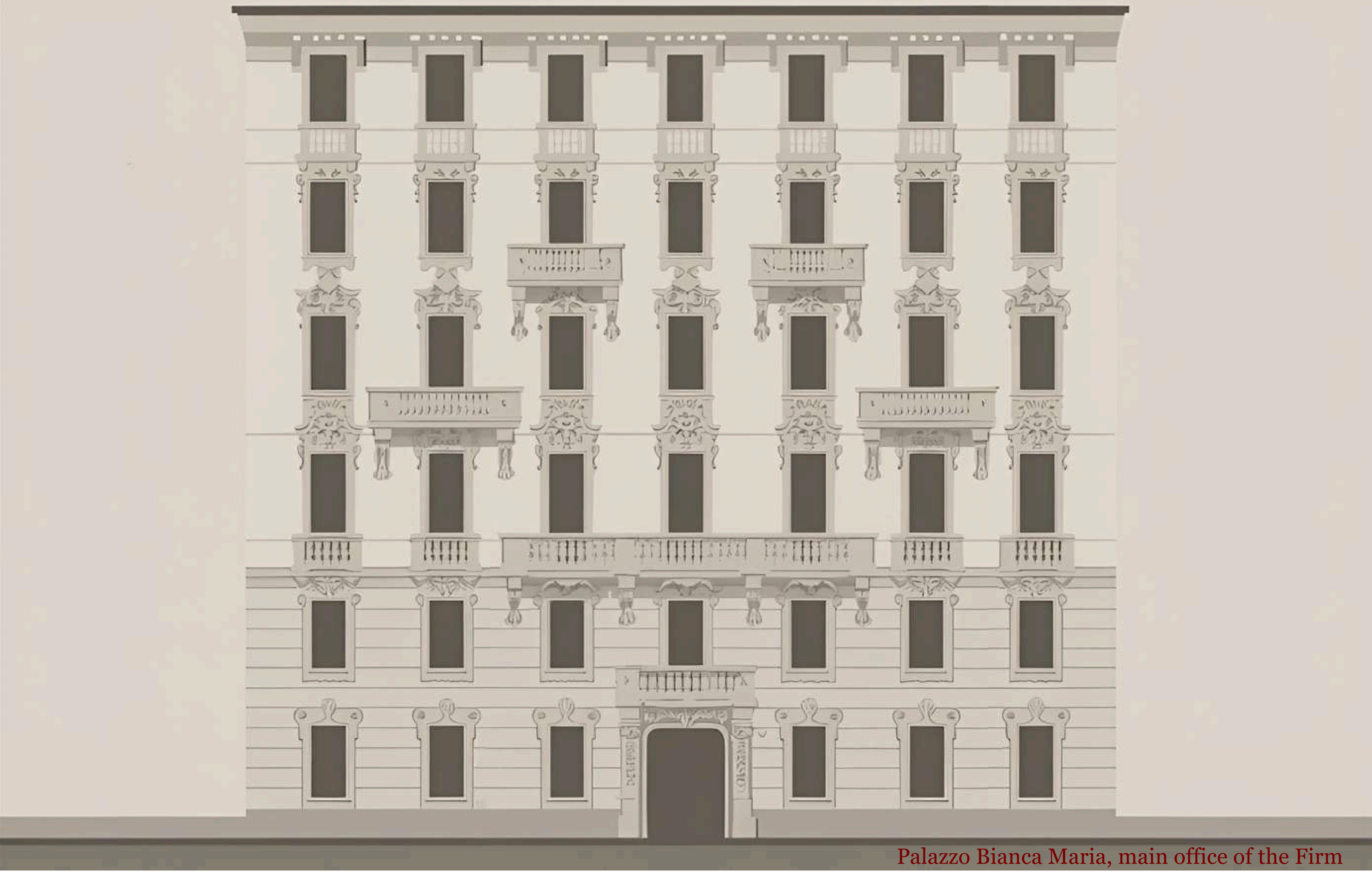
LUPÁRIA DONATI

LAW FIRM

BUSINESS CRIMINAL LAW



Palazzo Bianca Maria, main office of the Firm

MILAN | ROME | GENOA | PARIS

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A premier independent boutique dedicated to high-stakes criminal defense and penal risk management

Studio Lupária defines its professional identity around three founding principles.

1

Teamwork as a method

2

Specialization as a foundation

3

The international dimension as a horizon

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The Firm

Lupária Law Firm was founded by Professor Luca Lupária Donati and is headquartered in Milan, with offices also in Rome, Genoa and Paris.
It is highly specialised in criminal law, with extensive expertise in the field of corporate criminal law. For over twenty years, the Firm has provided legal defence and advisory services to senior executives, professionals, multinational corporations, and public authorities.
The Firm is a leading boutique law practice in its field, composed of university professors and internationally focused lawyers, able to handle complex proceedings or cases that require superior strategic capability. The Firm's sphere of activity extends across Europe and the United States and has dealings also with Latin America.
Its litigation practice, conducted also before the higher courts and in proceedings with transnational aspects, covers a broad range of matters, from corporate and tax crimes to bankruptcy and money laundering offences; from crimes against the public administration or property to the wide spectrum of negligent offences, up to the field of corporate criminal liability. In the field of criminal law relating to information technology and new technologies, the Firm has represented clients in several leading European cases.
The Firm is also well established in the sphere of corporate criminal liability, with particular expertise in the design and implementation of compliance models pursuant to Legislative Decree 231/2001, as well as in the conduct of internal investigations and risk assessment activities, including with regard to asset protection measures.
Members of the team occupy the role of Chair or member of Supervisory Bodies in leading companies, including listed companies or those under public control.
The Firm's profile is further enhanced by a strong record of academic research and teaching, contributing to a consistently up-to-date and cutting-edge approach to the interpretation and application of substantive and procedural law.
The objective is to provide a highly qualified, efficient, and attentive service through an agile and modern organisation capable of ensuring the most appropriate response to diverse needs while, at the same time, fostering the highest level of professional excellence of the firm's team. The international relationships developed over time constitute the added value of a firm that strives for excellence.

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Practice Areas

Corporate and insolvency offences

This area of expertise includes pre-insolvency, bankruptcy, and corporate offences, such as, by way of example fraudulent corporate bankruptcy crimes; false corporate disclosures; false statements in reports or disclosures issued by auditing firms; obstruction of supervisory activities; transactions carried out to the detriment of creditors; improper influence over the shareholders' meeting; market rigging; failure to disclose a conflict of interest; insider trading and market manipulation. Furthermore, the Firm is highly specialized in Tax Crimes.

Corporate liability pursuant to Legislative Decree 231/2001

The Firm assists companies under investigation or facing charges pursuant to Legislative Decree 231/2001, providing legal assistance in criminal proceedings for offences allegedly committed in their interest or to their advantage. Alongside its defence practice, the firm also provides advice on the design, implementation, and continuous updating of organisational, management, and control models, as well as crime prevention systems, in compliance with the requirements set out in Legislative Decree 231/2001.

Environmental offences and offences against the Public Administration

The Firm's professionals handle offences and infringements relating to the protection of water and air quality, as well as waste management; national and international corruption offences, including corruption between private parties; embezzlement; and fraud perpetrated against the State or other public bodies, including for the purpose of obtaining public funds or subsidies

Corporate Criminal Defense & Compliance

The Firm has developed significant expertise in advising major international groups in connection with preventive measures applied under Italian Anti-Mafia Regulation, as well as investigations involving tax crimes or so-called modern slavery (caporalato). All of the Firm's attorneys actively participate in criminal proceedings arising from labor disputes, workplace accidents, and health and safety matters in the workplace.
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Offences relating to information technology and new technologies

The firm handles cases involving unauthorised access to a computer or telecommunications system; unlawful possession and dissemination of access credentials to computer or telecommunications systems; distribution of software intended to damage or disrupt a computer system; unlawful interception or interruption of electronic communications; installation of devices designed to intercept communications; and damage to information, data, and computer programs, including those of public interest; privacy and data protection offences.

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Prof. Avv. Luca Lupária Donati

Luca Lupária Donati is Full Professor of Criminal Procedure at the University of Milan, where he also teaches Corporate Criminal Law and Procedure. A criminal defense attorney admitted to the Milan Bar, he is qualified to appear before the Court of Cassation and the other Superior Courts

Luca Lupária Donati, an avvocato cassazionista (a lawyer authorised to practice before the Higher Courts), is Full Professor of Criminal Procedure at the University of Milan and previously held the position of Full Professor at the Roma Tre University in Rome. In addition to Criminal Procedure, he has taught Comparative Criminal Procedure, Penitentiary Law, Corporate Criminal Law and Procedure, and Corporate Prosecution and Control Governance. He is a Visiting Professor and an Honorary Professor at several American and European universities. He has a degree in Law from the University of Milan (magna cum laude) and a doctorate (PhD) in Criminal Procedure from the University of Bologna Alma Mater Studiorum.

He has represented clients in judicial proceedings at the national and international level. His clients include some of the major Big Tech companies, multinational logistics groups, state-controlled companies, financial institutions, senior public officials, and directors and statutory auditors of leading enterprises. He has defended clients in high-profile proceedings relating to serious negligent crimes. He has gained extensive experience in cases relating to the victims of crime or breaches of fundamental rights.

He chairs the Supervisory Bodies of major publicly owned companies, listed companies and holding companies of important national and international groups. The numerous roles held over the years include that of Chairman of the Supervisory Body of Rai-Radiotelevisione italiana s.p.a. and Chairman of the International Supervisory Bodies of the Eni group.

He was a member of the Lattanzi Commission for the reform of the Italian system of criminal proceedings and sanctions (Cartabia reform).

He is a member of the Criminal Law Committee CCBE.

He is an ordinary member, inter alia, of the Deutsch-italienischen Zentrum für europäische Exzellenz, the Société de législation comparée, the Italian Association of Criminal Procedure Scholars "G. D. Pisapia", the Centre for Advanced Studies of Process and Justice, the Italian Association of Evidence Scholars, the International Association of Penal Law, the Comité international des pénalistes francophones, etc., as a well as a member of the General Council of ICON-S Italia. He is a member of the Scientific Committee of the "Centro Nazionale di Prevenzione e Difesa Sociale CNPDS" and sits on the scientific committees of master's programmes, advanced training courses, and committees of the Bar Association and the Criminal Chamber. He is the Director of the Italy Innocence Project, a member of the Innocence Network based in New York, as well as President of the European Innocence Network.

He has been a speaker at major conferences in various countries. He is the Editor and Director, respectively, of several collective volumes and academic book series. He has written monographs on key issues of criminal justice and over two hundred academic publications, published also in foreign journals and international volumes.

He is a member of the editorial boards of international journals and also serves on the executive or scientific committees of Italian law reviews. A small selection of the editorial roles covered includes: Associate Editor of the journal "Sistema penale", member of the Executive Committee of "Rivista italiana di diritto e procedura penale", member of the Editorial Committee of "Law, Probability and Risk" (Oxford University Press).

He is Co-Editor of four academic book series (including "Giustizia penale europea" and "Processo penale e politica criminale").

In addition to directing several research centres, he has served as the Academic Coordinator of transnational research projects funded by the European Commission. He frequently collaborates with colleagues from other countries and is a member of the Union Internationale des Avocats.

He is the Academic Director of the Festival della Giustizia Penale (Criminal Law Festival).

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Publications

Volumes: monographs and edited collections

Compliance 231. Modelli organizzativi e Odv tra prassi applicative ed esperienze di settore, Milano, 2022; Diritto e procedura penale delle società (con il Presidente emerito della Cassazione G. Canzio), Giuffrè, 2022; La legislazione antimafia, Bologna, 2020; La dimensione tecnologica della prova penale, Torino, 2019; Diritti fondamentali e processo all'ente. L'accertamento della responsabilità d'impresa nella giustizia penale italiana e spagnola , Torino, 2018; Prova scientifica e processo penale, a cura di G. Canzio e L. Lupària, Padova, 2018; Diritto penale delle società. Accertamento delle responsabilità individuali e processo alla persona giuridica, a cura di G. Canzio, L. D. Cerqua, L. Lupária, Padova, 2016; Understanding wrongful conviction. The protection of the innocent across Europe and America, edited by L. Lupária, Assago.

Victims and criminal justice, European standards and national good practices , a cura di L. Lupária, Assago - Padova, 2015; The Italian Code of Criminal Procedure, a cura di M. Gialuz, L. Lupária, F. Scarpa, Padova, 2014; La litispendenza internazionale: tra ne bis in idem europeo e processo penale italiano, Milano, 2012; Internet provider e giustizia penale: modelli di responsabilità e forme di collaborazione processuale, a cura di L. Lupária, Milano, 2012;

Articles and essays:

I reati tributari quali presupposto per la responsabilità 231 dell'ente, in Compliance 231, Modelli organizzativi e Odv tra prassi applicative ed esperienze di settore , Milano, 2020, pp. 265; Le linee del "modello" processuale differenziato per l'accertamento dei reati di mafia, ivi, 383; Le possibili risposte dei sistemi 231 alla pandemia per Covid-19, ivi, p. 277; Modelli organizzativi, compliance aziendale e vigilanza 231: un quadro d'insieme, ivi, p. 1; Garanzie primarie della giurisdizione e processo all'ente, in Diritti fondamentali e processo all'ente. L'accertamento della responsabilità d'impresa nella giustizia penale italiana e spagnola , Torino, 2018; Le procès pénal face à la délinquance économique: aspects de l'expérience italienne, in Archives de politique criminelle, 2017; La presunción de inocencia en la Carta de los derechos fundamentales de la Unión Europea, in Revista Vasca de Derecho Procesal y Arbitraje, 2, 2017, p. 199; Contrasto alla criminalità economica e ruolo del processo penale: orizzonti comparativi e vedute nazionali, in Processo penale e giustizia, 2015, 5, p. 1; La tutela penale dei beni culturali nella dimensione processuale: avvertenze e proposte nello scenario di riforma , in Circolazione dei beni culturali mobili e tutela penale: un'analisi di diritto interno, comparato e internazionale, Milano, 2015, p. 243; La police judiciaire dans le procès pénal italien : questions anciennes et scénarios inédits, in Archives de Politique Criminelle, 2011, 33, p. 163; Quale posizione per la vittima nel modello processuale italiano? In Lo scudo e la spada: esigenze di protezione e poteri delle vittime nel processo penale tra Europa e Italia, Torino, 2012, p. 33; Liquidatore del concordato e bancarotta societaria: il ripudio di una analogia in malam partem , in Le Società, 2011, 3, p. 327.

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Senior Associate

Alessandra Tramontelli
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Locations

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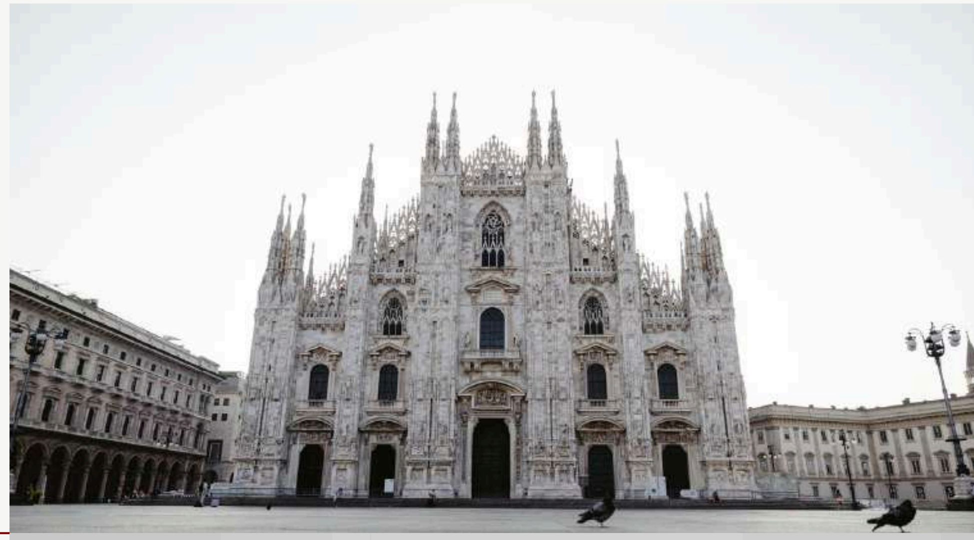
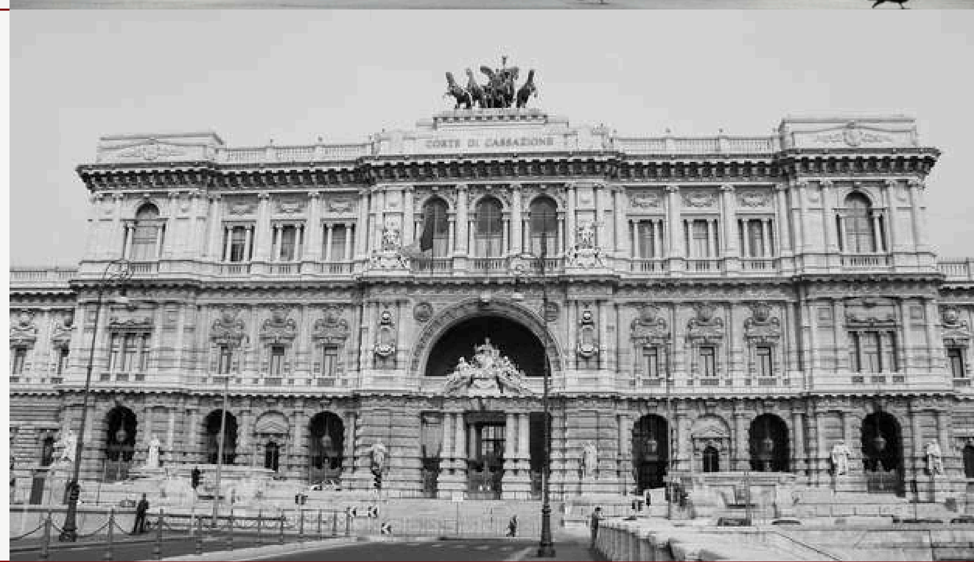
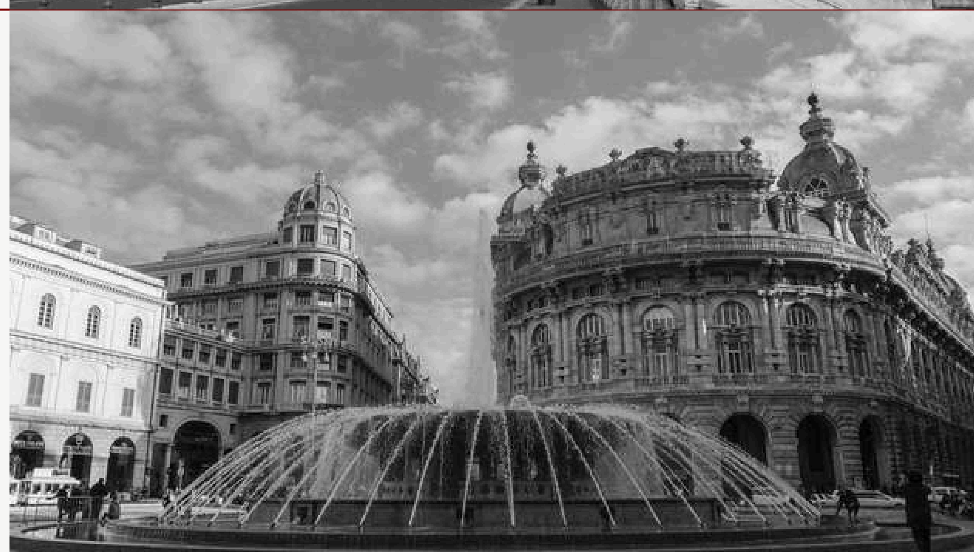


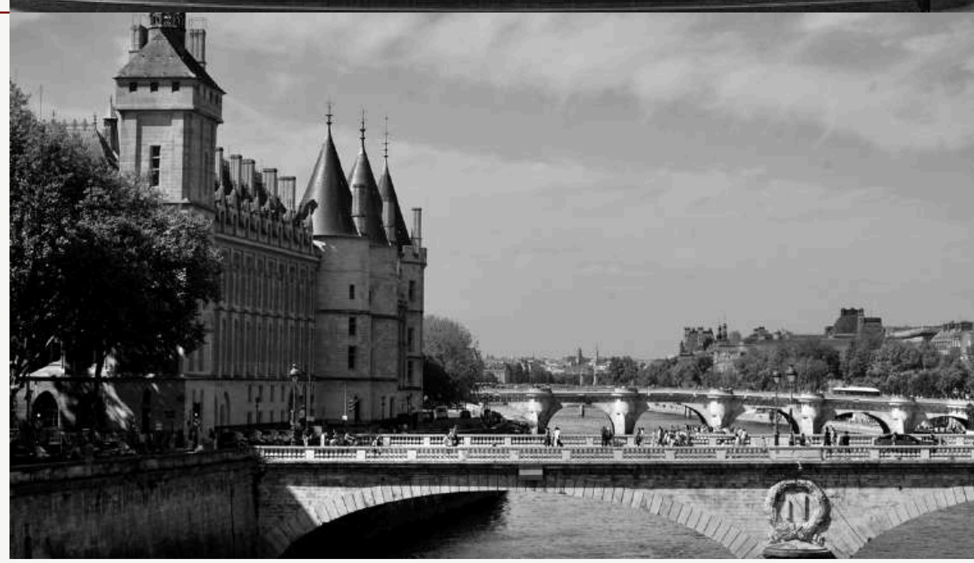
ROME



GENOA



PARIS



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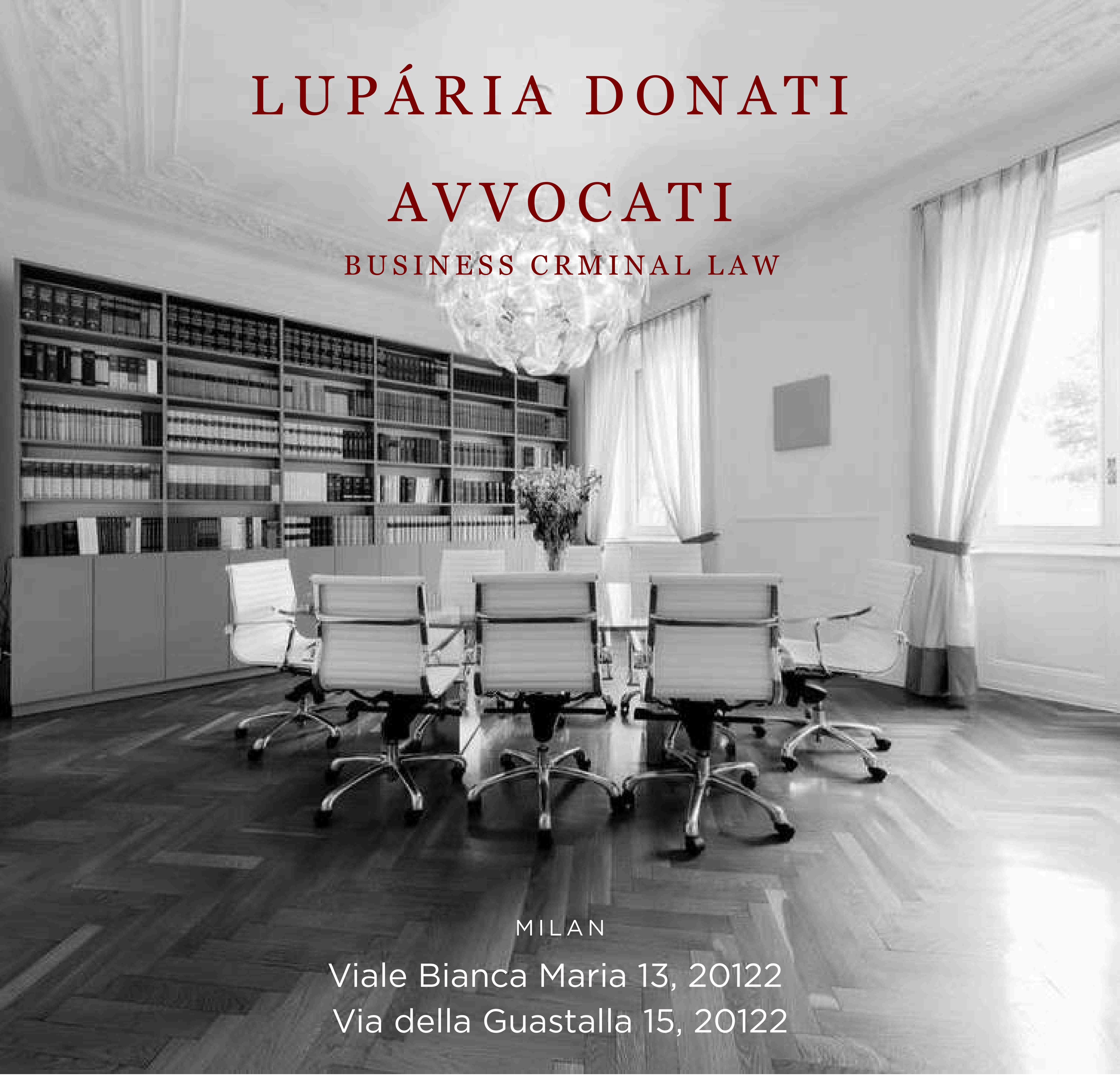

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