



José María Muñoz Paredes

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Corporate Law and Commercial Contracts
Insurance

Litigation and Arbitration

Family Business

Experience

José María Muñoz is a Professor of Commercial Law, joining Garrigues in 2005. He is currently the partner in charge of the corporate/commercial and litigation practice in Asturias and León.

His area of expertise takes in everything from company law in general to commercial contracts, noteworthy examples including insurance law and banking contracts and forensic and arbitration practice in such areas.

In the corporate area, José María serves as the Non-Director Secretary at various business groups and has extensive experience of advising on and resolving problems for corporate bodies and corporate governance, including family businesses. In particular, he has advised on the rights and obligations of directors and the operating procedures of shareholders' meetings. He has also contributed to numerous M&A deals.

He is also a renowned specialist in insurance contract and pension plan law, as well as insurance mediation, and has written an array of academic publications on such subjects. In this area, he has advised various Spanish and foreign insurance companies, as well as brokers and bancassurance agents, taking charge of case management in high-profile court proceedings. He is also the editor of the Spanish Insurance Review, the Spanish representative on the Board of AIDA-Europe (International Insurance Law Association), a member of the Board of SEAIDA (the Spanish chapter of AIDA) and an arbitrator at the Spanish Insurance Arbitration Tribunal. He is one of the co-authors of the Brazilian Draft Insurance Contracts Law and was subsequently invited by the Brazilian Congress to advise the legislative committee tasked with processing the law (2012).

He has taken part as a lawyer in various insolvencies and refinancing transactions. His expertise in these fields led to his appointment as a consultant to the Inter-American Development Bank on the reform of insolvency law in Guatemala (2010) and Mexico (2013).

On the academic front, aside from his activity as a professor, he has delivered upwards of a hundred seminars and has contributed to numerous master's courses and programs in Spain and abroad [at the universities of Oviedo, Santiago de Compostela, Almería, La Coruña, ICADE, Centro de Estudios Garrigues, Autónoma de Barcelona, Göttingen, Heidelberg, Sao Paulo and Nacional del Sur (Argentina)]. He is the Director of the Master's Degree in Private Insurance at Universidad de Oviedo and coordinator of the Business Law Advice module on the Master's in Law at the same university.

Academic background

Degree in Law from Universidad de Oviedo (1992) with end of degree prize and a special mention from the National Study Completion Awards.

Doctorate in Law (1995).

Professor of corporate/commercial law, Universidad de Oviedo (2007) .

Publications

Author of over fifty technical publications dealing especially with company law, insurance law, banking and insolvency. Noteworthy examples include:

Co-insurance (*), Madrid (Civitas), 1996, 500 pages. Winner of Joaquín Garrigues Award 1996 and the José María Porras Award

1995.

Directors' entitlement to information in corporations (*), Pamplona (Aranzadi), 1999, 160 pages.

New technologies in the functioning of shareholders' and board meetings (*), Madrid, 2005, 277 pages.

Insurance brokers (*), Madrid, 2008, 300 pages. See also ed. Colombiana (Pontificia Universidad Javeriana de Bogotá), 2009.

Technical investigation award in the field of insurance from the International Insurance Law Association, 2006.

"Powers of managing directors in Spanish law in light of the new co-insurance provisions" (originally published in Italian), *Diritto ed Economia dell'Assicurazione*, 2000, no. 1, pages 137-187.

"Challenging shareholders' meeting resolutions through arbitration" (*), *Revista de Derecho Mercantil*, no. 238 (October-December 2000), pages 1411-1478 and *Estudios en homenaje al Prof. Fernando Sánchez Calero*, Madrid (McGraw-Hill), 2002, II, pages 1977-2029.

"The concept of the businessman in German law after the 1998 Reform" (*), *Revista de Derecho Mercantil*, no. 241 (July-September 2001), pages 1265-1313.

"The insurer's right of recovery" (*), *Comentarios a la legislación del Seguro obligatorio de automóviles*, Barcelona (Atelier), 2001, pages 275-288.

(With Muñoz Planas, José María): "Impact of corporate insolvency on directors' liability" (*), *Revista de Derecho Mercantil*, no. 250 (2003), pages 1341-1383 and *Estudios sobre la Ley Concursal*. Libro homenaje a Manuel Olivencia, Madrid, 2005, II, pages 2173-2204.

"Insurance contracts in the new Brazilian Civil Code in light of Spanish law" (originally published in Portuguese), *Estudos de Direito do Seguro*. III Fórum de Direito do Seguro José Sollerio Filho, Sao Paulo (Instituto Brasileiro de Direito do Seguro – Editora Manuais Técnicos de Seguros), 2003, pages 281-300.

"Credit, Banks, Insurance, Savings Banks, Cooperatives, Provincial Credit Institutions" (*), *El Estatuto de Autonomía del Principado de Asturias*. Estudio Sistemático, Oviedo (General Meeting of the Principality of Asturias), 2003, pages 319-332.

"Spain. National Chapter" (originally published in English), *The European Company - all over Europe*. A state-by-state account of the introduction of the European Company (Coordinators - Teichmann, Christoph / Oplustil, Krzysztof), Berlín (Walter de Gruyter), 2004, pages 201-230

"Directors' right to information in light of the Transparency Law" (*), *La Ley*, no. 6078, September 3, 2004, pages 1-6.

"Attendance and delegation of voting using distance communication methods in shareholders' meetings" (*), *RDBB*, no. 102 (April-June 2006), pages 187-194.

"Distance-exercising of shareholder rights at shareholders' meetings in closed companies" (*), *RdS*, no. 27 (2006), pages 313-319.

"Notarized minutes of the shareholders' meeting in corporations and limited liability companies" (*), *Libro Homenaje al profesor Rafael García Villaverde*, Madrid, 2007.

"Takeover bids in Spain" (originally published in English), *Takeover Bids in Europe*, Berlín, Memento Verlag, 2008.

"Aspects of insurance distribution agreements: commentary on the Decision of the Directorate General for Insurance and Pension Funds of November 5, 2007" (*), *Revista Española de Seguros*, 2008.

"Mandatory recognition of claims" (*), *Los problemas de la Ley Concursal* (coordinators - Beltrán/Prendes), Madrid, Civitas, 2009.

J&A Garrigues in García Olalla/Vázquez Ordás: "Companies and entrepreneurs: different paths towards success" (*), Madrid, Civitas, 2009.

"Procedural aspects of convening shareholders' meetings in corporations", *Libro Homenaje al prof. Carlos Fernández Novoa*, Madrid, 2010.

(*) Originally published in Spanish. For further information, see Spanish version of CV.
