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Navigating the Legal-Political Ecosystem: Non-Market Strategies and Corporate Political Activities of Elite Mexican Law Firms

Rafael Quintero Godínez¹ and Stefano Li Pira²

I. Introduction

The role of law firms in shaping the legal-political ecosystem in emerging markets has been a topic of growing interest and debate. Specifically, this paper focuses on the role of elite Mexican law firms and how they use non-market strategies to gain influence and control over the legal-political ecosystem. The paper explores the various non-market strategies these firms employ and how engaging in corporate political activities (CPAs) can help them access resources, improve their client service capabilities, and navigate the complexities of public policy. Additionally, the paper acknowledges the significant challenges that come with these strategies, including the conflicts of interest, the violation of anti-corruption law, and reputational damage.

To delve deeper into these arguments, we use an integrated framework of Resource Dependence Theory (RDT) and Institutional Theory. This approach enables the examination of how Mexican law firms navigate the intricate web of regulations and gain a competitive advantage in the market. We also test our arguments on a case study of Mexican law firms and using a mixed-methods approach that combines Social Network Analysis (SNA) and qualitative analysis (thematic analysis and in-depth interviews). Our preliminary findings indicate a potential connection between Mexican elite law firms and the government, suggesting possible influence within the legal-political ecosystem. The findings reveal that 73.3% of these Mexican law firms have at least one partner who has held a position in the government, either as a public official or an advisor.

As we continue our research, we will explore potential advantages and risks associated with political connections, the role of institutional factors in shaping the effectiveness of lobbying strategies, and the mechanisms through which law firms may leverage their connections to influence the legal and political environment. This working paper contributes to filling the gap in the literature on the unique challenges and opportunities faced by law firms in emerging markets like Mexico. By examining the complex interplay between law firms, political actors, and regulatory institutions, we aim to provide valuable insights into the role of non-market strategies in shaping the legal-political ecosystem and enhancing the competitive advantage of elite Mexican law firms.

II. Non-Market Strategies and Theoretical Foundations: Insights into Mexican Law Firms

A. Literature Review

The literature on non-market strategies in the context of law firms highlights the growing importance of CPAs in influencing the legal-political ecosystem (Sung, 2023). In the Mexican context, CPAs play a critical

¹ Lecturer in Law at Birmingham City Law School.

² Assistant Professor at Warwick Business School.

role in enhancing public policy understanding, resource access, and client service capabilities for elite law firms.

Public policy understanding is crucial for law firms to navigate the complex regulatory environments and provide valuable insights to their clients. CPAs, such as legal lobbying and public relations efforts, enable law firms to maintain a comprehensive understanding of the policy landscape, anticipate changes, and even participate in policy formulation (Heinz and Laumann, 1982; Nelson, 1992). As such, these activities contribute to the development of the firm's expertise in the legal-political domain, ultimately enhancing their competitive advantage (Lawton and Rajwani, 2015).

Resource access is another critical aspect for law firms operating in emerging markets like Mexico. Firms invest in political connections to overcome bureaucratic obstacles, secure access to additional resources, and hedge against political risk (Bonardi et al., 2006; Krammer, 2019; Krammer and Jiménez, 2020; Sun et al., 2012). CPAs can facilitate resource access by establishing personal and organisational ties with key political actors and institutions. These relationships can help law firms secure valuable resources, such as preferential treatment in regulatory proceedings (Faccio, 2006). By leveraging their political connections, elite Mexican law firms can gain access to crucial resources that contribute to their growth and success.

Lastly, client service capabilities are significantly impacted by law firms' ability to employ CPAs effectively. Clients, particularly those operating in highly regulated industries, require expert guidance and representation in matters involving government agencies and legislative bodies. Law firms that actively engage in CPAs can offer their clients a competitive edge by providing tailored advice, facilitating negotiations, and mitigating potential legal and regulatory risks (Getz, 1997). In this regard, CPAs help law firms to enhance their value proposition, attracting and retaining high-profile clients.

In summary, the literature on non-market strategies and corporate political activities underscores their importance in the context of elite Mexican law firms. CPAs contribute to the enhancement of public policy understanding, resource access, and client service capabilities, which are vital for law firms to succeed in the competitive and complex legal-political ecosystem.

B. Theory

In this section, we elaborate on the integrated RDT and Institutional Theory framework and how it captures the unique challenges and opportunities faced by law firms in the Mexican context.

RDT posits that organisations, such as law firms, are dependent on their external environment for resources, which are essential for their survival and growth (Pfeffer and Salancik, 2003). In the case of Mexican law firms, these resources include not only financial capital and human talent but also access to political actors, government contracts, and insider information on policy developments. By employing non-market strategies, law firms can acquire these resources and strengthen their competitive position in the market. RDT provides a useful lens to understand how law firms in Mexico navigate the complex legal-political landscape and engage in corporate political activities to secure critical resources.

Institutional Theory, on the other hand, emphasizes the role of formal and informal institutions in shaping organisational behaviour and outcomes (North, 1990). In the Mexican context, the legal-political ecosystem is characterized by intricate regulations, institutional voids, and informal practices, which present unique challenges and opportunities for law firms. The Institutional Theory allows us to examine how elite Mexican law firms strategically respond to the formal and informal institutional pressures and adapt their non-market strategies to exploit opportunities and mitigate risks.

In conclusion, the integrated framework allows us to explore how law firms engage in non-market strategies to secure resources, while simultaneously adapting to the institutional pressures and norms that characterize the Mexican legal-political ecosystem. This dual perspective offers valuable insights into the unique challenges and opportunities faced by law firms in Mexico, as they seek to gain influence and control over the legal-political environment.

III. Unravelling the Dynamics: Hypotheses Guiding the Investigation

In this section, we present the hypotheses that will guide our investigation into the non-market strategies employed by Mexican law firms to gain influence and control over the legal-political ecosystem. Building upon the integrated theoretical framework discussed above, and our preliminary findings (see Section **Error! Reference source not found.**), we have identified three hypotheses that warrant further exploration.

Hypothesis 1: Mexican elite law firms with partners who have prior experience working as public officials or advisors in the government are more likely to employ non-market strategies effectively, such as corporate political activities, to gain influence and control over the legal-political ecosystem, enhancing public policy understanding, resource access, and client service capabilities.

Hypothesis 2: Mexican elite law firms with partners who have prior experience working as public officials or advisors in the government have a higher success rate in shaping public policy outcomes and navigating complex regulatory environments but may also be exposed to conflicts of interest and the risk of violating anti-corruption laws.

Hypothesis 3: The presence of formal institutional voids in the Mexican legal-political ecosystem exposes Mexican law firms to considerable risks, including conflicts of interest, the need for comprehensive legal and regulatory awareness, and potential violations of anti-corruption laws, which could undermine the effectiveness of their non-market strategies and impact their reputations.

IV. Exploring Elite Law Firms: Case Study, Research Questions, and Methodological Approach.

Our case study focuses on elite Mexican law firms, which provides an opportunity to explore the strategies they use to gain influence and control over the legal-political ecosystem. Mexico, as an emerging market, presents a suitable case study for examining how law firms employ non-market strategies to adapt and thrive within their distinct legal-political contexts (e.g. Hoskisson et al., 2000). The Mexican legal system is characterized by a combination of formal and informal institutions, as well as a high degree of corruption and weak rule of law (Quintero Godínez, 2023). These factors create a challenging environment for law firms seeking to influence policy outcomes and protect their clients' interests.

The research questions we address in this study are as follows:

- How do elite Mexican law firms engage in corporate political activities to enhance their public policy understanding, resource access, and client service capabilities?
- What role do political connections and institutional factors play in shaping the effectiveness of these strategies?
- What are the main challenges and opportunities faced by these law firms in navigating the complex legal-political landscape, including considerations such as conflicts of interest, anti-corruption law violations, and reputational damage?

To answer these research questions and examine the key arguments mentioned in the introduction, we employ a mixed-methods approach that combines qualitative analysis and SNA.

To address these research questions, this study combines qualitative and quantitative data collection and analysis. Data collection involves identifying the top 30 elite Mexican law firms through The Legal 500—the world's leading legal directory, analysing the profile of their high-profile lawyers (partners, counsel, and associates), and examining their past/present connections with the Mexican government. The robustness of the collected data enables a comprehensive analysis of not only the taxonomy of non-market strategies

but also the ways in which Mexican law firms employ these strategies to navigate the complex legal-political landscape.

Qualitative analysis includes a thematic analysis of law firm websites and conducting in-depth interviews with lawyers and key stakeholders in the Mexican legal-political ecosystem to provide insights into the specific non-market strategies employed by law firms and their lawyers (Isabella, 1990). The interviews will be conducted using a semi-structured format, ensuring that key topics are covered while allowing flexibility for the interviewees to discuss their experiences and perspectives. To ensure reflexivity and minimize the influence of the interviewer on the interviewee's responses, the cleanness rating method described in (Cairns-Lee et al., 2022) will be employed during the data collection process.

SNA allows us to map and analyse the relationships between elite Mexican law firms and the government entities they interact with, providing insights into their political connections and the potential influence they wield within the legal-political ecosystem (Mahon et al., 2004). By employing SNA, we can identify patterns of connections and centrality that may shed light on how law firms use their political ties to gain access to resources and opportunities.

The qualitative analysis component of our methodology involves conducting interviews with legal professionals, including partners and associates from the law firms in question. These interviews help us to better understand the rationale behind the firms' engagement in corporate political activities, the strategies they employ to navigate the legal-political landscape, and the potential impact of such connections on firm performance and the legal environment as a whole. The qualitative analysis also provides insights into the challenges and considerations involved in these activities, such as addressing conflicts of interest, avoiding anti-corruption law violations, and managing reputational damage.

In conclusion, our case study, research questions, and mixed-methods approach, which combines SNA and qualitative analysis, enable us to examine the key arguments presented in the introduction, focusing on the role of corporate political activities and the considerations involved in the Mexican legal-political ecosystem.

V. Conclusion

In conclusion, this working paper sheds light on the complex dynamics between elite Mexican law firms and their use of non-market strategies to navigate the legal-political ecosystem. By employing an integrated RDT and Institutional Theory framework and employing a mixed-methods approach, we uncover the potential influence of these firms on public policy and regulation. Our research highlights the unique challenges and opportunities faced by law firms in emerging markets and contributes to the understanding of the complex interplay between law firms, political actors, and regulatory institutions.

This study acknowledges several limitations. Firstly, the focus is primarily on elite law firms, which may not capture the full range of non-market strategies employed by all law firms in Mexico. To address this, the study intends to expand its scope by incorporating data on counsel and associate lawyers working in these elite firms. Secondly, our initial dataset on political connections is limited to partners and does not include associates and other personnel within the firms. Lastly, participant recruitment for the qualitative phase is ongoing, but the connections of one co-author in the Mexican legal field are expected to facilitate this process.

Considering these limitations, future research should consider expanding the scope of the study to include smaller law firms and a broader range of legal professionals. Additionally, a more in-depth examination of the non-market strategies employed by law firms in the Mexican context will provide valuable insights into the complex interplay between law firms, political actors, and regulatory institutions.

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