GARRIGUES



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Dispute Resolution: Litigation and Arbitration
Restructuring and Insolvency

Joaquín María Almoguera Valencia is a partner in the Litigation and Arbitration Department of Garrigues and the partner in charge of the Málaga office. He joined the firm's Madrid office in 2000 and in 2004 moved to the Málaga office, where he provides advice on litigation, financial institutions, enforcement proceedings and advises companies involved in insolvency proceedings.

He specializes in case management of all kinds of commercial and civil litigation, notably including court proceedings involving corporate matters and in the area of banking law defending financial institutions.

He also has extensive experience in commercial and contractual litigation and has acted before the Court of Justice of the European Union in Luxembourg.

With respect to arbitration, he has participated in arbitration proceedings conducted before the Madrid Civil and Commercial Court of Arbitration, the Barcelona Court of Arbitration, and the SCC, as well as foreign award recognition proceedings, enforcement of awards and appeals to set aside decisions.

He also specializes in providing advice in situations of financial distress.

Experience

Joaquín María Almoguera Valencia is a partner in the Litigation and Arbitration Department of Garrigues and the partner in charge of the Málaga office. He joined the firm's Madrid office in 2000 and in 2004 moved to the Málaga office, where he provides advice on litigation, financial institutions, enforcement proceedings and advises companies involved in insolvency proceedings.

He specializes in case management of all kinds of commercial and civil litigation, notably including court proceedings involving corporate matters and specifically, challenges to corporate resolutions, directors' liability and compliance with shareholders' agreements. He is also an expert litigator in banking matters, defending financial institutions in proceedings brought by consumers and users concerning standard business terms and the enforcement of judicial and nonjudicial instruments, including processes for the recognition and enforcement in Spain of foreign instruments. He also has extensive experience in commercial and contractual

litigation and has acted before the Court of Justice of the European Union in Luxembourg.

With respect to arbitration, he has participated in arbitration proceedings conducted before the Madrid Civil and Commercial Court of Arbitration, the Barcelona Court of Arbitration, and the SCC, as well as foreign award recognition proceedings, enforcement of awards and appeals to set aside decisions.

He also specializes in providing advice in situations of financial distress. His experience ranges from assisting debtors in situations of technical or imminent insolvency to defending creditors' claims and interests in insolvency and pre-insolvency proceedings, including participation and case management in ancillary proceedings relating to the clawback of transactions and to security and/or guarantees. In this connection, he has played a notable role as lead lawyer in some of the most important insolvency proceedings in Andalucía and as counsel for creditors in insolvency proceedings at commercial courts throughout Spain, including those with international law implications. With respect to refinancing and restructuring processes, his work focuses on designing the pre-court strategy and on analyzing and assessing the risk of clawback or liability in transactions.

Academic background

Degree in Law, Universidad Pontificia de Comillas – ICADE, Madrid.

Teaching activity

Joaquín is a lecturer on the Expert Course in Company Law at Universidad Internacional de Andalucía in Málaga, where he teaches the module on procedures for challenging corporate resolutions and on the Executive Course on Business Law organized by Garrigues Centro de Estudios in conjunction with Harvard Law School.

He has also participated in various conferences and seminars on directors' liability and on restructuring and insolvency processes, organized by business associations and by other public and private institutions.

Memberships

Member of the Málaga Bar Association.

Distinctions

Best Lawyer

Publications

"Derecho Práctico de reestructuraciones de insolvencias empresariales" (Practical law on restructuring in corporate insolvency) Chapter: Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings Colección Garrigues, Editorial Aranzadi, Madrid, June 2017

Joaquín is the author of various legal publications and also of numerous articles on procedural and insolvency issues in the press: Diario Sur, Ideal de Granada and Vida Económica.