

THE Italian word for ‘business’ (*affare*) has always carried a strong negative connotation. While it may simply refer to ‘dealings’ of whatever sort, the term also conjures up darker suggestions of ‘intrigue’, ‘ruse’ or ‘deception’. It should come as no surprise, then, that even advisers from the most established independent law firms feel uncomfortable, as I discovered during a recent round table discussion in Rome, about being referred to in public as ‘business lawyers’. The aversion is compounded by the fact that a large proportion of Italian lawyers also tends to divorce the law from the business of lawyering. Conservatively-minded sole practitioners, in particular, regard the latter activity as somewhat beneath their professional dignity.

What, then, of the tens of law firms more used to being judged by the international standards of their clients and competitors rather than the fears of an inward-looking closed shop?

An answer was provided almost five years ago when law firms with offices in Italy gave rise to ASLA (*Associazione studi legali associati*), the first body to represent international lawyers at commercial law firms. When it was launched, the association numbered 15 firms. Today, it has 63 members.

The need for the wealthiest segment of the profession to club together to speak with a single voice and safeguard its interests would be difficult to understand were it not for the peculiarities faced by the Italian legal business community.

An enshrined hostility to institutionalised partnerships, in particular, runs deep. A provision dating back to the racial laws passed by Mussolini in the 1930s still prohibits law firms from us-



Asla members and executive committee

(Standing, from left to right):
Gian Paolo Coppola, Roberto Cecon,
Carminantonio del Plato,
Aldo Sacchi, Gianni Forlani,
Fabrizio Colonna, Fulvio Pastore
Daniele Bonvicini, Fabio Cappelletti
(Seated, from left to right):
Cristina Fussi, Giovanni Lega,
Anna Maria Casati, Enrico Bazzano

ASLA, ITALY'S LEGAL TRADE ASSOCIATION, NEARS ITS FIFTH ANNIVERSARY

WHO'S AFRAID OF BUSINESS LAWYERS?

Lawyers' group continues to lobby rule-makers against out-dated regulation on partnerships with the status of associates high on the agenda

BY MARCO MICHAEL DI PALMA

ing names of local partners who are not alive or merely no longer practising. Prior to the (partial) liberalization of the legal profession in 2006, Italian lawyers were forbidden from any form of advertising. This included any reference to their transactions — even those in the public domain — and the names of their clients, even when these provided their consent.

“I believe there are still many issues before us,” says Giovanni Lega, ASLA’s chairman and founder, “beginning with the rules on professional associations which ought to finally acknowledge that

law firms also include associates and not just equity partners.” Indeed, in a country where the ideal of the public liberal profession is a hallowed faith, associates at law firms find themselves in limbo. Lawyers in Italy are, by definition, self-employed professionals; rule-makers find the notion that one can simultaneously practice as a lawyer and yet also be a paid employee difficult to conceive of and accept. As a result, associates have been largely ignored by regulation of the profession.

Than again, Italy’s leading corporate commercial practices are a recent invention. “When I



returned to Italy from the US,” recounts Mr Lega, “a divide and conquer mentality was prevalent throughout the profession. The biggest law firms numbered no more than 30 to 40 lawyers and you could count those on the fingers of one hand.” The arrival of global law firms caused especial apprehension. When, as local managing partner, Mr Lega helped launch Freshfields’ local operations in 1996, he was accused of letting in the global “white hunters”.

It wasn’t until 2006 when, for the very first time, the views of Italy’s international legal practitioners were aired at an annual meeting of the National Bar Association. Indeed, the association has always sought, discreetly, to contrast the self-appointed right of the highly conservative National Bar Association to act and speak exclusively on behalf of all Italian lawyers.

During almost five years, ASLA has not only provided its members with an institutional identity they entirely lacked previously, but it has also sought to improve regulation and the quality of interna-

tional legal practice for trainees and associates. To fill a significant culture gap, ASLA produced a guide and courses designed to teach lawyers how to organise themselves into partnerships. It has also set up specialist training programmes and seminars for

young lawyers free of charge. The association continues to meet on a bi-monthly basis, providing a forum where members can debate and discuss the issues that affect them.

“The aim,” says Fulvio Pastore Alinante, ASLA’s general secretary, “is to contribute positively to the decision-making process that affects the profession and to avoid decisions being taken over our heads.” Mr Alinante alludes to the highly contested liberalization measures which were finally accepted by Parliament in 2006 and which included the scrapping of minimum tariffs and the introduction of contingency fees. The deregulation caused widespread consternation because the Prodded government simply ignored lawyers and streamrolled the legislation through Parliament. ASLA hopes future reforms to the profession will not ignore its representatives and other legal bodies next time round. ■

ASLA BY NUMBERS

63 members. Of these, 39 are independents. The remaining 12 are of US and UK origin.

48 per cent of members firms are mid-sized (up to 50 fee earners); a fifth have over 100 lawyers

70 per cent of firms are based in Milan and 12 per cent in Rome; the rest (seven firms) hail from Florence, Modena, Naples, Turin and Verona

Member firms represent **4,300 lawyers** with combined revenues of €1.29bn, equivalent to 10 per cent of the total Italian legal market value

ASLA’s executive committee members are: Giovanni Lega (Chairman), name partner at LCA e Associati; Fulvio Pastore Alinante (General Secretary), co-managing partner at Bryan Cave; Daniele Bonvicini, name partner at MBL Partners; Fabrizio Colonna, partner at Camozzi Bonisconi Varrenti & Associati; and Gianluca Ghersini, partner at Gianni Origoni Grippo & Partners. ■