

MARCO GARRINHAS

CLASSICAL IS ALWAYS NEW

One could think that young lawyers tend to be more attracted to Litigation and the courts, but in fact good lawyers, who have a broader view of Law practice, know that arriving to court is not only unnecessary but undesirable. Marco Silva Garrinhas, Commercial, Corporate and M&A senior associate at SRS Advogados, is the kind of lawyer who prefers to anticipate, focusing on prevention and an in-depth knowledge of the Law to save time and money to the customers and the system.

by antonio jiménez

We are living strange days, to say it lightly, what do you think are the biggest concerns of lawyers nowadays?

The global pandemic caused by COVID-19 has brought challenges of all sorts for society as a whole. It has significantly impacted interpersonal relationships as well as the business world, including legal practice, beginning with the need to adapt to the profession beyond the normal framework of having the office as a workplace and face-to-face meetings with clients. Undoubtedly, it was an enormous challenge to continue providing our services to our clients at a very adverse and uncertain time with the same quality and promptness from our homes alongside our new routine.

Nonetheless, with the lockdown times behind us and slowly trying to come back to normal, it seems to me that it was a phase concluded with great success – indeed, I believe that great lessons have come about: The perception that remote working is not only possible, but it also brings benefits and that the legal profession could be carried out almost exclusively through the new technologies.

As expected, the main concerns of lawyers nowadays relate to the impact the effects of the pandemic on the economy, on private investment, on the lives of people and companies in general, may have in the short and medium term for the work that is requested from us and that we provide to our clients. It seems to me, however, that although the workload is expected to slow down in some areas and industry sectors (e.g., Real Estate and Tourism), in others it will increase (e.g.,

Restructuring, Labour and Litigation).

What are the main advantages of a young lawyer in comparison with a more expert one? What is the most significant contribution of the young lawyers in the profession?

The main reasons for a client to choose a lawyer are the confidence and experience for which they are acknowledged in handling certain matters or working in a specific area of Law. These qualities are inherent to more experienced lawyers: as a rule, the older the lawyer, the higher the experience. Consequently, younger lawyers should seek mentoring from more experienced lawyers. Having said that, it is undeniable to me that, as a rule, a young lawyer has greater ability to adapt to new situations and challenges, thus adjusting more easily to the exercise of the profession through the use of new technologies, as well as

In essence, I believe that, ideally, the teams could be set up with younger and older lawyers as much as possible, to complement the advantages that they bring to the provision of a quality service and the establishment of a close relationship with the client.

You're an expert in Business Law. What does this type of practice offer you that you cannot find in the other ones?

It is commonly believed that becoming a lawyer involves the exercise of the profession in the courtroom and in the defence of the interests of the client in judicial proceedings. However, that was never my dream. I have never been particularly interested in the legal areas that are more related to individual persons (e.g., Criminal and Family Law) nor in Litigation. On the contrary, I have always been more interested in the life cycle of enterprises and organisations in particular. The way companies are born, how they develop, how they relate

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bringing a more dynamic vision of situations and creating new solutions. Likewise, as a result of growing professionally in a global world, I believe that younger lawyers develop a less formal approach to the client which facilitates the contacts established between them.

internally and externally and even how they are extinguished has always fascinated me. Essentially, I have always been more interested in working in the pre-litigation phase and in advising the best procedures to foresee and avoid potential conflicts.

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Also, I do not think that the world of Corporate Law could be on its own less interesting or challenging in professional terms. First and foremost, companies are established by people and ultimately the work of a Corporate lawyer is also for those people and for the success and growth of their organisation. On the other hand, no two companies are the same and no transactions or agreements are the same as they always depend on numerous factors, such as the type of activity they carry out, in which markets they operate, their size. Each company, agreement and transaction, is a new and renewed challenge.

What are the peculiarities of Portugal compared to other geographical areas in terms of Law and what can Portugal contribute to Europe and the world because of it?

The question is quite wide and could be approached from

of a business, the almost non-existent limitations to foreign investment, the dematerialisation, less bureaucratic and simplicity of the vast majority of corporate acts. As a rule, the procedures are also not excessively onerous. In fact, the greatest difficulties in

that will always form part of the future, namely Corporate (particularly corporate governance), Tax and Labour Law. In the area of Litigation, it seems to me that there will be an increase in Arbitration rather than going to the courts. However, I also believe that

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making investments in Portugal are to be found in Tax Law, Labour Law and social security - in the former case because it is more complex, in the latter because it is excessively rigorous.

we will see a substantial growth in areas that are currently essential concerns of companies: Data Protection, Cybersecurity, TMT and all matters related to Compliance and ethics.

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How do you see your fellow young female lawyers and the equality challenge in the Portuguese legal market? Do you find there is still a gender gap in the profession?

Until a decade or two ago, Law practice was essentially a very male-dominated industry. The traditional structure and mentality of the Portuguese society, particularly as regards the role of women in the family, has conditioned the full growth of women in the workplace in general.

However, as it has happened in other professions and in society in general, the affirmation of women in the labour market has resulted in a higher number of women attending

numerous viewpoints. In general, I believe the Portuguese Corporate Law has several advantages. In particular, I would point out the autonomy that the Law confers to the establishment

What is your vision about the profession in the future? Which are the areas that might be developed stronger and what aspects might change in the next years?

I believe that there are areas

Law degrees at universities and choosing legal professions (Law practice, Judiciary...) than the number of men. It also seems to me that motherhood, which used to be perceived as an obstacle to career development, is not currently an issue in a framework where the necessary balance between career development and personal life is recognised. Today the chances of access and growth in the profession are identical between men and women. More than gender, it seems to me that the key words are working capacity, dedication and merit. I believe that the relevance of women in Law practice is progressively being reflected at the top of the career with an increasing number of women that are partners and that hold managerial positions in law firms. In this regard, one should note the case of SRS Advogados, in which out of a total of 32 partners, 18 correspond to women and 14 to men. 

About Marco Silva Garrinhas

Marco Silva Garrinhas studied at the Universidade de Lisboa, where, besides his Law degree, earned a postgraduate degree in Labour Law and a Master's degree in Insurance and Corporate Law. Also, he has a postgraduate degree in Corporate Law from the Universidade Católica Portuguesa. He began his professional career as a trainee at AM Moura & Associados and after, for more than fourteen years, was an associate at FCB (F. Castelo Branco & Associados), the firm who left to join SRS as senior associate. He specialises in Corporate Law, in particular M&A, Corporate Restructuring and Commercial contracts, providing legal assistance to both national and international clients on a wide variety of sectors. He also collaborated as a volunteer with CASA, a non-profit organisation who cares for the homeless. 



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