

BEST PRACTICES

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Numerous law firms across Latin America, as well as firms in the US with a strong focus south of the border, are boosting their services offerings by adding new practices or growing existing ones, in response to an increased workload and client demand, and one of which is ECIIA, which has launched a human rights and social responsibility practice, the first law firm to offer such a practice in Mexico.



ECIJA has recruited Adalberto Méndez López (pictured) to head the practice.

Méndez López has several years' experience as a company lawyer, a public official and an international consultant in more than 17 countries in matters of corporate social responsibility and human rights. He has worked at the United Nations Development Programme, the Inter-American Human Rights Institute (IIDH), USAID and Chemonics International, as well as at the UK's Foreign & Commonwealth Office. He is one of few lawyers in the Americas who has participated in proceedings before three of the world's four human rights protection institutions, and has authored books on the subject.

"Next year the UN will promulgate a law concerning companies and human rights, and which will bring a responsibility to companies to respect employees' rights," Méndez López says, and the new practice is designed to defend companies and help them design strategies to comply with the new regulations. In addition, USMCA, the new free trade agreement among Mexico, the US and Canada, also contains clauses that guarantee workers' rights in the three countries, and a mechanism for international claims in the event of the violation of such rights, and which obliges companies to create new methods of compliance, he says.

And locally, two proposals have been presented in the Senate to grant the national human rights commission the faculty to denounce companies' violation of human rights. Companies must also implement much stricter standards with regards to recycling and environmental protection. "The corporate social responsibility and human rights practice will also allow us to offer consultancy services, both to companies and public officials, as a means of crime prevention," Méndez López says.

According to Ricardo Chacón, managing partner of the firm's Mexico office, ECIJA is the first firm in Mexico to offer this practice, while only four firms in the world offer such services, but none of which have such a practice in Mexico. Chacón says the incorporation of Méndez López "reinforces not only our leadership in Mexico with a pioneering human rights practice in the country, but also responds to ECIJA's aim to become the firm of reference in Latin America, where we have positioned ourselves as the Spanish law firm with the biggest presence on the continent".

"ECIJA is a leader in innovation and this practice we have opened is another example of our cuttingedge position, there was no such practice in a law firm in Mexico, and will advise companies on how companies will now have more clarity regarding compliance and prevention regarding social responsibility and human rights, and at the level of international standards.

Ricardo Chacón, managing partner, ECIJA Mexico to act in order to be socially responsible," he says. "Adalberto is an authority in this matter and which is why he is the ideal person to lead this practice, with a team of lawyers, and which will be a point of reference in this matter."

As part of the OECD, Mexico in 2017 adopted its mechanism for the resolution of controversies regarding companies' social responsibility and human rights commitments. As a result, "companies will now have more clarity regarding compliance and prevention regarding social responsibility and human rights, and at the level of international standards", Chacón says.

Social responsibility and respect for human rights are not the same however, Méndez López points out. "A company can be socially responsible and at the same time violate workers' human rights, and

many in-house lawyers are not aware of that," he says.

LAW FIRMS ADDING NEW PRACTICES IN OTHER LATIN AMERICAN COUNTRIES

Law firms in other countries are also adding new practices, or expanding existing ones, such as Garrigues in Colombia, García & Bodán in Central America, and King & Spalding in the US.

In Colombia, Garrigues has hired Adriana Espinosa to head its infrastructure practice as the law firm further consolidates its Latin America team. Espinosa is well-known in the Colombian market for her advice to companies and state bodies on the structuring and execution of major projects. Her appointment as an equity partner will be submitted to the next Garrigues partners' meeting. With more than 15 years' experience and the recognition of the main international legal directories, Espinosa joins Garrigues from Colombian firm Arrieta Mantilla & Asociados, where she coordinated the infrastructure practice as a partner.

Her expertise will further boost Garrigues' infrastructure practice, a sector the firm committed to in its expansion into Latin America and one in which it has excelled, both in Colombia and in the rest of the region, due to its participation in strategic projects, such as the legal structuring of the Bogotá metro system, the law firm said. With the incorporation of Espinosa, Garrigues' office in Bogotá now has seven partners and more than 50 professionals covering the main areas of business law.

"For me, it is both a challenge and a source of motivation to be able to contribute to the growth and consolidation of the infrastructure practice," Espinosa said. Javier Ybáñez, senior partner of Garrigues and coordinator of the Latin American practice, said, "this latest hire reflects the firm's commitment to continue bolstering its team with the best professionals".

Central American law firm García & Bodán has incorporated a banking and finance practice into its services offering, and which will be led by the firm's regional director Godofredo Siercke, with Carlos Téllez as deputy director.

While the firm already offered counsel in this field, it was not officially presented as part of its portfolio of services. The formal creation of this regional banking and finance practice puts these specialised legal services at the service of our clients and complements a full-service offering, partner Carlos Téllez said in a statement. The structuring of a banking and finance practice places the firm at a better level and will serve as a platform to support the businesses of our clients, he said.

García & Bodán has offices in San José, Costa Rica; in Guatemala City, Managua, San Juan del Sur and Tola, in Nicaragua; in San Salvador, and in Tegucigalpa and San Pedro Sula in Honduras.

US law firm King & Spalding has hired three international arbitration partners from Kirkland & Ellis in a bid to grow the firm's commercial work in Latin America and Europe. The three new partners, Javier Rubinstein, Lauren Friedman, and Lucila "Luli" Hemmingsen, will expand the firm's Investorstate arbitrations in those two regions.

Rubinstein, who served as vice chairman and global general counsel for PwC before joining Kirkland, will be based in Chicago for King & Spalding. Friedman and Hemmingsen will work out of the firm's New York office.

"The geographical and industry knowledge Javier, Lauren, and Lucila have, combined with their language skills and decades of experience being outside and in-house counsel, make them a great addition to our International arbitration team,"

Andy Bayman, leader of King & Spalding's Trial & Global Disputes practice group, said in a statement. Zach Fardon, managing partner of King & Spalding's Chicago office, said that the presence of Rubinstein will help expand the firm's international arbitration footprint into the city and its surrounding area. Friedman's practice includes commercial and investor-state arbitrations on behalf of clients in the oil and gas and mining sectors, as well as consumer goods and public utilities.

In addition to her arbitration work, Hemmingsen also advises clients on treaty protection structuring connected to those proceedings.