



## Juan de la Fuente Gutiérrez

Partner

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### **Dispute Resolution: Litigation and Arbitration**

### **Restructuring and Insolvency**

Criminal Law and Internal Investigations

Family Business

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Juan de la Fuente is Partner of the Litigation and Arbitration Department of Garrigues, where he has pursued all his professional career since 1999, starting out at the Madrid. He is currently the Partner in charge of the Litigation and Arbitration Department at the Pamplona office. He specializes in the defense and case management of litigation of a civil, corporate/commercial and corporate crime, as well as in insolvency legislation. He is also an expert in Navarre “Foral” Law. With a degree in Law from the University of Navarre, and a Master’s Degree in Corporate Law, from the Instituto de Empresa, he is being named by Best Lawyers, list of Spain, as an outstanding expert in litigation in Spain.

## **Experience**

Juan de la Fuente is Partner of the Litigation and Arbitration Department of Garrigues since 2013, where he has pursued all his professional career since 1999. He is currently the Partner in charge of the Litigation and Arbitration Department at the Pamplona office.

In his professional activity, he specializes in the defense and case management of litigation of a civil and corporate/commercial nature: obligations and agreements, noncontractual liability, business law, side agreements, unfair competition, intellectual and industrial property, construction, distribution, etc.

Part of his professional practice deals with alternative dispute resolution or “ADR”. He regularly acts in proceedings before arbitration courts, in both domestic and international arbitration proceedings. He has also practiced as an arbitrator and acted in mediation proceedings.

Juan de la Fuente has a wealth of experience of advising on and resolving corporate disputes, challenging corporate resolutions and taking civil and criminal action to seek the liability of directors. He also regularly advises media outlets on pre-litigation and litigation-related issues with respect to fundamental rights. He has also acted on claims relating to sports clubs and professional sportsmen and women.

Juan de la Fuente is also an expert in Navarre “Foral” Law, with an in-depth knowledge of succession-related matters.

Moreover, Juan de la Fuente can boast a wealth of experience of criminal law, white collar and corporate crime, offenses against workers’ rights and intellectual and industrial property-related crimes, to mention but a few.

He plays an active role in insolvency proceedings, defending the interests of companies, advising financial institutions and taking part in asset acquisitions. He lectures at the Insolvency and Corporate Law Forum organized by Aranzadi.

## Academic background

- Specialist in Navarre Civil Foral Law by the Public University of Navarre.
- Master’s Degree in Corporate Law, from the Instituto de Empresa.
- Degree in Law from the University of Navarre.

## Teaching activity

Master’s Program on Access to the Legal Profession at Universidad Pública de Navarra.

## Memberships

Member of the Pamplona Bar Association.

## Distinctions

Best Lawyers, list of Spain, as outstanding expert in litigation.

## Publications

- "El -Tribunal Supremo sienta doctrina sobre el reparto forzoso del dividendo, 18 años después" Economist & Jurist Núm. 268. Marzo 2023.
- "El Pleno del Tribunal Supremo se pronuncia sobre el orden público societario". Boletín Mercantil El Derecho. Núm. 115. Febrero 2023.
- “Abuso de derecho societario: el Tribunal Supremo fija doctrina en un caso peculiar”. Diario La Ley Nº 10195. 23 de Diciembre de 2022.
- “Pactos parasociales: el Tribunal Supremo confirma su doctrina y aclara algunas cuestiones procesales”. Diario La Ley Nº 10072. 19 de Mayo de 2022.
- “Incidencia del COVID-19 en las obligaciones contractuales entre empresarios. Fuerza mayor y rebus sic stantibus” en COVID-19: Conflictos jurídicos actuales y otros desafíos. BOSCH. Septiembre 2020.
- “Atesoramiento injustificado de ganancias sociales. Del dividendo forzoso al artículo 348 bis LSC”. Revista Aranzadi Doctrinal. Núm. 8. Septiembre 2019.
- “Alternativas al nombramiento de un experto independiente en casos de derecho de separación de socios por falta de distribución de dividendos”. Elderecho.com. 5 de Julio de 2019.

- “Cláusulas penales exorbitantes o desproporcionadas en contratos celebrados entre empresarios”. La Ley. Anuario 2019. Práctica Contenciosa para abogados. Los casos más relevantes sobre litigación y arbitraje en 2018 de los grandes despachos.
- “Sentencia absolutoria a codemandados a pesar de su allanamiento”. Diario La Ley Nº 9380. 19 de Marzo de 2019.
- “La preclusión en el proceso civil”. Economist & Jurist Nº 221. Junio 2018.
- “El deber de los administradores de asistir a la Junta General”. La Ley Mercantil nº 27, julio-agosto 2016. 1 de Julio de 2016.
- “La apelación de la sentencia favorable”. Diario La Ley Nº 8757. 9 de Mayo de 2016.
- “El derecho de información del socio en las Sociedades de Capital”. Economist & Jurist Nº 198. Marzo 2016.