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Administrative and Constitutional Law
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Miquel Pons Portella is a senior associate in the Administrative and Constitutional Law Department of the Barcelona office.

He handles the legal defense of numerous clients in proceedings at the Constitutional Court, Supreme Court, National Appellate Court (*Audiencia Nacional*) and various high courts (*Tribunales Superiores de Justicia*). He provides advice to both public sector entities and private enterprises and individuals in their relations with the public authorities, preparing reports, handling queries and participating in administrative proceedings.

His professional activity includes matters related to fundamental rights and public freedoms, zoning, public domain assets, public property transactions, transparency, public-private partnership, housing and public companies, among others.

He is a member of the Barcelona Bar Association and graduated from Universitat Pompeu Fabra in Barcelona, where he has been studying a PhD program in Law since the 2020-2021 academic year. His thesis analyses the current situation of the necessary regulations in the Spanish legal system. He has also published over 30 articles in specialized journals.

Experience

He joined the firm in April 2018 and has been a senior associate in the Administrative and Constitutional Law Department of the Barcelona office since 2024.

He has extensive experience in the area of public law, frequently participating in matters relating to administrative liability, fundamental rights and public freedoms, zoning, public domain assets, public property transactions, expropriation, transparency and good corporate governance, jurisdictional conflicts, public companies, environment, administrative enabling instruments for the pursuit of activities and public-private partnership, among other areas.

He is highly specialized in the housing sector, including legislation approved by the various autonomous communities — in particular, Catalonia — and the recent Law 12/2023, of May 24, 2023, on the right to

housing. His clients include both entities representative of the industry as well as private operators, for which he resolves queries, issues reports and acts as defense counsel in judicial review proceedings.

Miquel regularly participates in due diligence processes in connection with real estate assets, providing advice on administrative law matters and, in particular, on zoning.

He participates in a diverse range of lawsuits, both in the administrative phase and also in the judicial review phase: from challenging urban planning instruments, to claims for administrative liability due to COVID-19, including conflicts regarding compliance with administrative agreements, penalty proceedings, management of public services, public levies, etc.

He acts before the Constitutional Court (appeals for protection of constitutional rights and unconstitutionality) and before the Supreme Court (cassation appeals), and also before the various judicial review courts.

To date, he has also taken part in two legislative proceedings, one in central government and the other in the Catalan Parliament.

Miquel is fluent in Catalan, Spanish and English.

Academic background

- Degree in Law (track in public law), Universitat Pompeu Fabra, Barcelona (2013).
- Master’s Degree in Legal Practice, Universitat Oberta de Catalunya (2016).
- Master’s Degree in Canon Law, Universidad Pontificia de Salamanca (2017).

Since the 2020-2021 academic year he has been studying the PhD program in law offered by Universitat Pompeu Fabra, Barcelona. His thesis will address the current situation of the necessary regulations in the Spanish legal system.

Memberships

Miquel is a member of the Barcelona Bar Association (ICAB).

Distinctions

- Award for Excellence from Cátedra Fundación Mutualidad Abogacía. Fifth Edition (2016). For the study "Lawyers in the context of disciplinary corrections by the courts of justice".
- Reina María Cristina award from Real Centro Universitario Escorial-María Cristina. Fifth Edition (2016-2017). In the area of law. For the study "Control over public pardons by the judicial review jurisdiction".

Publications

He has published over 30 articles in specialized journals, some of which are listed below:

- "El asunto Columbrianos en el renacimiento de los pueblos pequeños" (The Columbrianos case in the rebirth of small villages), *Revista Jurídica de Castilla y León*, no. 50, January 2020, page 165-186.
- "Abogados y procuradores ante el derecho de las víctimas de grandes catástrofes al «periodo de reflexión»" (Lawyers and court procedural representatives in relation to the rights of victims of major

disasters), *Revista Iberoamericana de Derecho Procesal*, no. 8, July-December, 2019.

- "La Delegació del Govern a Menorca: la seva evolució jurídica durant el segle XIX", (The Government Delegation in Menora: its legal evolution in the 19th century), *Butlletí de la Societat Arqueològica Lul·liana* , no. 75, year 2019, page 197-213.
- "El joven Menéndez Pelayo y la Cátedra de Historia Crítica de la Literatura Española (1878): observaciones jurídico-históricas" (The young Menéndez Pelayo and the Chair of Critical History of Spanish Literature (1878): legal and historical observations), *Ius Fugit. Revista de cultura jurídica*, no. 22, year 2019, page 215-253.
- "El Gobierno en funciones en la nueva Ley 1/2019, de 31 de enero, del Gobierno de las Illes Balears" (The interim government in the new Balearic Islands Law 1/2019, of January 31, 2019), *Revista Jurídica de les Illes Balears*, no. 17, year 2019, page 55-104.
- "La intervención del Ministerio Fiscal en los procesos contencioso-administrativos medioambientales" (The involvement of the Public Prosecutor's Office in environmental judicial review proceedings), *Actualidad Jurídica Ambiental*, no. 93, September 2019, page 1-32.
- "La restitución de bienes culturales ilegalmente exportados en el contexto de la Unión Europea" (The return of illegally exported cultural goods in the context of the European Union), *Revista de Estudios Europeos*, no. 73, January- June 2019, page 3-33.
- "Creación y supresión del municipio de Medinyà: la STC 108/2017, de 21 de septiembre, y sus consecuencias", (The creation and elimination of the municipality of Medinyà: Constitutional Court judgment 108/2017, of September 21, 2017 and its consequences) *Consultor de los ayuntamientos y de los juzgados: Revista técnica especializada en administración local y justicia municipal*, no. 1, January 2019, page 97-109.
- "La nulidad diferida de las leyes en caso de omisión de informes autonómicos preceptivos" (The deferred invalidity of laws in cases of omission of mandatory regional reports), *Anales de la Facultad de Derecho. Universidad de La Laguna*, no. 35, year 2018, page 29-45.
- "La exportación ilícita de bienes integrantes del Patrimonio Histórico Español: supuestos y consecuencias" (The illegal export of goods forming part of the Spanish historical heritage: scenarios and consequences), *Patrimonio Cultural y Derecho*, no. 22, year 2018, page 415-460.
- "La acción popular en asuntos medioambientales" (Class actions in environmental matters), *Revista de Administración Pública*, no. 206, May-August 2018, page 179-209.
- "El procedimiento administrativo penal en el Derecho Canónico del siglo XXI" (Criminal administrative procedure in canon law in the XXI century), *Revista Española de Derecho Canónico*, vol. 75, year 2018, page 199-233.
- "Los supuestos de aplicación extrajudicial de penas en el Derecho Canónico", (Scenarios of out-of-court application of sentences), *Ius Canonicum*, vol. 58, no. 115, June 2018, page 121-148.
- "El litigio sobre el precio de la electricidad en España: la metodología de cálculo de los precios voluntarios para el pequeño consumidor" (Lawsuits on energy prices in Spain: the methodology for calculating voluntary prices for small consumers), *Revista Argentina de Derecho de la Energía, Hidrocarburos y Minería*, no. 17, May-July 2018, page 103-133.
- "L'evolució jurídica del «descompte de resident» (1987-2017)" (Legal evolution of travel discounts for island residents), *Revista Jurídica de les Illes Balears*, no. 16, year 2018, page 101-160.

- "La medida cautelar de inexportabilidad en el sistema administrativo de protección del Patrimonio Histórico Español" (The injunctive remedy of non-exportability in the administrative system of protection of the Spanish historical heritage), *Revista Española de Derecho Administrativo*, no. 190, April-June, 2018.
- "El control de la gracia de indulto por la jurisdicción contencioso-administrativa" (Control over public pardons by the judicial review jurisdiction), *Anuario Jurídico y Económico Escurialense*, no. 51, year 2018, page 15-56.
- "Los Letrados de la Administración de Justicia en la reforma procesal española: el estigma de su falta de independencia" (Court clerks in Spanish procedural reform: the stigma of their lack of independence), *Revista General de Derecho Procesal*, no. 44, January 2018.
- "Evolución histórica de la responsabilidad disciplinaria de los abogados ante los Tribunales de Justicia" (The history of lawyers' disciplinary liability before the courts), *e-SLegal History Review*, no. 26, January 2018.
- "El impacto de género en la planificación de los usos del suelo: a propósito de cuatro Sentencias recientes" (The impact of gender in land use planning), *Práctica Urbanística*, no. 149, November-December 2017.
- "La legitimación para recurrir las decisiones sobre derecho de gracia" (Standing to appeal decisions on the right to grant pardons), *Actualidad Administrativa*, no. 11, November 2017.
- "La extinción judicial de los partidos políticos inactivos: una inadvertida novedad de la Ley Orgánica 3/2015, de 30 de marzo" (The judicial termination of inactive political parties: an unnoticed development of Organic Law 3/2015, of March 30, 2015), *Revista Española de Derecho Constitucional*, no. 110, May-August, 2017, page 65-184.
- "Estudi de la Llei 46/1981, de 29 de desembre: l'origen del «descompte de resident»" (Study of Law 46/1981 of December 29, 1941: origin of travel discounts for island residents), *Revista Jurídica de les Illes Balears*, No. 15, year 2017, page 221-243.
- "Los subgobiernos en el tratamiento histórico del «fenómeno insular»: el caso de Menorca (1856-1882)", (Sub-governments in the historical treatment of the «island phenomenon (1856-1882)), *e-SLegal History Review*, no. 24, January 2017.
- "La memòria justificativa en el control judicial de la discrecionalitat administrativa del planejament urbanístic" (The explanatory report in the judicial control of authorities' discretionary decisions in urban planning), *Revista catalana de dret públic*, no. 53, December 2016, page 135-162.
- "La acción popular medioambiental en el control jurisdiccional de la gracia de indulto: el caso del Real Decreto 863/2013" (Environmental class actions in the jurisdictional control of pardons: the case of Royal Decree 863/2013), *Actualidad Jurídica Ambiental*, no. 62, November 2016, page 7-33.
- "La población mínima de los nuevos municipios: estado de la cuestión tras la Ley de Racionalización y Sostenibilidad de la Administración Local" (The minimal population of new municipalities: status of the matter following the Law on Rationalization and Sustainability of the Local and Regional Authorities), *Revista de Estudios de la Administración Local y Autonómica. Nueva Época*, no. 5, January-June, 2016.
- "La declaración del notorio arraigo de las confesiones religiosas en España tras el Real Decreto 593/2015, de 3 de julio" (The declaration of the deep-rooted establishment of religious faiths in Spain following Royal Decree 593/2015), *Revista General de Derecho Canónico y Derecho Eclesiástico del Estado*, no. 41, May 2016.