GARRIGUES

Pedro Learreta Olarra

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Dispute Resolution: Litigation and Arbitration

Pedro Learreta Olarra is the firm’s lead partner in the Basque Country and Navarra area.

His professional expertise centers on the area of litigation and his legal practice on contentious proceedings before all kinds of courts of law and arbitration, relating both to civil law matters (obligations and contracts, noncontractual and ex delicto civil liability, rights in rem) and to corporate/commercial matters (companies, insurance, commercial agency and distribution, unfair competition, intellectual and industrial property).

In the insolvency field he is a go-to lawyer, having acted in some of the most significant proceedings in recent decades.

He also has extensive experience in the arbitration field, both domestic and international, having acted both as legal counsel for clients and as an arbitrator.

Moreover, he is a lecturer in Civil Law (Obligations and Contracts; Special Property Law) at the Faculty of Law at Universidad de Deusto, and a permanent lecturer in Civil Contracts in the Master’s Degree for Access to the Legal Profession offered by Universidad de Deusto and the Bizkaia Bar Association.

Experience

Pedro Learreta Olarra is the firm’s lead partner in the Basque Country and Navarra area.

He specializes in procedural law and handles the defense of the firm’s clients before the courts in the civil and criminal jurisdictions. He also has extensive experience in arbitration proceedings, both domestic and international arbitration, having acted both as legal counsel (before the Bilbao Arbitration Court, the Madrid Arbitration Court, the Arbitral Tribunal of the Bizkaia Bar Association, the Spanish Arbitration Court, the Vienna Arbitration Court and the International Chamber of Commerce in Paris) and as an arbitrator (both individually and as a member of a panel of arbitrators). Among other activities, his professional practice notably includes:

- Defense of defendants in challenges brought in court against resolutions by shareholders’ meetings of listed companies relating to bylaw amendments.

- Acting as arbitrator (presiding arbitrator of the arbitral tribunal) in a dispute relating to several asset-holding companies, both between shareholders and between shareholders and the company, in disagreements relating to the right of withdrawal and the distribution of dividends.
- Defense of defendants in legal proceedings commenced to bring actions for damages relating to contractual breaches and terminations in distribution and agency agreements.
- Defense of companies against competitors and/or former workers (or partners) in litigation commenced to protect trade secrets and in the area of unfair competition.
- Advice on the defense of insolvent companies and/or affected persons regarding proposals for the assessment of the insolvency as fault-based.
- Defense of financial institutions against class action lawsuits filed by consumer associations regarding the potential nullity of clauses included in securities acquisition and financing agreements.
- Defense in an ICC arbitration proceeding involving a wind farm developer regarding potential breaches of supply agreements.
- Advice to an industrial company on the assessment of the excess supervening hardship affecting long-term supply commitments due to unexpected factors (raw material crisis, war environment, etc.).
- Defense of a family group in a number of legal proceedings brought in the context of disputes between shareholders (challenges to resolutions, actions for liability against directors, exclusion of shareholders).
- Petitioning for injunctive remedies relating to suspension of activities, cessations of and temporary prohibitions on the use of certain information, in unfair competition proceedings and relating to intellectual and industrial property.

Moreover, he is a lecturer in Civil Law (Obligations and Contracts) at the Faculty of Law at Universidad de Deusto, and a permanent lecturer in Civil Contracts in the Master’s Degree for Access to the Legal Profession offered by Universidad de Deusto and the Bizkaia Bar Association.

Academic background

Degree in Law from Universidad de Deusto (1990), and an Associate’s Degree in Economic Law from the same university (1990).

Teaching activity

- Faculty of Law at Universidad de Deusto. Lecturer in charge of the Civil Law Department (subjects: Obligations and Contracts; Special Property Civil Law)
- School of Legal Practice at the Bizkaia Bar Association.
- Master’s Degree for Access to the Legal Profession at Universidad de Deusto and the Bizkaia Bar Association. Lecturer in charge of the Civil Contracts module.

Memberships

Bizkaia Bar Association.

Distinctions

Best Lawyers/Lawyer of the Year (Litigation, Arbitration).

Publications

- “Resolución, mantenimiento y rehabilitación de contratos en interés del concurso” (Termination, maintenance and reinstatement of contracts in the interest of the insolvency proceeding), in “Crisis empresarial y concurso: comentarios legales” (Thomson Reuters Aranzadi, Colección Garrigues, 2011).
- “La delimitación de la masa activa del concurso” (Delimitation of assets available to creditors in insolvency proceedings), in “Derecho práctico de reestructuraciones e insolvencias empresariales” (Thomson Reuters Aranzadi, Colección Garrigues, 2017).
- “De la diligencia a la indulgencia: una breve y crítica aproximación a la reciente Jurisprudencia del Tribunal Supremo en torno a la excusabilidad del error como vicio del consentimiento” (From diligence to indulgence: a brief and critical look at recent Supreme Court case law on the excusability of errors as a defect in consent), in “Culpa y responsabilidad” (Thomson Reuters Aranzadi, Estudios, 2017).
- "Las deudas “posteriores” al acaecimiento de la causa de disolución como objeto de la responsabilidad de los administradores sociales ex artículo 367 LSC” (Debts ‘subsequent’ to the occurrence of a ground for winding up as subject to corporate directors’ liability per article 367 of the Capital Companies Law), in “Responsabilidad de administradores, Gobierno corporativo y Derecho concursal” (Thomson Reuters Aranzadi, 2019).
- “Incidencia del coronavirus en los contratos privados” (Impact of the coronavirus on private contracts), in Diario La Ley, N.º 9596, Sección Tribuna, March 18, 2020 (Wolters Kluwer).
- “A vueltas con la “comisión por reclamación de posiciones deudoras”: aún hay margen para el litigio. Comentario a la Sentencia núm.431/2020, de 24 de julio de la Sala Primera del Tribunal Supremo. (RJ 2020, 2489)” (Revisiting the “fee for claiming debt positions”: there is still a margin for the lawsuit. Commentary on judgment no. 431/2020, of July 24 of the First Chamber of the Supreme Court. (RJ 2020, 2489)”, in Cuadernos Civitas de jurisprudencia civil, N.º 116, 2021, pp. 75-96 (Wolters Kluwer).
- “Concurso y convenios arbitrales: ¿un maridaje imposible?” (Insolvency and arbitration agreements: an impossible pairing?), in La Ley Insolvencia, N.º 7, October-December 2021 (Wolters Kluwer).
- “Los conflictos de intereses y la dirección letrada del concurso” (Conflicts of interests and the role of the lawyer of the insolvency proceedings), in La Ley Insolvencia Nº 19, April-June 2023 (Wolters Kluwer).
- "The lack of presumption of solidarity: a constant unresolved issue in Spanish Civil Law", in Actualidad Civil number 4, April 2025 (LA LEY 6243/2025).
- "La transmisión de unidades productivas desde la perspectiva del derecho civil", in La Ley Insolvencia Nº 44, May 2026 (Wolters Kluwer).