

Newsletter Autumn 2007

Another successful Interleges exchange

Moses Torkuma Pila, Special Commendation Winner of the Stephen Rayner Award 2006, spends one month with Interleges Vice-President in Milan



Moses Torkuma Pila and Stefano de Bosio sightseeing in Rome

Young trainee lawyer Moses Torkuma Pila, of Lagos, Nigeria, has spent one month this summer on exchange at the offices of the Interleges member for Italy, Stefano de Bosio of Studio Legale Nodari and Associati in Milan. This all-expenses-paid month-long exchange was offered to Moses when he was awarded a Special Commendation in the first year of the Interleges Stephen Rayner Award, in 2006.

Moses has written the following account of his month in Milan:

My trip to Milan was something I had always looked forward to with anticipation, and I am glad it was such a pleasant and successful experience. Unlike the usual Interleges exchangers, I came straight from school without any prior formal work experience which made it the more exciting. In fact my tutorship in Studio Legale Nodari and Associati under Avv. de Bosio is among my earliest professional experience.

It all started with my participation in the Stephen Rayner Award 2006. Then I was still undergoing the vocational training program at the Nigerian Law School in Lagos preparatory to my enrollment to practice law in Nigeria. I saw the advertisement for the award in the "Economist" magazine. Thereafter I got in touch with the Interleges administrator, and the rest, as they say is now history.

But it was not easy. Getting my Visa to travel was a big problem (no thanks to fraudsters and scammers who have given my country a negative image over the years). For a trip that was scheduled for August 2006 to finally take place in May 2007 shows just how long it took to sort things out and of course how Interleges also kept faith with me. During this period there was continuous exchange of correspondence between Annalisa Gordon, Avv. de Bosio, the Italian Embassy, and myself. Finally, I secured the Visa and was able to travel.

Once in Milan, I started work at the Studio Legale Nodari and Associati. Though my participation in daily activities was limited, I could feel the tempo as every one rushed towards one deadline or

another. Also, in spite of my near zero knowledge of Italian, I had a fair share of activities to perform. I reviewed cases, contracts and other documents drafted in English. In addition, I attended several court hearings and other meetings that I was able to follow courtesy of Avv. de Bosio's patience in interpreting and explaining the procedural steps to me.

For somebody with a Common Law background, the Italian legal system was quite novel to me. Thus I made a lot of comparison and saw areas where the Nigerian system can emulate. For instance, I observed that the practice of submitting written briefs in commercial litigation is quite expedient especially as it de-emphasizes lengthy oral arguments. This will in the long run save hours of litigation time and enhance a speedy resolution of disputes. Similarly, typical hearings conducted with only clients and their counsels in a semi formal setting devoid of excessive protocols seemed really convenient to me

Also the role of Notaries in the completion of commercial transactions and even the formation of associations was interesting to me.

Working in a firm made of several partners also afforded me an opportunity for comparison. In Nigeria, you are more likely to find small firms managed by at best two lawyers. But the concept of partnership is also fast developing especially in the coastal city of Lagos. I was impressed with the organizational structure and the interpersonal relationship between the lawyers, which made the work environment really conducive.

Outside strict legal work, I had the rare

opportunity of interacting with the Presidents of both the Milan Bar and the Court of Appeal. I found both meetings greatly inspiring.

Apart from my stay in Milan, I also visited Rome, Naples, Verona and Bologna; all interesting places! For a 30 day stay this was quite lot. I remember my colleagues saying (with their tongues in their cheeks) that I have visited more Italian cities in my short stay than they have done in their lifelong stay in Italy. Visiting Rome, especially the Vatican had a religious connotation to me because of my faith. Avv de Bosio served as an interesting tour guide, never failing to point



Moses with colleagues in the Milan office

out places of significance to me with lots of explanation. It was such a successful venture that I wish I could do it all over again.

I also shared in Avv. de Bosio's passion for football by attending a couple of games with him before the Italian Seria A season rounded up. This and several outings with my contemporaries at the office and my apartment ensured that my social life was filled to the brim.

My visits to Avv. de Bosio's country home in Verona afforded me an opportunity to observe country life too. His kind and amiable family who spared no effort in ensuring that I had a nice stay made this memorable. This is something I will remain grateful for.

Looking back now, I feel the only drawback I had was the language barrier, which greatly affected my interaction. This aside, my experience was worth it in every sense. Coming from the developing world, I was not only afforded an opportunity of observing first hand, the workings of a law firm in one of the most developed part of Europe, I also observe the court and arbitral proceedings. These have broadened my horizons and given me new perspectives regarding law practice which I hope to improve upon as I begin my career in earnest.

Describe in 5 lines...

how, if at all, potential criminal sanctions against company directors for the infringement of antitrust laws, and in particular cartel behaviour, could affect client advice.

From Kent Sangmyr at Delphi and Co, Malmö:

Before the introduction of the new Swedish Competition Act in 1993, criminal sanctions against company directors were part of the Swedish legal framework in the fight against anti-competitive co-operation. However, the legislation was deemed as being ineffective and the criminal sanctions were replaced with an administrative fine imposed on the company. Personally I do not think that this change has

affected the way we give our clients advice in any significant way.

From Saorlaith Bourke at Reddy Charlton Mcknight:

In 1996 Ireland was one of the first countries in the EU to introduce criminal penalties for breaches of competition law. Since 2002, it is the duty of the accused to show that an agreement does not have an anti-competitive effect. In 2006 Ireland was also one of the first countries to impose a prison sentence, albeit suspended, under competition law. The prosecution related to cartel activity in the oil industry. These recent developments highlight the strong need to advise clients as to how to proceed in this climate of severe criminal sanctions. As a minimum, client advice should focus on the implementation of a compliance policy to ensure all directors, managers and employees know their duties and obligations under the antitrust legislation, ensure that clients have a procedure in place in the event of a dawn raid, advise clients as to the existence of the immunity programme, and most importantly advise clients of the ancillary and related penalties which may be imposed including disqualification of directors, prohibition from public tenders, adverse publicity, civil liability and a criminal record.

Interleges Executive Committee to meet in London

The members of the Executive Committee are meeting in London in early September for their second meeting since the AGM in Puerto Vallarta, to discuss various matters arising from the AGM, to up-date one another on the on-going

recruitment of new members for the network and on the results of the two marketing surveys distributed by the EC to all members in order to gauge the current level of marketing of the network and to decide how to improve on this.

The meeting is kindly being hosted by UK member John North, of Royds.

Please e-mail our Administrator, Annalisa Gordon, at administrator@interleges.com with any pieces of News you would like to see in the next edition of the Interleges Newsletter, which will be distributed in early December.

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