

José Lobo Moutinho

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PROFILE

At **SÉRVULO** since 2008, José Lobo Moutinho is a Partner in the Litigation and Arbitration department, with a practice developed primarily in Corporate Crime and Regulatory Compliance. He holds a PhD in Legal Sciences from the Faculty of Law of the Catholic University of Portugal (2004), and a Master's in Law (1992). He has been a university lecturer since 1987, and a Professor at the Faculty of Law of the Catholic University of Portugal since 2004. He is a member of the Academic Committee of the journal C&R - Revista de Concorrência e Regulação, published by the Portuguese Competition Authority and the Institute of Economic, Financial and Tax Law (IDEFF - Instituto de Direito Económico, Financeiro e Fiscal), of the Faculty of Law of the University of Lisbon. He is a Member of the selection committee of the IV Entry Exam for Appeal Courts. He was Coordinator of the Lisbon Section of the Católica Research Centre for the Future of Law and of the doctoral programmes of the School of Law of the same Faculty, from 2013 to 2014, and a Member of the Governing Board of the Faculty of Law of the Catholic University of Portugal, from 2002 to 2005. He was Of Counsel at the law firm «Ferreira Pinto & Associados», from 2004 to 2007. He was a Member and Secretary of several legislative committees, special mention going to the Revision of the Criminal Procedure Code (revision introduced by Law No. 59/98, of August 25). He was a Researcher at the Centre for Applied Studies (CEA - Centro de Estudos Aplicados) of the Catholic University of Portugal, from 1989 from 1994. He joined the Bar Association in 2004.

RELEVANT EXPERIENCE

Criminal litigation, both on the side of the defence and on the side of the prosecution. Special focus on white-collar crime (financial or of employees), on tax crimes and those against Social Security, on property and honour

crimes, including in cases of high complexity and relevance.

Litigation in the context of administrative offences, representing both the defence and the Administration. Including in cases of high complexity and relevance, especially in terms of large-scale economic regulation: banking, capital markets, competition, telecoms, pharmaceutical law and media.

Legal opinions on matters relating to criminal law and administrative offences.

Coordination of external audits.

Devising compliance programmes.

PRACTICE AREA

- Corporate Crime and Regulatory Compliance
- Litigation
- Arbitration
- Privacy and Personal Data Protection

RECOGNITION

Chambers Europe 2021

Dispute Resolution: Corporate Crime - TIER 2

José Lobo Moutinho is highly active in advising on corporate crime matters, including corruption and abuse of power cases. In addition, he deals with compliance obligations matters for clients.

Chambers Europe 2020

Dispute Resolution: Corporate Crime - TIER 2

José Lobo Moutinho advises on the full spectrum of corporate criminal litigation, ranging from theft and fraud allegations to abuse of power and corruption. He often represents individuals as well as public entities.

Chambers Europe 2019

Dispute Resolution: Corporate Crime - TIER 2

Jose Lobo Moutinho demonstrates impressive expertise across the full spectrum of white-collar crime mandates, with particularly activity in cases of corruption, tax fraud or banking offences.

Chambers Europe 2018

Dispute Resolution: Corporate Crime - TIER 2

The 'great' Jose Lobo Moutinho has extensive experience in representing clients in regulated sectors in high-profile white-collar matters, including corruption and fraud.

Chambers Europe 2017

Dispute Resolution - TIER 2

[He is] "worthy of all the authority that is awarded to him.

Chambers Europe 2016

Dispute Resolution - TIER 2

Corporate crime specialist José Lobo Moutinho is a well-regarded figure in the market and praised as "a good professor."

Chambers Europe 2015

Dispute Resolution - TIER 2

[He has] extraordinarily solid knowledge.

Chambers Europe 2014

Dispute Resolution - TIER 3

He is very skilled and talented.

Legal 500 2021

Data Privacy and Data Protection - TIER Recommended

Fraud and White-Collar Crime - TIER Leading Individual

José Lobo Moutinho is one of the most prominent figures in the criminal law space in Portugal, having represented clients in high-profile cases and regulatory matters involving the banking, telecoms, pharmaceuticals and media sectors.

Legal 500 2020

Fraud and White-Collar Crime - TIER Leading Individual

José Lobo Moutinho is an excellent lawyer and personifies both practical and academic record with a very nonchalant attitude, being persuasive and knowledgeable on legal aspects.

Legal 500 2019

Fraud and White-Collar Crime - TIER Leading Individual



José Lobo Moutinho leads a seven-strong team.

Legal 500 2018

Fraud and White-Collar Crime - TIER Leading Individual

Jose Lobo Moutinho is highly recommended by clients and peers alike, and leads a nine-strong group.

Legal 500 2017

Fraud and White-Collar Crime - TIER Leading Individual

[He is an] excellent leader

Legal 500 2016

Fraud and White-Collar Crime - TIER Leading Lawyer

Legal 500 2015

Dispute Resolution - TIER Leading Lawyer

[He is a] specialist in white-collar crime cases

Legal 500 2014

Dispute Resolution - TIER Recommended

Best Lawyers 2021

Litigation - TIER Recommended

Arbitration and Mediation - TIER Recommended

Criminal Defense - TIER Recommended

Best Lawyers 2020 Global Business Edition

Arbitration and Mediation - TIER Recommended

Criminal Defense - TIER Recommended

Litigation - TIER Recommended

Best Lawyers 2020

Arbitration and Mediation - TIER Recommended

Criminal Defense - TIER Recommended

Litigation - TIER Recommended



Best Lawyers 2019

Litigation - TIER Recommended

Criminal Defense - TIER Recommended

Best Lawyers 2018

Litigation - TIER Recommended

Criminal Defense - TIER Recommended

Best Lawyers 2017

Criminal Defense - TIER Recommended

Litigation - TIER Recommended

Best Lawyers 2016

Criminal Defense - TIER Recommended

Litigation - TIER Recommended

Best Lawyers 2015

Criminal Defense - TIER Recommended

Litigation - TIER Recommended

Best Lawyers 2014

Criminal Defense - TIER Recommended

Litigation - TIER Recommended

Who's Who Legal 2021

Business Crime Defence & Investigations - Iberia National Leaders - TIER Recommended

Who's Who Legal 2020

Business Crime Defence - Individuals - TIER Recommended

Who's Who Legal 2019

Business Crime Defence - Individuals - TIER Recommended

Who's Who Legal 2017

Business Crime Defence: Individuals - TIER Recommended



Who's Who Legal 2016

Business Crime Defense - TIER Leading Individual

Leaders League 2021

Compliance & White Collar Crime - TIER Excellent

Experienced practitioner, José Lobo Moutinho, is sought out by both individuals and public entities for his expertise on matters including theft, fraud allegations, abuse of power and corruption.

Leaders League 2020

Compliance & White-Collar Crime - TIER Excellent

Expert Guides 2021

White Collar Crime - TIER Expert

Expert Guides 2020

White Collar Crime - TIER Expert

Expert Guides 2019

White Collar Crime - TIER Expert

BOOKS AND ACADEMIC ARTICLES

2017

Legislador Português. Precisa-se.

2017 | in Forum de Proteção de Dados, n.º 4, julho de 2017, pp. 40-58

2015

Notes on the penalty regime of the Draft Proposal for the General Regulation on Data Protection of the European Parliament and Council

2015 | in Revista Forum de Proteção de Dados, n.º 1, Julho 2015, pp. 18-33.

The International Investigations Review 2015: Portugal

2015 | in The International Investigations Review, 5th edition (2015), Law Business Research, London, pp. 243-253

2014

Lei das Práticas Restritivas do Comércio: Comentário

2014 | Edições Almedina

The International Investigations Review 2014: Portugal

2014 | in The International Investigations Review, 4th edition (2014), Law Business Research, London, pp. 250-259

O novo mapa judiciário perante o estatuto constitucional do Ministério Público

2014 | Coimbra Editora, 2.ª Edição

2013

A reformatio in pejus no processo de contra-ordenações

2013 | in Estudos dedicados ao Professor Doutor Nuno José Espinosa Gomes da Silva, Vol. I, 2013, Universidade Católica Editora, pp. 421-452

The International Investigations Review 2013: Portugal

2013 | in The International Investigations Review, 3rd edition (2013), Law Business Research, London, pp. 220-229

2012

The International Investigations Review 2012: Portugal

2012 | in The International Investigations Review, 2ª edição (2012), Law Business Research, Londres, pp. 220-229

2011

A limitação temporal do segredo do processo relativamente ao arguido. O pós-Acórdão n.º 428/08 do tribunal Constitucional

2011 | in Estudos dedicados ao Professor Doutor Luís Alberto Carvalho Fernandes, Vol. I, 2011, Universidade Católica Editora, pp. 317-346

2010

Anotações aos artigos 21.º, 27.º e 28.º

2010 | in Constituição Portuguesa Anotada, Tomo I, 2.ª Edição, 2010, Coimbra Editora, pp. 457-467, 633-666

2009

O arguido no processo preparatório, revisitado em 2008

2009 | in Tratado Luso-Brasileiro da Dignidade Humana, 2.ª Edição, 2009, Quartier Latin, pp. 699-717

2008

A competência por conexão no novo Código de Processo Penal

2008 | Universidade Católica Portuguesa

Direito das contra-ordenações

2008 | Universidade Católica Portuguesa

A questão actual do estatuto jurídico do nascituro

2008 | in Verdade, Pessoa Humana e Ordem Político-Jurídica, Direito e Justiça, Vol. especial, 2008, Universidade Católica Editora, pp. 121-132

Direito Processual Penal

2008 | AAFDL

2007

Anotação aos artigos 219.º e 220.º

2007 | in Constituição Portuguesa Anotada, Tomo III, 2007, Coimbra Editora, pp. 201-246

2005

Uncovering the undercover agent

2005 | in Occasional Papers in Comparative Law, n.º 2, Abril 2005, Roger Williams University, pp. 45-63

Da unidade à pluralidade dos crimes no Direito Penal Português

2005 | Universidade Católica Portuguesa

2000

Arguido e Imputado no Processo Penal Português

2000 | Universidade Católica Portuguesa

1994

La responsabilité pénale des personnes morales et entités assimilées dans le Droit portugais

1994 | in Documentação e Direito Comparado, n.os 57/57, 1994, pp. 231-267

A aplicação da lei penal no tempo segundo o Direito português

1994 | in Revista Direito e Justiça, Vol. VIII - Tomo 2 - 1994, pp. 77-117

1993

Estudo sobre o direito real de habitação periódica

1993 | in Revista Direito e Justiça, Vol. VII - 1993, pp. 407-416 / Vol. VIII - 1994, pp. 295-364

1992

A responsabilidade do sócio em nome colectivo em face do Código das Sociedades Comerciais

1992 | in Revista Direito e Justiça, Vol. VI - 1992, pp. 171-250 / Vol. VII - 1993, pp. 83-137