire Patton Boggs and Pinsent Masons have advised on the financing of three solar projects with a combined installed capacity of 115MW. SPB has advised leading German bank NORD/LB and Pinsent Masons has advised Clean Power Spain Fin Holdings.

Despite the slowdown in the manufacturing sector in Europe, Pérez-Llorca advised Diploma on the 200 million euros acquisition of Dicsa. The Dicsa Group, manufacturer and distributor of hydraulic and pneumatic pipes and components, is part of the British business conglomerate Diploma PLC. The company has an extensive international presence, with subsidiaries in Italy and America and sales offices in the main regions of the world. All this has enabled the company to achieve sales of more than 85 million euros in 2022.

In Portugal Cuatrecasas has advised the Swiss headquarterd Ringier Sports Media Group, on its acquisition of the company owning A Bola (sports newspaper, digital and TV) and AutoFoco magazine. Telles advised Explorer IV – Venture Capital Fund, managed by Explorer Investments – Sociedade de Capital de Risco, which manages and represents funds with more than 1.4 billion euros of assets, in the acquisition of a 60% stake in DevScope, one of the national leaders in information systems and a Microsoft partner, mainly in the areas of business intelligence, sharepoint and artificial intelligence. Telles also advised the Saviotti Group on the sale of six hotels of the Dom Pedro Group and five golf courses in Vilamoura, Lagos and Madeira to Arrow.

Finally, from Portugal, PLMJ has advised the State of Cape Verde throughout the concession process for the country's public airport service, which began in December 2019 and was completed this week with the handover of all the country's airports and aerodromes to Cabo Verde Airports, the concessionaire company formed by Vinci Airports and Ana Aeroportos de Portugal. The concession for Cape Verde's public airport service was awarded to Vinci for the next 40 years and represents a cash inflow of €900 million for the Cape Verdean state.

## KPMG, Deloitte and KWM have advise on €460m sale to Verbund



IGNACIO FONT



BORJA ESCRIVÁ DE ROMANÍ



ROBERTO POMARES

KPMG Abogados, Deloitte Legal and King Wood Mallesons have advised on the sale to Verbund Green Power of 100% of the shares of Viesgo Renovables and Viesgo Europa, companies holding a wind energy portfolio of 257 MW in Spain. The transaction, valued at €460 million, comprises the transfer of nine wind farms already in operation and with the possibility of hybridization.

KPMG Abogados has advised Verbund AG (of the Verbund Group, Austrian leader in the energy sector) on financial and tax due diligence and tax advice in the transaction. **Ignacio Font** (partner) and Joaquín Roger (senior manager) from the tax area have participated in the project.

Deloitte Legal tax team has been composed by: **Borja Escrivá de Romani** (partner), Gerardo Cuesta (partner), Sergio Ramirez Soto (senior associate) and Gonzalo Mayo (senior associate).

King Wood Mallesons M&A partner, **Roberto Pomares**, has been in charge of leading the multidisciplinary team, with the work of senior associate Enrique Murillo and associate Alejandra Martín.

### PRACTICE AREA

M&A

### DEAL

Venta de 460 millones de euros a Verbund

### LAW FIRM

KPMG, Deloitte and KWM

### HEAD PARTNERS

Ignacio Font, Borja Escriva de Romani & Roberto Pomares

### VALUE

460 million euros



DAVID RIOPÉREZ



IÑIGO DEL VAL

## Gómez-Acebo & Pombo and Allen & Overy advise on €650m acquisition of Parkia

Gómez-Acebo & Pombo and Allen & Overy advise on the agreement with Igneo Infrastructure Partners to acquire 100% of Parkia Spanish Holding and its subsidiaries by Indigo Group. Gómez-Acebo & Pombo has advised the French group Indigo and Allen & Overy has advised Igneo Infrastructure Partners.

Indigo is the largest parking lot operator in Europe and with this transaction it takes a giant step forward in terms of growth in Spain. The group, owned by Predica, Vauban and Meag, currently manages more than 1.4 million parking spaces in 2,600 car parks in nine countries. With the acquisition of Parkia, previously owned by Igneo (First Sentier), it will add 38,000 parking spaces in more than 70 parking lots in Spain and Andorra, making it the second largest market player in the Iberian Peninsula by EBITDA. The transaction is subject to CNMC approval.

The GA\_P team, led by **David Riopérez**, partner at the corporate department, was formed by Ignacio de la Fuente and Luis Pinedo, associates at the commercial department, Miguel Troncoso, partner at the competition department and Irene Fernández Puyol, partner at the public department, among others.

Allen & Overy Spain team involved on the transaction was formed by corporate: **Iñigo del Val**, Pablo Mendez Reus and Claudia Sánchez Marcos. From the antitrust department: Jaime Rodríguez, Enrique Ferrer Poggio and Andrea Salgado Sáez. From public law department: Alvaro Sánchez-Bordona Benardelli and from tax: Juan José Sánchez Lorenzo.

### PRACTICE AREA

Corporativo/M&A

### DEAL

650-million-euro acquisition of Parkia.

### LAW FIRMS

Gómez-Acebo & Pombo and Allen & Overy

### HEAD PARTNERS

David Riopérez and Iñigo del Val

### VALUE

650 million euros



## Miranda Alliance advises MCA on €1.29 billion project in Angola



NUNO CABEÇADAS



RENATO GUERRA DE ALMEIDA

Miranda and Fátima Freitas, members of the Miranda Alliance, advised M. Couto Alves, a major Portuguese group, on a transformative rural electrification project in Angola. The project, valued at €1.29 billion, involves the construction of 48 mini solar grids, with electricity storage in batteries, in rural villages. This strategic implementation of small-scale energy production units is expected to benefit approximately one million Angolan citizens, marking a significant stride towards infrastructural development and energy transition in the country.

Miranda's team included **Nuno Cabeçadas** (Partner, Head of Projects), **Renato Guerra de Almeida** (Partner, Public Law), Lília Tomé de Azevedo (Partner, Tax Law), Susana Tenentinho (Senior Associate, Corporate and Commercial) and Inês Frutuoso de Melo (Principal Associate, Tax). Ana Sofia Roque led Fátima Freitas' team working out of Luanda.

### PRACTICE AREA

Projects and Public Law

### DEAL

MCA's €1.29 billion electrification project in Angola

### LAW FIRM

Miranda Alliance

### HEAD PARTNERS

Nuno Cabeçadas & Renato Guerra de Almeida

### VALUE

1.29 billion euros

7th Edition

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A portrait of Manuel Magalhães, a middle-aged man with thinning brown hair, wearing a dark suit jacket over a light blue button-down shirt. He is smiling slightly and looking towards the camera. The background is a neutral, textured grey. A thin red border frames the top and right sides of the image.

# A Portuguese Renaissance

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Iberian Lawyer had the pleasure to converse with Sérvulo's managing partner, Manuel Magalhães. The lawyer has just completed the first year of his tenure, and it felt like the perfect time to dissect the firm's trajectory and strategy

by michael heron



**“I think that in time the market will acknowledge that our growth in other areas is catching up with public law”**

The Renaissance is a period in history and a cultural movement, but it is also a French word meaning “rebirth.” It would be fair to say that Sérvulo has gone through a lot of changes in the last 15 years. For many law firms in Portugal, the 2008 credit crisis provoked a period of uncertainty and for Sérvulo it was no different. The firm that was founded by José Manuel Sérvulo Correia at the turn of the millennium has always been viewed as the top public law firm in the country. Replicating the same standard across the rest of the firm's practice areas was always going to be difficult. To continue to refer to Sérvulo as simply the country's go to public law firm is no longer fair, accurate, nor the whole story. When Iberian Lawyer published its revenue rankings for 2022 earlier this year, Sérvulo recorded an astonishing growth of 33.6% compared to 2021. As their managing partner uncovers in this interview, this wasn't a one-off year. This has been the result of years of hard work to change the firm's image, strengthen in other key areas and increase their focus on international clients. Many market observers admit that ten years ago, they had written the firm off as being a serious threat. It would be most unwise to make the same mistake again.

**You officially became managing partner on September 1st, 2022. How was your first year?**

It has been great but more time consuming than I was expecting. I still maintain my activity as a lawyer. Here in Portugal managing partners have a difficult challenge where we manage the firm and our clients too. I do have leadership





**“There was no leadership race. If I hadn’t made myself available for the position, I am sure other partners would have stepped up and done a fantastic job”**

experience, however, as I founded a law firm in Mozambique back in 1998, which was part of Gonçalves Perreira Castelo Branco (now Cuatrecasas Portugal). It is still the largest law firm in Mozambique. I was also on the executive committee of Cuatrecasas Portugal for eight years, so this challenge is not totally new for me. I am grateful for the support of my partners and directors, who are all doing a fantastic job.

**Given your new role, what are the biggest challenges you have experienced so far and how is the relationship with your partners, has it changed at all?**

I have been receiving fantastic support from my partners. I think they are very committed to this strategy. We had a very important meeting in February where we approved the strategy of the firm for the next two years. There are 15 equity partners in the firm who all voted for me unanimously. So far, I feel that I have all their confidence and support.

**So, there wasn’t a leadership race for managing partner?**

There was no leadership race. If I hadn’t made myself available for the position, I am sure other partners would have stepped up and done a fantastic job. So, I was honoured to receive their full support. My mandate is for the next two years, and everyone was onboard. But I have a close relationship with each of the partners and

share decisions with them. I always try to find a common ground solution.

**Is it important that Sérvulo projects the image that you aren’t just the number one firm in Portugal for public law and that you are full service and strong in other areas?**

It is important and I think it reflects the reality. We still have this high reputation for our public law area. It is the best in Portugal, and I think everyone acknowledges that. But we do have other areas with fantastic lawyers. We are now more than 110 lawyers, 150 people, and we see other areas being recognised such as finance, litigation, labour, IP and TMT. We have now more activity with international clients and some of the major publicly listed companies in Portugal. I think that in time the market will acknowledge that our growth in other areas is catching up with public law. We are committed to our recruitment and aim to hire the best students in the country.

**Tell me about your international strategy. I have noticed that your network, Sérvulo Latitude, has grown in visibility over the last couple of years.**

I think our international strategy is based on three different pillars. The first one is the long-term relationship with Legalink. We have been a part of this network for many years. Secondly, we have our international desks and thirdly we have our Sérvulo Latitude network, where we have an office in each Lusophone country. This has increased our visibility and I have noticed that some of our clients are becoming more interested in our expertise abroad. In addition, and more recently we have this close partnership with Bird & Bird which is proving to be very successful for both parties.

**How challenging is it for a firm like Sérvulo, to maintain your quality and consistency across your network of countries, given that the firm prides itself on the technical excellence of its lawyers in Portugal? I can imagine it can’t be easy.**

It is not. First, you need to carefully select your partners in these countries. We have a long-term relationship with our firm in Brazil, who also have a high level of expertise in public law. We work a lot with our firm in Angola, and we share our experience if it is required. But the first thing we do is to be very careful in selecting these firms. The feedback we have received from clients who have worked with us in different countries has been

excellent so far.

**Even though the firm is keen to project a reality that you are strong across all areas, public law is still at the heart of your firm's D.N.A. which makes it easier to integrate firms into your network abroad that share this culture by also being strong in this area. Is that fair to say?**

In the case of the firm in Brazil yes, but it was more of a coincidence really, a happy one for sure. But it is not the case of Angola and Mozambique or Macau, and it is not a pre-requisite shall we say. Public law does not represent a major part of our activity. It is equal with finance and litigation and our corporate area is growing. Our IP/TMT area is strong, and our labour area is also growing a lot. Public law is part of our story and origin, and it is something we are very proud of, but the reality today is that it is one component, a strong component, together with other equally strong and growing areas.

**I appreciate you being so transparent. And let's not forget that having such a strong public law practice marries very well with other heavily regulated sectors such as Energy, which must transmit a lot of reassurance to your clients?**

In the energy sector, it is fair to say that you normally have the three different areas involved: public law, corporate and real estate. Every time an energy company acquires a site you need to carry out real estate and urban due diligence. We are receiving a lot of work from the renewables sector, and they come to us mainly via public law and the commercial area but also via our real estate department.

**What would you say is different in 2023 from managing a firm, compared to your time managing a firm in Maputo in 1998?**

It is totally different. This is a much larger firm in a much more competitive market.

**What did you think of the recent news about the potential A&O Shearman merger? Will it affect the market in Portugal?**

I think it will affect Portugal. We have an open economy with a lot of foreign investment. An important part of our base clients is international. The globalised economy is here to stay, and I think our firm and other Portuguese firms will benefit from that. I think we will see more mergers in the future between US and UK firms, creating larger and more global firms and that will benefit open economies like the Portuguese economy. 

**"I think we will see more mergers in the future between US and UK firms, creating larger and more global firms and that will benefit open economies like the Portuguese economy"**

## MANUEL MAGALHÃES

Manuel Magalhães is the firm's managing partner and partner in the finance and governance department. He also co-heads the restructuring and insolvency department and the real estate, tourism and urban planning department. With over 30 years of experience as a lawyer, Manuel Magalhães has advised hundreds of national and international credit institutions and financial companies. He has provided legal advice on M&A operations, restructuring of banking operations, advising credit institutions and financial companies on regulatory matters and on various other matters concerning their activity. He also provides legal advice in the areas of insurance law, real estate and tourism, including advising on operations involving the acquisition and development of real estate or tourism projects.



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# INHOUSECOMMUNITYDAYS

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## PROGRAM

### 26<sup>th</sup> OCTOBER

- 14:30 ● CHECK-IN
- 15:00 ○ WELCOME MESSAGES
- 15:15 ○ **ROUNDTABLE I "IN-HOUSE COUNSEL AND AI: HOW IS YOUR TEAM GOING TO LOOK LIKE IN 10 YEARS?"**
- 16:15 ○ COFFEE BREAK
- 16:45 ○ **ROUNDTABLE II "UNLEASHING THE POTENTIAL: AI IN THE HANDS OF GC"**
- 17:45 ○ GC COCKTAIL AND DIALOGUE
- 19:00 ○ DINNER AND PARTY

### 27<sup>th</sup> OCTOBER

- 9:00 ● CHECK-IN
- 9:30 ○ WELCOME MESSAGE
- 9:45 ○ **ROUNDTABLE III "CYBERSECURITY AND INHOUSE DEPARTMENTS"**
- 11:15 ○ COFFEE BREAK
- 11:30 ○ **ROUNDTABLE IV "ESG AND CLO"**
- 12:45 ○ CLOSING REMARKS
- 13:00 ● LIGHT LUNCH

## SPEAKERS\*

**Dahir Ali**, Vice President, General Counsel Asia Pacific, *CNH Industrial*  
**Elmar Büth**, Group General Counsel, *Ivoclar*  
**Claudio Elia**, Legal Director, *STMicroelectronics*  
**Christian Kunz**, Partner, *Bär & Karrer*  
**Federico Piccaluga**, Group General Counsel, *Duferco*  
**Aldo Scaringella**, CEO, *LC Publishing Group*  
**Kees van Ophem**, Global General Counsel & EVP, *Fresenius Medical Care*  
**Guido Wennemer**, General Counsel, EMEA Legal Department, *Acer Europe*

\*in progress



Partners

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# Talent Networks in the legal sector

The key to an international success model  
in Spain and Portugal

**“Our great achievement has been to create an excellent talent network that uses cutting-edge technology and efficient operational processes to transform the B2B legal sector.”**

As the legal market continues to mature, talent networks continue to consolidate internationally, providing General Counsels and CLOs with agile and tailored access to specialized, top-notch legal talent for complex projects. In the same way, these solutions offer attractive projects to independent lawyers who can organize their time and professional practice flexibly and with full autonomy. In Spain and Portugal, Ambar represents the success story of talent networks in the legal sector, as the results achieved in recent years are a reflection of the fact that the model is here to stay.

Since its founding in 2020, the company, co-led by **Manuel Deó** and **Rosa Espín**, has positioned itself at the forefront of

the Spanish legal market. With an extensive community of top-tier lawyers and betting on proprietary technology, they have managed to be recognized both by clients and by the most prestigious international directories as one of the best alternative legal services providers worldwide. Iberian Lawyer has interviewed them to learn more about this way of practicing law and to know their vision of a sector in constant evolution and their challenges for the future.

**You both had a solid and consolidated track record at one of the largest law firms in the world, Latham & Watkins, an exceptional achievement. What made you take the leap and start in the middle of the pandemic?**

*Manuel Deó:* Rosa and I were never typical lawyers. We always had an eye on the models that were successfully innovating in the legal sector in other countries, and we were always driven by a strong entrepreneurial spirit. At a certain point in our professional careers, we saw that clients



**“Our company enables independent lawyers to take on projects, offering flexibility and autonomy.”**

and professionals from top-tier law firms were demanding a highly successful formula in other countries, focused on complex advisory work and characterized by rigor and credibility.

**Chief legal officers and CLOs around the world are turning to certain talent networks to gain on-demand access to top-tier independent lawyers and niche subject matter experts. This practice, well established in other countries, has been disruptive in Spain. Could you introduce us to Ambar's innovative approach in the legal industry?**

*Manuel Deó:* Ours is an innovative approach. Ambar is a top-tier talent network of lawyers dedicated to connecting the best independent lawyers in Southern Europe with projects that perfectly match their skills and experience. We take great pride in having created a world-class talent network that uses cutting-edge technology and efficient operational processes to transform the B2B legal sector. Our vision has always been to make the legal sector more efficient and effective for both lawyers and complex, sophisticated clients, and we have succeeded.

**Many lawyers understand this alternative way of practicing law as a return to the origins, although there has certainly been an evolution**

**of society and the sector. How would you say Ambar Partners is framed in this sense?**

*Rosa Espín:* Behind the success of a model like Ambar there is a romantic idea of returning to the essence of the liberal professional practice of law, in which, in its origins, the lawyer chose which clients he would advise, when, where and on what terms.

Talent networks represent a return to those origins from modernity and adaptation to the new times, with special emphasis on aspects of great concern and actuality in the sector such as conciliation, mental health, and the freedom to choose and define your own practice.

**Technology plays a key role in today's legal sector. The use of technology and artificial intelligence to improve processes could certainly contribute to this. How does your company use it in the B2B legal sector?**

*Rosa Espín:* We have developed proprietary technology to streamline internal processes such as the certification and admission of lawyers to our community, the design of the best team for each of our clients' projects, project management assessment, as well as an enhanced user experience for both the client and the lawyer during the project. By taking on these tasks, we help lawyers to focus solely on legal work, ultimately achieving better results for our clients.

**Your approach aligns with recent global trends and feedback from prominent industry leaders on the need for new formulas and solutions in the legal industry. The collaborative economy is gaining traction globally. What are some of the best international trends that Ambar is incorporating in building its collaborative community of independent lawyers?**

*Rosa Espín:* The collaborative economy is effectively changing the way professionals work. Our company allows independent lawyers to take on projects, offering flexibility and autonomy. This benefits both lawyers seeking more control over their careers and sophisticated, innovative firms seeking specialized skills for each project.

*Manuel Deó:* Building a collaborative community is crucial in all sophisticated talent networks, very common in other professional sectors and rather less common in the legal industry. We draw inspiration from global trends in remote



work, virtual collaboration tools and knowledge sharing communities from other sectors and industries. Our goal is to create an environment where legal professionals can learn from each other and collaborate seamlessly.

Ambar has become in record time the best private community of top-tier independent lawyers dedicated to business law in Southern Europe, and we are very proud of it.

**Generative AI has become a real reality in a number of industries and countries. How do you address concerns about the potential replacement of human lawyers with AI in the legal industry?**

*Manuel Deó:* It's a valid concern, but we see AI as a tool that enhances the capabilities of legal professionals rather than replacing them. Generative AI supports lawyers by handling repetitive tasks, allowing them to focus on

complex analysis, strategic thinking and client relationship building. As the landscape evolves, the relationship between AI and human expertise will become increasingly important.

**Could you elaborate on the ethical considerations surrounding the use of AI in the legal sector?**

*Manuel Deó:* Ethical considerations are fundamental in our industry. We ensure that our AI-driven processes adhere to strict ethical guidelines and legal standards. Transparency, accountability and bias mitigation are a fundamental part of our AI development process.


**What role do diversity and inclusion play in your community?**

*Rosa Espín:* Diversity and inclusion are fundamental principles of Ambar. We are committed to promoting equal opportunity for legal professionals of all backgrounds. Our firm facilitates connections based on skills and experience, ensuring equal opportunities for collaboration for all members and eliminating all conscious and unconscious bias.

**You have already crossed the border and you are present in Portugal. Could you give us a preview of your future expansion plans for the firm?**

*Manuel Deó:* We are planning to expand our network beyond the Iberian Peninsula and, in the future, to establish ourselves in other regions. Our ultimate goal is to create a global community of legal experts who can collaborate, bringing diverse and inclusive perspectives.

**As pioneers in the creation of talent networks within the legal industry, what advice do you have for young entrepreneurs in the technology and legal sectors?**

*Manuel Deó:* Our advice would be to stay curious and adaptable. The legal sector is evolving rapidly, and technology is a driving force behind that evolution. Embrace innovation, seek partnerships, and always keep the needs of your clients and team at the forefront. Staying open to innovation and collaboration is crucial to navigating the intersection between technology and law. 





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## PROGRAM

- 09.00 Check-in and Welcome Coffee
- 09.25 Welcome Message  
**Aldo Scaringella**, CEO, *LC Publishing Group*
- 09.30 Keynote Speech  
**Marilù Capparelli**, Director Legal Europe, *Google*
- 09.50 **Roundtable I: How is cyberlaw evolving. In-house and private practice lawyers tell the story**  
**SPEAKERS\***  
**Rubén Cabezas**, Director of the Privacy Office | Data Protection Officer, *Banco Santander*  
**Carla de Abreu Lopes**, Head of Legal, *Huawei Portugal*  
**Luís Graça Rodrigues**, Regional Head of Legal Department - Europe  
*Lusophone Africa Minsait, an Indra company*  
**Lara Reis**, Head of Regulatory Affairs, *novobanco*  
**MODERATOR**  
**Julia Gil**, Journalist, *Iberian Lawyer*
- 11.15 Networking Break
- 11.45 **Roundtable II: Cybercrime?: Is it ever ok to blow the whistle?**  
**SPEAKERS\***  
**Fátima Correia Da Silva**, Chief Compliance Officer, Head of Legal and Data Protection Officer,  
*Critical Techworks*  
**Murray Grainger**, Country Manager Spain and Portugal, *EQS Group*  
**Silvia Madrid**, Head of Legal & Compliance & Data Protection Officer, *UniCredit*  
**Cecília Meireles**, Senior Associate and head of the Lisbon office, *Cerejeira Namora, Marinho Falcão*  
**MODERATOR**  
**Giuseppe Salemme**, Journalist, *Iberian Lawyer*
- 13.15 Q&A and Closing Remarks
- 13.30 Light lunch

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# A 20 million euro strategy

***Iberian Lawyer* spoke with Jordi Ruiz de Villa, managing partner of Fieldfisher, who reflects on the more than three years he has been at the helm of the firm and the new growth strategy with which they intend to reach 20 million in turnover by 2025**

by julia gil

## **"No one was growing in 2021 and we grew by 10 partners in one year."**

Fieldfisher Spain has approved, this July, a new strategic plan that foresees a 50% growth in turnover in the next 2 years. Due to the strong growth of the firm, the objectives set out in its 2021/2024 strategy have already been achieved, which is why the international law firm is betting on different ways, through which it aims to reach, in 2025, 20 million euros in turnover.

From Iberian Lawyer we have talked to the managing partner, Jordi Ruiz de Villa, who has been working in the firm for more than 17 years. With him, we unveil the challenges the firm is currently facing and the avenues of growth they have decided to pursue. We delve into the values that characterize them, as well as how they take care of their team and what is their perspective of the current legal landscape.

**You graduated in 1988 in Law from the University of Barcelona, and you started working at Miro Costart Law Firm, what would you highlight that has changed the legal practice since the beginning of your career?**

The technological change, without a doubt. Internet did not exist, and the bases of jurisprudence were in books. The pace was different, but the essential in terms of the practice of counseling was the same, it was valued to have legal criteria, to know how to apply the law. At that time, we were paid to draw up contracts that today are filled in

with a model taken from the Internet. Advice has been limited to the areas of greatest added value, and a large part of our work has become a "commodity", something easily appreciated by the client. It is a change that will continue to be seen in the future and in a more acute way with the irruption of artificial intelligence.

**What has been the biggest challenge you have faced in these 3 years and 7 months as managing partner of Fieldfisher?**

The pandemic. From one day to the next we were forced to work remotely. It was a great opportunity, too, and a great learning experience. Our decision was, no matter what, that we would not lay anyone off, we would not cut salaries, and we would support everyone. We trusted the teams that even had to share resources. There were areas that were paralyzed (such as litigation), and this made other areas use those lawyers to reinforce the services they were providing. This gave us greater cohesion as a firm. As all crises are a great opportunity to improve as individuals and as a firm. We managed to maintain the turnover, but it was a milestone that marked the firm in a positive way.

**Regarding the membership during the pandemic...**

We lost some members and maintained our income. There were some members who didn't make it. During hard times you can also see who really a partner is and who is not. A partner is one who works for profit and when difficult times come, he or she sticks it out and bets on the firm. It served as an apprenticeship and a bonding point.

**What is the reason for developing this new strategic growth plan for 2023/2025?**

Once the firm stabilized in 2020, we started working on a 2021/2024 strategic plan, in which we developed our growth objective, with very clear and well-defined bases. Nobody was growing in 2021, and we grew by 10 partners in one year, which gives you an idea of the size of the task. In 2022, with the addition of a quota partner and two more professional partners, we realized that we had almost reached the projected goal for 2024. Along with the selection of these partners, we made a change in the



**“During hard times you can also see who really a partner is and who is not.”**

firm-wide compensation system, bylaws and retirement system with the objective of creating an environment that would be incentivizing and motivating for everyone, and it is working very well.

#### **And in this new phase...**

We have now developed this new 2023/2025 plan. We now combine not only organic growth and professional membership recruitment, but we will also put a lot of emphasis on recruiting quota members. We are talking about partners from big law firms, with big fees, with a lot of experience and a lot of clients. Bringing together equity partners is a challenge, but it is working very well.

#### **What do you think is the biggest challenge facing the firm today?**

Combining growth with what it means to achieve those 20 million euros, and why 20? because we believe that this is the scenario in which a change in the firm's vision is going to take place. It would imply positioning ourselves as the number one international firm in Spain, in the middle market which would be a milestone. We would have greater solidity, with 2 or 3 partners per department and we would be able to undertake larger projects. We would position the firm in companies of a higher sophistication, and we would have greater visibility. In other words, it will help us to ensure that when a company considers hiring an international law firm, our firm will be one of the first three that come to mind.

#### **Spain has experienced a wave of law firm mergers since the beginning of 2023 and part of your strategy is the acquisition of boutique firms. What is the reason for this?**

Aside from organic growth (which is not minor), the three growth channels of this strategy



#### **JORDI RUIZ DE VILLA**

I have more than 30 years of experience as a litigator. In the last decade I have developed an intense activity in banking litigation having led some of the proceedings that have created jurisprudence in the Spanish Supreme Court. In this area he specializes in the defense of SMEs, large companies, and institutional investors against financial institutions for bad practices in the marketing of all types of products (especially derivatives, atypical financial contracts, shares, etc.).

His career began around franchising, distribution, unfair competition, corporate disputes and antitrust law, in which field he has developed and continues to develop an intense activity not only in the field of litigation and arbitration, but also advising at national and international level numerous franchise networks, among which are some of the most prestigious in the world.

His dedication to particularly complex cases, which combine civil and criminal actions and - on occasions - many parties involved, or an international component, has allowed him to stand out in the area of Complex Litigation. In addition, he holds other activities and institutional positions. He is legal advisor and founder of the Spanish Franchisers Association (AEF) since 1993, as well as chairman of its Committee of Legal Experts since 2004 and WIPO arbitrator.

**“When a company considers hiring an international law firm, our firm will be one of the first three that come to mind.”**

are: signing individual partners (lateral hire) with their team to improve the practice in areas where we already work or that will be implemented. The second is to grow via **Senior Alliance**, to look for very powerful partners who are in the twilight of their professional life. They have an unbeatable clientele and experience, but no natural successor. We attract these profiles, provide them with a young partner and give them an exit or retirement plan. For the young partner, it is a career plan, insofar as they can give continuity to this clients.

And finally, **integrating boutiques**. Improving the firm's positioning in certain areas, where we cannot provide a service without several specialists. In these three ways, we have a cross-selling incentive system that makes the clientele of the partners that join us grow between 25% and 40% in one year.

#### **How do the teams benefit from this strategy?**

If we have greater profitability and the ability to give the teams a career, this becomes an attractive project, both for those of us who are here and for the partners who come. They end up being paid more, even more, than in more established firms, but with higher international or structural costs, and their teams also benefit from these development paths. And for the partners already working within the project, it is a way to grow as well, and to continue their promotion.

#### **What do you think of the recent merger of Allen & Overy and Shearman, do you think it will affect the Spanish market?**

It is already affecting it. The legal market is growing, more or less, like the economy, but the growth targets of the firms are much higher. If this growth is to continue, mergers will have

to take place. First, partners are incorporated, but there will come a time when this is not enough and there will have to be acquisitions of boutiques and mergers of law firms. The trend in the world economy is towards oligopoly. Thanks to the enormous liquidity, firms have made huge buyouts and mergers to take over the market. The law firms -each one at its own level- will live the same reality to be able to compete.


#### **What would you say is the key to creating the best team?**

We are not big businessmen, we are professionals, very focused on service. Our entire system revolves around the happiness of the partner and his team. Instead of pressuring, we try to encourage, incentivize, and help them and their team, with their efforts, to achieve a reward. To do this, we provide flexibility, which helps to reserve more time to dedicate to your family, and these are rare values in the legal world.

We also have a solidarity compensation system in which the partners with the highest turnover, at a certain level, are no longer paid for the turnover. The way to earn more money is to share. The whole organization is focused on improving income as a company and not individually. This is a paradigm shift in the sense that when we face a decision, we ask ourselves if it improves the company, makes it more profitable and if it makes us happier.

It makes us happy to have an ecosystem that allows all professional scales to develop professionally while promoting values as a core part of the firm's strategy: sustainability, equality, inclusiveness, diversity, pro bono or charity.

#### **If you could go back in time and give yourself a piece of advice when you became managing partner, what would you tell yourself?**

Left hand! Don't impose anything on anyone, listen actively and empathize. Never want to impose, the best is shared criteria. When you see that something is difficult, it is better to give yourself time to reach a consensus and keep talking.. You will always find the best solution. 

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# The value of public speaking in the legal sector

A compulsory subject for every good lawyer

by mercedes galán

**“The maxim in public speaking is to think in a complex way and communicate in a simple way.”**

Public speaking is a fundamental skill for any legal professional, and especially for lawyers. Today's legal sector has realized that *hard skills*, purely legal knowledge, are necessary but that *soft skills* are essential in order to have multi-skilled professionals who can be productive in all senses of the word. **Iberian Lawyer** has had the opportunity to speak with **Gerard Guiu Ribé**, CEO of Andema, RCE Commissioner of the Circle of Economy, and an expert in the field, about some key reasons why public speaking is important for a lawyer and how this ability can be a turning point in a trial and in a meeting.

**In addition to being a law graduate, you have held different roles in the business and political world. To what extent is public speaking important in the development of a professional career in the legal field?**

Public speaking is essential in all fields, especially in the legal field. It is a necessary skill in the development of any professional career. We can have a lot of technical knowledge, but if we do not know how to communicate it, if we do not know how to deal with a crisis cabinet or be a good spokesman, we are limiting ourselves. Nowadays, training in public speaking has become a compulsory subject for any top-level political candidate or company CEO who wishes to make a name for himself or herself.

**Effective public speaking can make a difference in a lawyer's success in the legal profession. Do you believe that sufficient importance is given to this skill in our country?**

It is something that in our country has unfortunately arrived a little late. Around twenty years ago, at ESADE-Ramón Llull University, we already had the subject of public speaking in the law program, but in comparison with the USA, we are lagging far behind. There, this skill is not only promoted at the universities, it goes beyond that. Even in schools, public speaking championships are organized among students. The development of these skills should be promoted in any educational cycle, especially at university, and not only in law degrees. Public debate and the articulation of a good argument should be encouraged and promoted from the earliest age.

**Could you explain why public speaking can make a difference in a lawyer's professional success?**

At the start of a law degree, the acquisition of legal knowledge is fundamental, but this is nowadays something basic that is required and presumed, just like speaking English. Differentiation of training in public speaking skills is what makes the difference. It is a skill that is highly valued by any corporate or law firm today. An obvious example is

**“Intonation and eye contact are necessary to generate credibility in a good speech together with solid and coherent arguments.**

that in the past, law firms did not have a press officer or communications director, or even a spokesman. It was the lawyer himself who also handled his own client issues. But the situation has changed. Law firms now have their own dircom, they have people specialized in communication in their teams without necessarily being lawyers. In this case, what is essential is that they know how to express properly in front of the media.

**In your opinion, what are the most important aspects of public speaking that a lawyer must master? How do structure, tone, and language influence the presentation of legal arguments?**

The first rule I have always highlighted is the importance of defining the audience. It is not the same thing to prepare a speech before the bar association, a legal defense in court, a presentation to a client or an interview with the media. The maxim in public speaking is to think in a complex way and communicate in a simple way. As a lawyer, you have to nourish yourself with rigorous language, but you don't necessarily have to be using Latin. The main objective must be to convey the message using appropriate language to reach the

target audience. It is essential to understand very well who that audience is.

**Speaking in public can be intimidating, especially in crucial legal environments. What techniques can you share to help lawyers manage stress and nerves before and during a presentation?**

There is a lot of bibliography on the subject. One book I always recommend is Carnegie's The Art of Public Speaking. When we talk about the fear of public speaking, we must remember that fear is a mental thing and danger is a real thing. No one will ever tell us that there is a danger in public speaking. Most of the exercises are mental exercises such as self-confidence awareness. Another point is the preparation of the speech. We start with the written preparation of the speech. I always say that, if we spend 30% on the preparation of the writing, the remaining 70% has to be spent on putting it into practice. In communication, 7% is the strength of the word, the message, but the remaining 93% is intonation and non-verbal language. That means that we must put a lot of emphasis and preparation into practicing many times out loud and with good articulation in front of a mirror, a good speech. This is a good guideline.

**How does a lawyer manage to build trust and credibility through their discourse?**

You have to start from an underlying topic where the arguments that are put forward are very coherent in order to achieve what we call the dynamics of the discourse. To raise an issue and lead the audience through a good argument. Non-verbal language, such as always looking into the eyes, is fundamental. Intonation and eye contact are necessary to generate credibility in a good speech together with solid and coherent arguments.

**Could you share an example of how an improvement in public speaking skills transformed the presentation of a legal case? What positive results were achieved due to more effective communication?**

I always say that presentations must generate impact and surprise. I remember a trial where people were already conditioned and

had made their own value judgement. The lawyer, on entering the courtroom, began to fill a glass of water that was almost full until the water overflowed and fell on the table. To the surprise of the audience present who did not understand why he was doing this, he replied that there was no point in carrying more water or more legal arguments to an audience that had already made a parallel judgement. He asked them to put aside their prejudices, to return having emptied their heads to listen impartially to all the arguments and then, freely, to be able to decide. This example marked me and, moreover, the lawyer ended

up winning the trial.

**Continuous improvement in public speaking skills can be an integral part of a lawyer's professional development. What resources, tools, or final tips could you provide?**

I am a great believer in self-education. There is a lot of reading recommended and very useful in this respect. Theory is fundamental but what is really important is practice. Once you know the elements, the importance of non-verbal language, there are techniques to practice and improve. For example, speaking with open hands conveys sincerity and generates confidence in the audience. I always compare it to when you go to take your driving license. At first you must learn all the elements to keep in mind: the clutch, the brake, the gears... But once you learn the technique and have it internalized, it comes automatically. Practice is the key. On the other hand, it would also be recommended that the law firms themselves invest in promoting and reinforcing this skill among their lawyers.

**To conclude, we would like to learn more about the association you lead, which defends the rights of industrial and intellectual property in our country. What challenges does Andema pursue?**

We are the main Spanish association that acts as a voice for companies before institutions and society in the defense of their trademark rights. Without leaving aside the subject, we are a team of four lawyers and a press person. So that you can see the importance we give to communication and public speaking in our association. The importance of explaining things so that the message reaches all audiences is essential. For more than thirty years we have been defending trademark owners and protecting their rights against those who want to usurp their industrial property and take advantage of the efforts of companies. From the association we seek to create a legal framework where brands can meet and draw up the best strategy to defend their interests. ■







# Generative AI in the legal sector

The beginning of a new era

by mercedes galán

**“We are living in a highly challenging era that will transform the legal profession and the way we practice and deliver services as never before.”**

Unlike traditional AI, which focuses on classification and pattern prediction, GAI is a new branch capable of creating original content in various formats such as text, image, video or even music. Generative Artificial Intelligence (GAI) refers to systems capable of generating new quality content from existing data. This emerging technology is having a great impact on the legal world but the lack of specific regulation coupled with the challenge of learning to use it in an ethical way highlights certain reticence towards this new paradigm. At **Iberian Lawyer** we spoke with **Eugenia Navarro**, partner at LOIS and director of the Legaltech INON programme at Esade Executive Education in conjunction with MIT Professional Education.

In November 2022, the creation of GPT Chat, based on generative artificial intelligence, was first announced, free to use for anyone with an open AI account. March 2023 saw the launch of Google's Bard, the Google bot, which was slow to arrive in Europe due to strict EU privacy legislation.

**Everything seems to indicate that we are facing a new era in the sector. What impact do you think the GAI will have on the legal sector?**

The unstoppable advance of this technology will have a major impact on the way we find information, but also on the way we create it, because we will be able to start from data, millions of data or even all the information that exists on the network. This type of intelligence has a high potential to significantly affect the legal sector, changing the profession with new models, empowering the purchaser of services and generating a new way of practising. Practising law is no longer the same as providing legal services, which is a major paradigm change.

**What utilities would you highlight from its use in the current legal field?**

Today, this type of artificial intelligence can help legal research to be faster and more efficient, to generate automated advice for repetitive processes, to generate legal documents, to specialised translation, to the analysis of complex legal cases, and to the analysis of complex legal cases, helping decision making due to the ease of analysing different scenarios with different consequences and risk measures. We cannot forget that the latter will help enormously in training our young lawyers and perhaps in new ways of learning.

**Regarding the accuracy and quality of the documents generated by GAI there are many critical voices. How do you think these concerns should be addressed to ensure that the results are reliable and adequate?**

It has to be said that all that shines is not gold, some firms have already banned the use of CHAT GPT or Bard, because it is too

**“A lawyer who does not know how to deal not only with IAG but also with technology, will not be a competitive lawyer in the future and will not be able to provide an efficient service to his clients.”**

tempting to draft a lawsuit or any other legal document, without too much effort. There is still a lot of potential for improvement, especially in legal documents and precedents (remember the case of the American lawyer Steven Schwartz, who filed a lawsuit with inventions of precedents by ChatGPT). The indiscriminate use of unstructured information leads to serious mistakes. For this reason, some law firms use generative AI but in limited contexts confined to their own documents, as in the case of Harvey of Allen and Overy.

**Some law firms are working on protocols to detect so-called "hallucinations", that is, when the system generates convincing but fabricated answers. Do you think this practice will become necessary and widespread in law firms and corporate legal departments?**

Yes, these hallucinations have generated some problems that have been made public and have increased reluctance

to use these tools. I think it's only a matter of time before they are corrected. It's amazing the levels of response and interaction, I think the improvements will come exponentially. The important thing will be to do questions properly with a lot of detail. Today, the use of CHATGPT or Brad are forbidden as these "hallucinations" cannot happen, the measures must ensure that this does not take place, today it is achieved with the limited and structured use of the documents and the information that is used.

**It certainly saves time and minimises human error. How do you see the relationship between the GAI and lawyers? Is it a partnership or a competition?**

There is no doubt about it - there is a need for collaboration. The legal profession must concentrate on where it adds value, either in advice, in the service delivery model or in the more human aspects of the profession such as negotiations or emotion management. Lawyers will be more competent, faster, make more informed decisions and be able to evaluate the risks of different scenarios.

**Despite the obvious benefits, there are also challenges and ethical considerations associated with the application of GAI in law. Which ones would you highlight?**

I believe that ethics is the big challenge, avoiding bias, prejudging people based on their patterns, respecting privacy and, above all, continuing to question results based on common sense and human values.

Despite the difficulties, we cannot delude ourselves that we are on a journey that will change the legal sector, with the respective privacy, ethics and accuracy preventions. And while interpretation of the law and emotions are and will be human, we must recognise that we are living in a very challenging era that will transform the legal profession and the

way we practice and deliver services as never before.

**For legal professionals who may be unsure about adopting GAI. What advice can you give them about how to adapt and make the most of this technology?**

I think the first advice is that they should not speak from hearsay, that they should try it, play with it and value it. The artisan lawyer is not the best option in some issues, it is necessary to rely on data, patterns, precedents... and the GAI can review millions of documents and provide information to make better decisions with more data, not to be adopted as is. Prevention should always exist, but




we need to understand how it can help everyone in their own field.

My second piece of advice is to educate yourself, there is a lot of information, courses and programmes on the market. A lawyer who does not know how to deal not only with GAI but also with technology will not be a competitive lawyer in the future and will not be able to provide an efficient service to his or her clients. Law and technology go hand in hand forever and that means that this symbiosis has to be understood.

**How do you think its use in the legal field will evolve in the coming years? Do you think the use of generative AI will allow lawyers to focus more on strategic issues?**

The impact of the GAI will change many things in the legal sector with no turning back. On the one hand, we will have a very segmented legal profession, much richer, very specialised depending on the type of work being done: standardised or singular and complex. We will have greater access to justice, with an empowerment of the purchaser of legal services in a society with a greater legal culture on the part of citizens. There will still exist highly specialised lawyers for complex issues who can be found in both traditional and new models of work. What will be necessary is to define a competitive strategy and decide with which model and for which type of clients and services you want to compete in this increasingly professional and specialised market.

In-house lawyers will, of course, have more time to focus on strategic and complex issues and become key managers in companies. The impact of this type of technology on in-house legal departments will be key and will restructure the way they advise and engage their legal providers.

So we will have different types of talent, careers and salaries for each type of model. What is important is to prepare, train and understand what the impact will be on the way you practice law. 





2<sup>nd</sup> Edition

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<b>19.15</b>	ROUNDTABLE
<b>20.00</b>	CEREMONY
<b>21.00</b>	DINNER

Send your submission or ask for info to

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"We are the only energy firm as such, and the client notices that"- Rodrigo Berasategui.

by julia gil

**“In terms of financing, we believe that there is still a lot of liquidity, and we see that new players are appearing that are proposing new financing structures”**

Iberian Lawyer was able to speak with the partner of the financial area, **Rodrigo Berasategui**. With more than 20 years of experience, Rodrigo has extensive knowledge advising on transactions involving renewable energy including wind, electric, solar and biomass, as well as all types of infrastructure.

We delve into the trends in renewable energy financing, the challenges facing the market, the types of investors, among other topics.

After 11 years working at Watson Farley and Williams, he has seen the firm grow from 10 lawyers when he arrived to 75 today. Therefore, the partner tells us what sets them apart from other firms, why they stand out in advising on energy transactions and we take the opportunity to ask him about a possible change of direction in his career.

#### **What are the trends in renewable energy financing?**

We are currently seeing a fast-moving and

changing market. The curious thing is that although a series of factors have coincided in time that one might think could negatively affect financing (such as high inflation and high interest rates, tight regulatory deadlines for the commissioning of projects, uncertainty as to the impact that the massive entry of renewable capacity in 2024 and 2025 will have on pool prices,...), however, the feeling we have as a firm is that the market is very active. At the financing level, there is still a lot of liquidity and we see new players appearing and proposing new financing structures.

For me, the key that dominates the market is flexibility. After a period of relative stagnation, we are seeing how financiers have "made a move". It could be said that there is a change of mentality in the financier, who is willing to finance "merchant" projects as well as projects in the development phase, obviously under certain conditions. This has generated, consequently, the need to structure the operations and it is here where we believe that the specialization and experience of the firm plays a key role.

#### **Regarding trends in technologies...**

In terms of technologies, what we are seeing the most are photovoltaic (PV) projects, due to their lower technical complexity, because it is the least expensive and the easiest to implement, which, considering the deadlines for obtaining permits, is a fundamental element. Secondly, wind (also involves lower costs and is within a very mature market). As for biomass or solar thermal, we believe that the current regulatory uncertainty regarding their long-term remuneration means that their financing under Project Finance methodology is scarce. Finally, we believe that there are several technologies that will play a fundamental role in the energy transition process, such as hydrogen, biogas, offshore wind, or batteries, although all of them, to a greater or lesser extent, require regulatory development to provide certainty regarding their bankability.



**“A realistic energy transition process cannot be conceived without the development of new key technologies, for whose bankability it is essential to have a clear and complete regulatory framework”**

#### **What are the challenges facing the market?**

Leaving aside the current circumstances mentioned above, which are somewhat more contingent, we believe that there are a series of deeper challenges facing the industry. On the one hand, there is a need to speed up the permitting process and extend the regulatory deadlines for the commissioning of projects to have more phased projects and avoid a bottleneck in the administration and a collapse in the granting of permits.

On the other hand, there is a fear in the market to see how this substantial increase in the supply of renewable energy expected for 2024 and 2025 will be assumed, particularly in solar projects, and how prices will respond (price cannibalization: excess production at certain times).

Precisely to try to respond to this risk, we believe that it is essential to increase and develop interconnection infrastructures, and especially to promote energy storage. Steps are being taken at the level of access, connection, and product authorization, but more visibility is being requested in the medium and long term in terms of the remuneration of these assets, as

suggested by the European Union.

We also believe that a very clear framework for repowering needs to be established, especially for wind projects. In view of the increasing difficulty in finding new sites, in this way we can take advantage of those where there is a greater wind resource, replacing those assets with technologies that have become obsolete and replacing them with others that are much more efficient. As an example, in the firm we have participated in a project refinancing operation where 70 wind turbines were replaced by 7, with the consequent environmental impact.

Finally, I would not fail to mention the mistrust, if not outright animosity, that exists in rural areas with respect to large plants, especially solar, because of the idea that, in the end, this investment does not return to the village and



its inhabitants and also generates a negative visual and environmental impact. Therefore, we believe that it is necessary to carry out an informative work and better communication by the promoters about the economic opportunity, the positive impact on employment, the better access to energy or the increase in income that this means in areas that are inexorably suffering a growing depopulation.

**A few months ago at our Energy Day event, all the speakers at the round table agreed that greater legal regulation and government involvement is needed to achieve a real energy transition. Do you agree?**

Absolutely. I fully agree that this is one of the main challenges. Streamlining permitting and standardizing procedures is one of the best examples. To do so, the administration must be provided with the necessary technical and human resources. In addition, as I said before, a realistic energy transition process cannot be conceived without the development of new key technologies, for whose financial viability it is essential to have a clear and complete regulatory framework. By way of example, it is necessary to plan and build a network of transport infrastructures dedicated to hydrogen, as well as explore measures to promote the demand for renewable hydrogen, establish a legal framework for biomethane with incentives to support the production, grid injection and consumption of biomethane, or approve a new regulatory and licensing framework for offshore wind energy projects, all with the aforementioned aim of giving visibility and security to the investment that will facilitate its financing.

**What type of investors finance this type of projects, foreign funds or national banks?**

In addition to traditional Spanish banks, we are seeing how former players, many of which suffered the effects of the regulatory changes and adjustments that took place 10 years ago, are returning to trust and invest in Spain, such as Dutch and German banks. At the bank level, French banks have always been particularly fond of this sector, although it is worth noting that in recent times some traditionally more conservative institutions are showing signs of flexibility and greater activity. At the institutional level, it is true that high



#### RODRIGO BERASATEGUI

Rodrigo is a partner in the financial group at Watson Farley and Williams. With over 20 years of experience in practice, Rodrigo has extensive knowledge advising on transactions involving renewable energies including wind, electric, solar (solar thermal and photovoltaic) and biomass, as well as all types of infrastructure (highways, railroads, streetcars, ports, and hospitals, etc.).

Rodrigo advises many public and private developers, sponsors, financial institutions, multilateral institutions, insurers and specialized funds on the full range of financing schemes, worldwide, including Latin America: project finance, mezzanine loans, corporate and acquisition finance, export and trade finance transactions. It is also active in debt capital markets transactions, such as EMTN programs and green and project bonds.

interest rates have led entities that typically act through project bonds to stop doing so, as there is less room for debt optimization. That said, the current market environment provides investment opportunities in merchant projects, projects under development or brownfield projects.

And let's not forget the ever-present European Investment Bank, as well as the ECAs (export credit agencies) that through export financing methodologies are contributing significantly to investment in renewable assets.

**Your experience includes advising on projects in Europe and Latin America, where are the biggest legal challenges?**

The challenges we have discussed are mainly focused in Spain. It is true that some challenges are shared, especially with other European countries. As for Latin America, we believe that regulatory fluctuations, macroeconomic circumstances and, above all, the uncertainty derived from greater political polarization or radicalization are not helping the development of projects and their financing in the region. Traditionally we have been active in countries such as Peru, Uruguay, Chile, and Mexico, but the current situation has reduced our appetite for this geography.

**Are there any other places where you see interesting jurisdictions?**

Well, in addition to the United Kingdom, Poland and Germany, I would highlight the United States and then Australia. In the U.S., a lot of aid is being given (in the heat of the Inflation Reduction Act (IRA)), which, together with the ease and agility in the processing of permits, means that many Spanish developers are going there to develop projects. And in Australia, in turn, there are very large projects with regulatory certainty. We have offices in both countries.

In addition, in recent months we have seen a proliferation of construction financing structures for project portfolios in different countries: Spain, Portugal, France, the United Kingdom... jurisdictions in most of which we have our own offices, with extensive sector experience.

**You are a highly recognized firm in the energy sector. As a team, what sets you apart, and what is the key to receiving so many projects and standing out in advising the sector?**

It is a virtuous circle. We have been doing this all our lives. The keys to success are specialization; we are living in a moment where renewables are one of the fundamental pillars for economic growth; experience, because we have seen and worked in many operations, which allows us to take more risks; and the fact that we are an international firm with a multi-jurisdictional approach, makes it an unbeatable combination.

And let's not forget, we have very good professionals. We are a firm of 75 people where 55 are dedicated exclusively to working on energy transactions. That is something you don't find in any other firm in Spain or, we believe, in Europe. We are the only international energy firm as such, and the client notices that.

**You have been at Watson for 11 years, I imagine you have received offers to change offices, what is it about WFW that makes you not want to change course?**

I've been with Watson for 11 wonderful years and I'm not going to lie to you, my intention is to retire here. I've been here practically from the beginning; I've seen the firm grow from 10 lawyers when I arrived to the 75 lawyers we are today.

We are a firm of good people and good people! There is an unbeatable atmosphere, the alignment with the partners, the team that always puts itself above all else, the recognition both within the energy sector and the recognition that the firm gives us at an international level... We are often used as an example and the great work done by María Pilar García Guijarro, as managing partner, is valued, and that shows us that we are in the right place. And finally, the relationship with our clients is no longer just a mere professional relationship. They have been working with us for so many years that it goes beyond the professional, it is a question of trust. 



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# WEEK IN REVIEW

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# Our Privacy, between EU and USA

The European Commission reopens data exchanges between the EU and the US. The protection of privacy returns to the center of the debate, as well as the differences between the two systems: are they really so different? MAG tried to figure this out with the help of expert data protection lawyers

by: giuseppe salemme

## «Gdpr: perhaps the biggest battle still to be won is that for transparency and simplification»

ANDREA BALDRATI

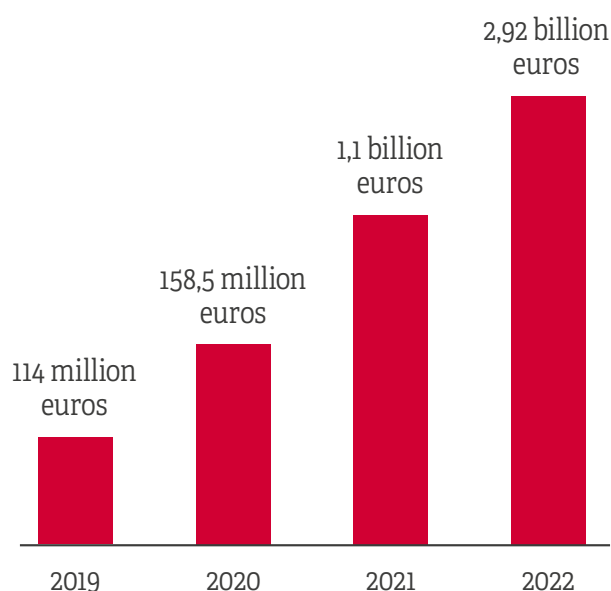
The United States offers the personal data of European citizens an adequate level of protection, and comparable to that of the European Union. This is what was stated last July 10 by the European Commission with decision C(2023)4754, which promises the beginning of an era in which "personal data can flow securely from the EU to US companies" under a renewed EU-US Data Privacy Framework.

It is actually the umpteenth attempt by the European legislator to solve an issue (that relating to the transfer of personal data of European citizens outside the borders of the EU, and in particular to the USA) opened since 1995, but which has assumed increasing importance as a new tech economy developed in the world based on the collection and exploitation of large amounts of data. The record fine of 1.2 billion euros imposed last May on Meta by the Irish privacy guarantor aimed precisely at hitting the continuous transfer activity to the US of European data collected on Facebook, Instagram and Whatsapp; and was based on the notion that the protections in force on US territory were not sufficient to guarantee the privacy of European citizens and companies.

A fact considered by many to be incontestable, at least since in 2013 **Edward Snowden** revealed to the world how some US government programs were used to spy on the rest of the world also through big tech, and did not foresee the need to justify surveillance activities or subject them to some form of judicial protection. The Snowden revelations were among the bases used by the Austrian lawyer Max Schrems to **obtain from the CJEU the annulment** of the "Safe harbor" (case C-362/14 and Schrems I judgment) and

"Privacy shield" decisions, (case C-311/18, Schrems II judgment) with which the Commission had already tried to make the transfer of data between the EU and the US more agile, judging "substantially equivalent" the privacy protections between the two legal systems. The decision of 10 July is therefore in line with the previous ones. But this time it is based on a precise agreement: the one reached in March 2022 by Presidents **Biden** and **von der Leyen**, according to which the US undertook to "filter" its surveillance activity according to the criteria of necessity and proportionality; to oblige companies that process European data to adhere to high standards of confidentiality; and to allow European citizens to appeal against any violations also by means of the establishment of a data protection review court.

### GDPR SANCTIONS, YEAR BY YEAR





ANDREA BALDRATI

However, the agreement was not enough to convince the European Parliament and the European Data Protection Board, which expressed a negative (although not binding) opinion towards the new decision. Against which Max Schrems has already announced a new appeal to the CJEU.

In short, the debate on the processing of personal data has started again. And the fact that so many political, economic and cultural assessments are intertwined within it makes it impossible to predict the outcome. Meanwhile, MAG has tried to reconstruct the state of the art of current European privacy legislation: how and how much it actually protects our personal data, inside and outside the territory of the EU. And understand if there is, and how big, the gap between European and US privacy rules.

## EUROPE

Five years ago, the GDPR (general data protection regulation, European regulation 2016/679) came into force. Its aim was to give European citizens back control over their personal data: by obliging companies and institutions to comply with certain standards in their processing, and by offering simple and inexpensive remedies to

«GDPR is a path:  
compliance activity  
never ends»

GUGLIELMO TROIANO

remedy any illegitimate practices. To say that the goal has been achieved would be a stretch: who can honestly say today, with all that we hear daily in the news, to feel fully in control of their personal data? Yet, as explained by lawyer **Andrea Baldrati**, founder of BSD Legal and president of Privacy Network, we must distinguish the various aspects. "The GDPR has certainly contributed to increasing citizens' awareness and sensitivity to their privacy, and to increasing companies' investments in this regard. But it has clashed with big tech, born before the GDPR and based on business models that require free data sharing. This makes some of their practices difficult to change." The new framework for the transfer of data from the EU to the US will perhaps overcome this problem, which is "one of the main issues unresolved by the GDPR. But - continues Baldrati - perhaps the biggest battle still to be won is that for transparency and simplification. Very often companies, in adapting to the GDPR, have stopped at the surface, not adopting privacy by design procedures. And the results are unfortunately illegible privacy policies and cookie banners more annoying than useful.

In fact, one has the feeling that the main effect of the GDPR rules has been to dramatically increase the bureaucracy borne by companies. To minimize the risks of non-compliance, companies today must adopt a data protection operating model (Dpom) and a data protection strategy (Dpos), prepare several health checks to keep risks under control, and note in the record of processing activities (Ropa) all information relating to the data processing carried out. "The







GDPR is a path: the compliance activity never ends" says **Guglielmo Troiano**, lawyer manager of Grant Thornton FAS, at the opening of a meeting in which the sums of the first five years of GDPR compliance were drawn with the European professionals of the Grant Thornton network. Yes, because it should not be forgotten that, net of the unity of the regulation, it is the national authorities (such as our "privacy guarantor") who must apply it in practice: each with different powers, procedures and interpretations. And each with its own "loopholes": the privacy organization Noyb (which stands for "none of your business"), of which lawyer Max Schrems is co-founder, recently complained that 85% of the more than 800 complaints filed across Europe for GDPR violations were still pending; 470 of these for

### Five years of GDPR in Europe

**1700**  
Measures taken by national authorities

**32**  
Judgments of the European Court of Justice

**4 billion**  
billion in penalties

«In the US there is no single federal law: to date only ten states out of fifty have adopted a complete regulation»

**FEDERICA RIGATO**

more than 18 months. This is because, according to Noyb, "almost every Member State has found a trick or a procedural argument to undermine the GDPR": in Poland, for example, the claimant of a privacy violation is required to travel to Warsaw to access its paper files; while the Irish Data Protection Commission (DPC), where many of the big tech companies have their European headquarters, has been accused by the local press of "always choosing the most tortuous, long and expensive legal route" to reach GDPR sanctions.

### USA

Net of compliance and enforcement problems, however, insiders agree in judging the balance of these first five years of GDPR as positive. After all, the alternatives are not many, and a lack of protection is still better than no protection. In addition, there is the fact that "the GDPR has become an international benchmark", as the lawyer Baldrati states. "A model for other similar regulations, such as the Chinese and Californian ones. And this mainly due to its attitude as a "global standard", that is, applicable even outside the borders of the EU: and therefore both to foreign companies that offer services in our territory, and to those that in any case process data of European citizens.

It is undeniable: the GDPR has forced companies around the world, or at least those interested in the European market, to deal with the privacy of EU citizens. And the American ones are no exception. "Here too we know and apply the GDPR. On the contrary, the flow of practices to adapt to European standards is continuous and growing," explains **Federica Rigato**, counsel of the Italian desk of the New York firm Tarter Krinsky & Drogin, specialized in privacy and data management. The lawyer explains to MAG





the different approach to data protection in the US: "There is no single federal law: to date, only ten states out of fifty have adopted a complete regulation". Among these are that of California, the most GDPR-like (which came into force in 2020), and that of Texas (which will enter into force in 2024). While at the federal level "there are some sectoral regulations: for example on financial, health or child data, each of which has an agency responsible for monitoring compliance. In the absence of these, a very common avenue is to prosecute privacy violations in the form of unfair trade practices or unfair competition, through action by the Federal Trade Commission.

The result, however, is that American privacy compliance finds itself having to deal with 50 different jurisdictions, plus the European one. "The privacy policies of large American companies end up having an addendum for each state with privacy legislation. In such a scenario, although the US culture does not like bureaucracy, companies are also pushing more and more for a single federal regulation: we have been talking about it for years» explains the lawyer Rigato.


## REALPOLITIK

So, to sum up: fragmented scenario, cumbersome compliance, difficult enforcement. Isn't it that what in Europe personal data is super-protected while in the US the far-west is just a cliché? For the lawyer Rigato it is like this: "Until three years ago it could also be true: we used to tell companies that, as long as they correctly informed their users, they were quite free to act as they preferred. That's no longer the case."

«I believe that the commissioners have decided to opt for a compromise that would not make the exchange of data between the EU and the US too complex»

STEFANO MELE

Stefano Mele, partner of Gianni & Origoni's privacy & cybersecurity department, **also agrees on this point**. Commenting on the latest decision of the European Commission, the lawyer offers a realistic and pragmatic interpretation: "The decision is not particularly innovative: it simply goes in the direction of making the exchange of personal data between the EU and the US more "fluid" again, which, in reality, has never stopped". In essence, the European commissioners, according to Mele, wanted to solve the problems created by the Schrems II judgment, which had complicated the life of companies. "Schrems II has certainly had the merit of bringing to our attention the issue of access to and use of personal data of European citizens by the US authorities, and the inadequacy of the guarantees provided by the Privacy shield. But these findings were not followed by really viable solutions. So I believe that the Commissioners decided to opt for a coherent solution in the short term: a compromise aimed at raising the level of guarantees for European citizens as much as possible, but which did not go so far as to make the exchange of personal data between the EU and the US too complex. Also because we are talking about a market that moves between the two sides of the Atlantic about 900 billion dollars every year.

In short, the decision of July 10 would have all the air of being an act of realpolitik: it puts aside idealism and tries to best reconcile the interests of two confederations with different cultures but common interests. The CJEU now has the arduous task of deciding whether the rights of European citizens have also been put aside: the wait for the Schrems III has already begun. 

# Expert Opinion .....



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3<sup>RD</sup> EDITION

# IIP&TMT



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The winners of the Iberian Lawyer IP&TMT Awards 2023 were announced during the gala ceremony held at the Riu Plaza Espana Hotel in Madrid, on the 13rd of July 2023. Once again, the IP&TMT Awards recognized the excellence among Spanish and Portuguese professionals active in this area.

The winners were the following:







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LAWYER OF THE YEAR IP	Antonio Castán – Elzaburu
LAW FIRM OF THE YEAR PATENTS	PONS IP
LAWYER OF THE YEAR PATENTS	Javier Huarte - Grau & Angulo
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ANA RITA PAÍNHO

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BEATRIZ BEJARANO, MAITE FERRÁNDIZ, JESÚS ARRIBAS





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Antas da Cunha Ecija

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GONÇALO GIL BARREIROS, AUGUSTO ALMEIDA CORREIA



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## LAWYER OF THE YEAR LIFE SCIENCES

**ANA HERRERA ARROYO**  
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The convergence between technology and law is a topic that has become increasingly important in recent years. In this article, with the support of the company specialized in SaaS, Lemontech, we develop 5 key points for lawyers to take advantage of useful Artificial Intelligence and Legaltech tools in their favor.



# AI and Legaltech Guide for Lawyers

by giselle estrada ramírez



Latin America is a territory full of diversity, challenges and opportunities in the legal field. During this complexity, we find ourselves in a moment of convergence and legal transformation, where artificial intelligence (AI) and Legaltech are gaining momentum and redesigning the way legal services are provided with key tools to optimize the practice of law in the region.

Under this context, and in collaboration with Lemontech, we present a guide for lawyers with five key points that explain how these technological innovations can improve efficiency and provide more agile and accurate legal solutions in an increasingly digitized world. To this end, Mariano Werner, CEO of the company that develops software for lawyers, specifies in each section the most practical measures to take advantage of each tool:

### 1.- Save time and resources through task automation.

In our ever-changing world, process automation has become our digital superhero, adopted by 84% of successful firms according to the Legal Trends 2020 Report. Digital transformation

is not a luxury, but a necessity that requires a mindset shift across the entire team. Tools such as TimeBillingX and CaseTracking are invaluable allies in this journey, allowing us to focus on delivering quality legal advice.

Among the advantages AI offers when automating tasks are:


- a. Time and cost savings by automating processes.
- b. Boosting efficiency in operations and increasing employee productivity by having lower mechanical and routine workloads.
- c. Prevention of system failures and human errors
- d. Optimization of the business, its workforce, or the products it offers.

### 2.- Decision making through data analysis and prediction

In the era of Big Data, we can use artificial intelligence to anticipate our customers' needs, prevent risks and improve our management processes. Those firms that adopt these tools have managed to reduce by up to 75% the effort in document management, freeing lawyers to focus on their true vocation: advising clients. With good data management and analysis it is possible to arrive at good predictions. And this is key, being able to be used in:

- a. Prediction of trial results
- b. Determining the risks and advantages of legal business
- c. Establishing the budget proposal to clients

### About Lemontech

Lemontech es una empresa SaaS (Software as a service) que está en el mercado desde 2007. Tiene 2 softwares, Time Billing y Case Tracking, con más de 27.000 usuarios activos de una base de clientes en más de 19 países de Latinoamérica y oficinas comerciales en Chile, México y Perú. Desde 2019 son parte de Accel-KKR, un fondo de inversiones de Silicon Valley especializado en empresas Tech. 

d. Identify sources of efficiency or lack thereof

### 3.- Create quick solutions with virtual paralegals..

Virtual paralegals are becoming an invaluable addition to our team. These assistants are like having a colleague working 24/7, without taking a break, allowing us to streamline tasks and offer faster and more accurate solutions to our clients.

Some of the tasks a virtual paralegal can perform include the following:

- a. Preparation and updating of documents and Excel tables
- b. Adaptation and completion of contracts, reports, protocols, templates and others.
- c. Entering information into databases
- d. Drafting of emails and communications with customers or suppliers.
- e. File organization
- f. Transcription of audios and videos
- g. Translation of non-official documents
- h. Preparation of presentations, quotations, press releases...
- i. Procedures with the Mercantile Registry or other agencies.
- j. Control of income, expenses and bids

### 4.- Obtaining accurate and complete information with advanced legal research

Thanks to artificial intelligence, we can conduct advanced and accurate legal research in less time. AI is like having a personal librarian who knows every book in the law library, allowing us to always be one step ahead.

Some of the approach's lawyers can use that will be helpful in obtaining this type of information:

- a. Sources of information: Lawyers explore a variety of sources-from case law to specialized databases to blogs-to understand the legal and technological implications of each case.
- b. Search tools and text analysis: Specialized search engines and natural language processing technologies enable efficient search terms and pattern identification in

legal documents.

- c. Artificial intelligence and machine learning: These technologies revolutionize information gathering and analysis. AI performs automated searches and classifications, while machine learning predicts judicial outcomes based on historical patterns.
- d. Big data analytics and data visualization: Big data techniques make it possible to sift through large volumes of data and extract valuable information. Data visualization facilitates the understanding of patterns and relationships, which contributes to informed decision making.
- e. Collaboration and knowledge networks: Online collaboration platforms allow lawyers to share knowledge and exchange ideas, accessing up-to-date information and expertise in legal technology.

### 5.- Monitor contracts, policies and regulations or alert potential non-compliance with risk and compliance analysis

Constant monitoring of contracts, policies and regulations is a difficult task, but artificial intelligence allows us to keep our eyes always open. These tools keep us aware of potential non-compliance, allowing us to be proactive rather than reactive.

Along those lines, we lawyers rely on:

- a. Natural language processing tools: they help identify relevant clauses, key terms and relationships between different sections.
- b. Information extraction systems: facilitates the search and analysis of crucial data that we could take into consideration.
- c. Contract management platforms: Enable lawyers to store, organize and manage contracts in one place, making it easy to search and track key terms and conditions, dates, etc.
- d. Automated contract generation tools: save time by automating basic contract drafting and reducing the risk of human

- error.
- e. Risk analysis systems: Provide early warnings of potential non-compliance or unfavorable clauses.
  - f. Compliance platforms: monitor and ensure that the company's activities comply with relevant legal regulations and standards.
  - g. Early warning systems: Detect abnormal or unusual patterns that could indicate potential non-compliance and issue early warnings for lawyers to take corrective action.
  - h. Legal analytics platforms: help lawyers make informed decisions and assess legal risk.

### Advantages and disadvantages of artificial intelligence

Artificial intelligence offers us numerous advantages, from saving time and costs to improving efficiency and accuracy. But we must also be aware of its disadvantages. While it can reduce the need for personnel in some tasks, it also presents us with ethical and privacy challenges. However, by maintaining a client-centric approach, we can balance these factors and use artificial intelligence to improve our firm.

Among the main advantages of artificial intelligence, we can highlight the following:

- a. Freeing up time
- b. Improve accuracy and decision making
- c. Exponentially increase productivity

Some disadvantages are:


- a. Must count as a lot of information/data to analyze.
- b. Shortage of qualified professionals
- c. Cost of implementation/adaptation

### Conclusion

Whether we like it or not, these are tools that are here to stay and that make those who use them more competitive. In the hyper competitive context we live in the legal world, there is no option not to use them. Or if there

is such an option, it is a very expensive option.

But outside this competitive context, we believe that technology will not replace lawyers. Rather, it will bring us closer to what we dreamed of being when we were in college: a lawyer is distinguished by his or her legal judgment, by the quality of his or her advice, and by the trusting relationship with his or her clients. The time freed up by technology, better access to information, alert systems, all contribute to empower this new lawyer.

We are in the middle of a revolution, and we must take advantage of it. 

### About Mariano Werner

Lawyer from the University of Buenos Aires, he obtained an MBA from Stanford University. He has built his career of more than 15 years collaborating as a lawyer, consultant and B2B business manager for prestigious firms in the United States, Argentina and Chile. Since 2015 he has been a mentor at Endeavor and has combined this practice with teaching, as he has served as a professor of various subjects at the Universidad Adolfo Ibáñez in Chile.

Prior to joining Lemontech in 2019, he served as Partner at Matrix Consulting and Health Division Manager in charge of all B2B in Chile for Socofar, FEMSA's regional pharmacy platform. In October 2020 he became CEO of Lemontech, a company of the Accel KKR fund (leading Silicon Valley investment fund) specialized in SaaS for lawyers. 



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**Stephanie Fougou, honorary president of the AFJE: “Finally, in-house lawyers will also be able to express their legal opinion”**



# Legal privilege becomes law in France

by michela cannovale



Here we go: legal privilege is a reality for French in-house lawyers. It was June when we spoke of the latter opening by the French Cour de Cassation, which had recently recognised the right to confidentiality in corporate correspondence produced by a group of in-house lawyers with reference to audit activities.

It took only a few days for that opening to be included in Article 19 of the draft law d'orientation et de programmation du ministère de la Justice 2023-2027 (or simply: 'Projet de loi Justice') and to reach the chambers of Parliament in Paris. On 10 July, to the great joy of juristes d'entreprise throughout France, Justice Minister Éric Dupond-Moretti announced that the amendment tabled by centrist party president Hervé Marseille to recognise the confidentiality of in-house lawyers' opinions and advice, already ratified in June by the Senate, would be incorporated in Article 58-1 of law no. 71-1130 of 31 December 1971 after the yes of the deputies. "The absence of secrecy harms the attractiveness of France. That is why many law offices choose to set up in Anglo-Saxon countries and Belgium, where they enjoy the legal privilege," the minister pointed out during his announcement.

The approved text is the result of months of painstaking work at the end of which the in-house lawyers represented by the Association Française des Juristes d'Entreprise (AFJE) and the Cercle Montesquieu, the Chancellery and the lawyers managed to reach a consensus. It establishes a fundamental general principle for the lawyer's activity: "Legal advice given and drafted by an in-house lawyer or, at his/her request and under his/her supervision, by a member of his/her team placed under his/her authority, is confidential".

The new law - which will come into force only after returning to Parliament in October and which will affect, if confirmed, a total of 20,000 in-house lawyers - has been hailed by trade associations as "a historic turning point that confirms the importance of law in companies and those who practice it" and that "is part of a modern and balanced vision of our rule of law, aimed at better protection of economic interests and greater respect for ethical and legal standards".

"Finally, in-house counsel will be able to freely express their legal analysis without the risk of self-incrimination against the company. This will allow lawyers to play their role in the prevention of crime and the implementation of anti-fraud policies. The recognition of the confidentiality of lawyers' opinions will put France on an equal footing with other Western countries and ensure the attractiveness of the economic and legal system for French companies in an ultra-competitive world. This is an important step in favour of economic sovereignty and the defence of the general interest," explained to Iberian Lawyer **Stephanie Fougou**, honorary president of the AFJE as well as general counsel and board secretary of Technicolor Creative Studios.

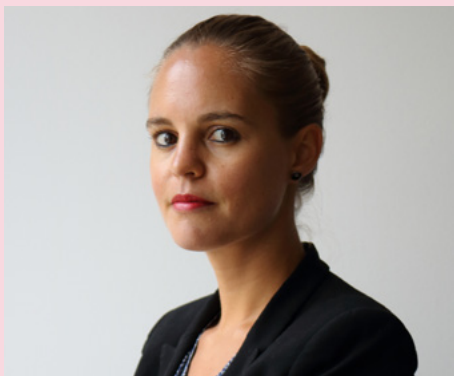
## LEGAL PRIVILEGE YES, BUT WITH CERTAIN REQUIREMENTS

The legal privilege voted on 10 July is subject to certain conditions. First, the advice must be provided by an in-house lawyer who holds a master's degree in law or an equivalent French or foreign qualification. The lawyer must as well have undergone an initial and continuous training in ethics.

Moreover, legal privilege will only be available in the context of civil, commercial, or administrative cases, while criminal and tax matters remain excluded. In other words: if up to now the authorities had access, during their audits or investigations, to all the advice written by lawyers within the company, with the new law they will only be able to access documents

STEPHANIE FOUGOU





## A JOY NOT SHARED BY EVERYBODY

While in-house counsel rejoice at the new law, some private practice lawyer groups have already warned the government about the risks of legal privilege, which could hinder or even prevent routine audits at listed companies and other regulated entities.

**Lisa Alice Julien**, avocat au Barreau de Paris and partner at Grimaldi Alliance, explained to Iberian Lawyer that there are two lines of thought running through the free bar at the moment:

“Some French colleagues, in agreement with the CNB (Conseil National des Barreaux), believe that the perimeter of application (and the mechanism of removal) of confidentiality in the law recently passed in France introduces legal uncertainty and may harm the interests of companies. Protecting the correspondence and legal opinions of corporate lawyers would, in fact, lead to the creation of a new regulated profession and the weakening of the lawyer's professional secrecy, which would have negative repercussions for the companies themselves. They are therefore against the recognition of legal privilege for corporate lawyers. This does not apply to those colleagues who are convinced that companies turn to external lawyers for their expertise and experience, as well as to lighten the workload of in-house counsel, and that, therefore, the use of a law firm is not motivated by the existence of professional secrecy. These colleagues believe that the profession of corporate lawyer today remains completely distinct from that of lawyer and that the new law in no way conflicts with the prerogatives of their profession. Not least because, as emphasised by associations such as AFJE, ANJB (Association Nationale des Juristes de Banque) and ACE (Association des Avocats Conseils d'Entreprises), the recognition of the confidentiality of the legal opinions of corporate lawyers will certainly help to better protect French companies in the context of global economic competition”.

concerning tax and white-collar crime proceedings. “But for the time being we are satisfied, it is an acceptable step forward,” Fougou commented.

## A 30-YEAR BATTLE

It is Fougou again who told Iberian Lawyer that the approval of the legal privilege for the in-house world was the result of an almost 30-year battle. “In the last three decades, the representative groups of corporate lawyers have carried out a battle for the profession to be recognised. For example, the AFJE has always collaborated with representatives of all legal professions in order to nurture their thinking and create circles of exchange: one example is Le Grenelle du droit, an annual meeting of all legal professions in France

since 2016. It has also published a code of ethics for in-house lawyers to equip them for the profession and has been recognised as a centre for continuous education (they hold an annual campus attended by over 500 people”.

“Also, the AFJE has worked in consultation with all governments during each presidential term,” Fougou continued, emphasising that President Emmanuel Macron has also played an important role in this battle. “In 2015, when he was still Minister of the Economy, Macron presented a bill aimed at ending the segmentation of business activities. The text also contained a study to stop the separation between in-house and external lawyers, introducing for the first time an article on in-house lawyers and the confidentiality of their advice”.

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# COMPLIANCE, THE TRANSVERSAL CONTROL

Diego Cabezuela Sancho.- Sancho - Managing Partner of CIRCULO LEGAL  
International Vice-President of the World Compliance Association.

No one disputes that, in any organisation, the people in charge must monitor the actions of those in their circle of control and prevent crimes that may be committed by action, omission or poor risk control. The management body is the initial criminal guarantor of the acts of the entire organisation, and the obligation to exercise/manage its control rests with it. But it is clear that its members, in any minimally complex entity, cannot exercise this control directly, nor, consequently, is it logical that they should be criminally liable for acts or oversights that they have not had the slightest real possibility of avoiding or even being aware of. Who, then, is liable for criminal acts committed in companies?

Traditionally, the Supreme Court has linked the delegation of functions, which involves any division of labour, to a correlative transfer, with some nuances, of criminal liability

to the delegatee, in terms of the acts or lack of control produced in the functional area entrusted to him/her. Provided, of course, that it is a genuine and credible delegation, carried out in favour of suitable people, with a budget allocation in line with the functions transferred and the granting of autonomy to take decisions.

So when, for example, a Finance Division is created, the primary responsibility for its control is transferred to its Director. Within this division, functional and responsibility areas will be created in turn, of decreasing size, like concentric circles, with their own guarantors at the head. Criminal liability is ultimately determined by control of the situation, i.e. by the guarantor's real and immediate possibility/obligation to act or intervene in a specific event or risk and to use his authority to neutralise it.

Think, for example, that a

manager becomes aware that one of his executives is paying bribes to the authorities of a third world country in order to obtain certain contracts, but decides to refrain from doing so, because the results of his business area are, after all, growing. This manager will have to answer criminally for these acts, even if he did not intervene directly, because they were committed within his circle of control, he knew about them and had the obligation to prevent them. One cannot fail to act when there is a legal or contractual obligation to do so. In this case, preventing the continuation of bribery. The same applies to the risks inherent in the organisation's own activity, capable of causing damage to third parties, which must be duly managed and controlled by the entity and, within it, by the areas and persons in immediate contact with them.

In short, a superior is always expected to monitor his or



her subordinate, who in turn monitors the subordinate at the next level.


However, the advent of the Criminal Liability of Legal Persons, with its new concept of control, has shaken this scenario. Organisations are virtually obliged –in some sectors of activity, legally obliged–, to implement compliance programmes, with powerful control system, aimed at preventing/neutralising any temptation of legal infringement and which revolve around the figure of the compliance officer, or the compliance department. But compliance entails a transversal concept of control, aimed at avoiding not only the crimes of employees or subordinates, but also those of people in command, including managers and directors, in whom, as we have seen, lies

precisely this global duty of control over the organisation as a whole.

Although the functions of compliance officers still lack a clear legal definition, no one questions that they or, where appropriate, those in charge of any internal investigation can or should be able to get to the bottom of any suspicious conduct, even if it involves the Board or its Chairman. The creation of whistleblowing channels and the implementation of the legal regime governing their operation by Law 2/2023 on the Protection of Whistleblowers has been another qualitative leap in the same direction.

Both the compliance officer and the compliance system, in itself, are much more than a simple watchdog for employees or a substitute

for the traditional duties of vigilance of people in charge, because their scope of action also extends to the latter. Not only that, but the increasing automation of controls and the incorporation of Artificial Intelligence tools into compliance systems is gradually handing over part of this control to algorithms.

It is evident that the traditional doctrine of vertical surveillance has suddenly aged, giving way to a transversal and highly technical concept of control, to which the acts of all members of the organisation are equally subject. The classic concept of superior-subordinate, vigilant-supervised control is facing a new era, which imposes a profound and inevitable revision of the traditional doctrine of imputation of responsibility. 



# "10 Keys to Strategy and Reputation for Lawyers"

By Diana Jennen, Partner | Communications and Business Development Director at Gericó Associates

In a market of more than 1 million Spanish-speaking lawyers, positioning and reputation strategies play a fundamental role in the success of lawyers and firms. As Warren Buffet said: "It takes 20 years to build a reputation and 5 minutes to ruin it" and, therefore, it is as important to

be consistent in working on it as it is to take care of it in circumstances of reputational threat.

If, as a lawyer or firm, you want to enhance your positioning and visibility, but do not know where to start, it is useful to focus on specific actions that

serve as a basis for building your personal and corporate brand.

10 universal tips, which can be applied regardless of firm size and jurisdiction, are:

1. Plan a global content strategy: this includes a





communication plan, the definition of primary and secondary strategic messages, planning content in advance and maintaining flexibility, the search for current topics and approaches relevant to our targets, innovation, and personalization of content formats, and daring to show our most human side.

2. Work on the visual identity of the brand and associated designs, deciding what values and messages we want to convey with our corporate image. Here we include the colors and shapes representative of our identity, our logo, website and both digital and physical designs.
3. Make the most of our LinkedIn profile: this professional network is a very useful means to achieve a solid digital positioning and to attract potential clients and talent, as well as to keep us in the top of mind of our clients and stakeholders. First of all, the profile must be updated and eye-catching: from the cover image and headline to the academic and professional experience and featured publications. On a daily basis, it is advisable to publish weekly, without exceeding a daily post, and interact with third-party publications, especially by sharing and commenting.
4. Know how to adapt the

type and format of the content we generate to each channel, depending on our targets. For example, if we have a family law-oriented firm, we can focus on Facebook and, if our firm is oriented to business law, on LinkedIn. Instagram, on the other hand, is a social network widely used with the aim of reaching young talent.

5. Media appearances. The first thing we need to do is to understand what is relevant for the media and what is not, differentiating the type of content we can offer to each media. It is essential to take care of relationships with journalists so that they keep us in mind when looking for expert sources, and it is advisable to alternate the publication of opinion columns with appearances as expert sources in reports, proactively proposing current issues in our specialty to journalists.
6. Taking care of the SEO positioning of the website is essential to appear on the first page of search engine results such as Google. This is achieved through the correct use of keywords and other tools, as well as frequently updating sections such as the corporate blog.
7. Knowing when to send mailings and newsletters and how to present the information so that it

captures the attention of our readers. It is key to include a call to action to invite our stakeholders to carry out the actions we determine, to combine visual content with texts and not to send newsletters too frequently, so that they do not end up in the spam folder of our contacts.

8. Attendance at relevant events and the organization of our own events allows us to develop a regular business development work and strengthen our visibility. Prior preparation and scheduling of upcoming events of interest are essential if we want to obtain results at the BD level.
9. Appearance in International Directories helps us to position ourselves in the market and will facilitate our choice by legal services recruiters or other firms looking for lawyers in other jurisdictions, but not all of them have the same value or weight. We must choose well which directories are worth applying to and to which recognitions to give visibility to.
10. Finally, it is important to measure the results. Every month we can check what works, what doesn't and how to improve, especially at the level of newsletters, social networks and website. ■



# Do not curse the darkness, light up a candle.\*

by bárbara de eliseu



September, time for new beginnings. Vacations are over, everyone is coming back to the office to start the new season. Some of you are brand new, ready for a fresh start, with charged batteries, rejuvenated, plenty of energy and enthusiasm. Others are like forced to come back, feel drained, as tired as you were in July, no excitement at all.

There are – or there will be – some stages of your life where darkness will arise, and dark clouds seem not to disappear. This is where you begin to complain. Complain about the senior partner, the head of department, the team, the clients, courts, wife or husband, the weather, or the Dunkin' Donuts boy...

When you outsource responsibility, you put yourself aside, you choose to put others in charge of your life and then blame them for everything that is going wrong. You

do this, most of the times unconsciously, because it is more comfortable for you. You do not get promoted because the senior partner does not like you, you do not feel your team engaged, your clients are boring, judges take too long to decide, your wife or husband does not understand your stressful profession, it is been raining for five days in a row and you do not perform at your best when it rains and the boy from the coffee shop does not seem to figure out how you like your coffee...

Suddenly, everything is outside, (apparently) out of your control. Every incident in your life is someone else's fault, every non-achievement is caused by a third person, you have no luck, the universe does not conspire at your favour. How strange, is it not?

Please, take a brief moment and reflect upon it. Are you doing this right now?



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First things first. Whenever you feel tired, rest. If you do not know how to do it, learn, read, listen, ask for help. The only solution to tiredness is rest.

Whenever you feel stressed, become very clear about your "Why". Stress heals when you know why you do what you do. Full stop. Is it easy to figure that out? Sometimes, no. Be brave and learn to distinguish stress from adrenaline (they are two different things, one is bad, the other is good).

For everything else, be accountable. You are the commander, the director, the script writer, and the main character of your life. **You must own it!** Be responsible for your decisions or lack thereof. No


one else is accountable for the things you do or the ones you choose not to do (whatever the reason).

Instead of cursing your superiors, peers, clients, family...light up a candle! **There is always an option.** I have already written about it here, ask yourself the hard questions, answer them, identify the pains and act towards the solutions and decisions you will have to make in order to implement things the way you want, because you know why you want them. Again, every time you do not know the "How", learn or ask for help. Take time, think about the changes you should make, the alternatives you have for your reality, and take action.

Do your best. It is not about

trying to be the best in the world. It is 'just' about giving your best. Everyday, in every simple step, consistently changing one thing at a time. Until you have nothing to complain about? No, because you will always have something you could complain about. But you choose not to!

It is not about pretending you do not have problems. It is about do not be defeated by them.

It is about a choice. **The choice you make to light up a candle** to see your way out (instead of complaining). 

\* Credits to Mário Cortella





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