



Max Planck Institute
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Professional Experience

- 06/2019 – present **Senior Research Fellow**, Max Planck Institute Luxembourg for Procedural Law, Department of European and Comparative Procedural Law
- 02/2008 – 06/2019 **Tenured Associate Professor** (*Profesor Titular*) of Procedural Law, Complutense University of Madrid (on special leave since 06/2019)
- 10/2004 – 02/2008 **Assistant Professor** of Procedural Law, Complutense University of Madrid
- 01/2002 – 10/2004 **Part-time Professor** of Procedural Law, Complutense University of Madrid
- 10/1998 – 10/2004 **Part-time Professor** of Procedural Law, Villanueva University of Madrid

Education

- **PhD in Law**, Complutense University of Madrid (2003)
Summa cum laude and Extraordinary PhD Award in the field of Public Law
- **Degree in Law**, Complutense University of Madrid (1997)
Courses of the Degree also taken at University of Comillas and University College Dublin

Publications

Monographs

- *El juicio ordinario en la Ley de Enjuiciamiento Civil* [The ordinary proceeding in the Spanish Civil Procedure Act], Wolters Kluwer - La Ley, Madrid, 2019, 447 pp.
- *Instrumentos para garantizar la imparcialidad e independencia de los jurados* [Safeguards for the impartiality and independence of jurors], Aranzadi, Pamplona, 2008, 232 pp.
- Los equipos conjuntos de investigación penal en el marco de la cooperación policial y judicial entre los Estados de la Unión Europea [Joint investigation teams in the context of police and judicial cooperation in the EU], Colex, Madrid, 2006, 262 pp.
- *El tratamiento de las cuestiones procesales y la audiencia previa al juicio en la Ley de Enjuiciamiento Civil* [Procedural issues and pre-trial conference in the Spanish Civil Procedure Act] (with Banacloche Palao, Gascón Inchausti and Gutiérrez Berlinches), Civitas, Madrid, 2005, 528 pp. [2nd ed 2009] – Sole author of Chapter V, “El acto de celebración de la audiencia previa al juicio” [The pre-trial conference], pp 360-452 [2nd ed, pp 346-446].
- *La preclusión en el proceso civil* [Preclusion in civil procedure], Civitas, Madrid, 2004, 445 pp.

Book Chapters

- Commentary of Articles 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57, in: Requejo Isidro (Ed), *Brussels I: A Commentary on Regulation (EU) No 1215/2012*, Edward Elgar Publishing, forthcoming.

- Commentary of Article 21, in: D'Alessandro and Gascón Inchausti (Eds), *Commentary of Regulation No 655/2014 (EAPO Regulation)*, Edward Elgar Publishing, forthcoming.
- "Harmonising access to information and evidence. The Directives on Intellectual Property and Competition Damages", in: Hess and Gascón Inchausti (Eds), *The future of the European law of civil procedure*, Intersentia, Cambridge, 2020, pp 123-159.
- "Responsabilidad y Transparencia en el Curso de la Justicia Civil en España" [Accountability and Transparency in the Course of Civil Justice in Spain], in: Mitidiero (Ed), *Accountability e Transparência da Justiça Civil. Uma perspectiva comparada*, Thomson Reuters – Revista Dos Tribunais, 2019, pp 119-158.
- "Evaluation of evidence by the Spanish civil courts", in: Makridou and Diamantopoulos (Eds), *Evidence in Spanish and Greek procedural law*, Sakkoulas Publications, Athens-Thessaloniki, 2018, pp 75-126.
- "Preclusión, cosa juzgada y seguridad jurídica: a vueltas con el artículo 400 de la Ley de Enjuiciamiento Civil" [Preclusion, res judicata and legal certainty], in: Díez-Picazo Giménez and Vegas Torres (Eds), *Derecho, Justicia, Universidad. Liber amicorum de Andrés de la Oliva Santos*, Centro de Estudios Ramón Areces, Madrid, 2016, pp 3171-3195.
- "Diligencias preliminares" [Preliminary proceedings in civil cases], in: Campuzano (Ed), *Ejercicio Profesional de la Abogacía*, Francis Lefebvre - El Derecho, Madrid, 2016, pp 240-247 [2nd ed 2017; 3rd ed 2018; 4th ed 2018; 5th ed 2019; 6th ed 2020; 7th ed 2021].
- "Impartiality and independence of the persons entrusted with Consumer ADR", in: Stürner, Gascón Inchausti and Caponi (Eds), *The Role of Consumer ADR in the Administration of Justice - New Trends in Access to Justice under EU Directive 2013/11*, Sellier - European Law Publishers, Munich, 2014, pp 79-102.
- "La protección del consumidor a través de las reglas sobre carga de la prueba" [Protection of consumers via rules on the burden of proof], in: Cubillo López (Ed), *Cuestiones actuales sobre la protección de los consumidores: tutela penal, civil y arbitral*, Civitas, Madrid, 2010, pp 227-271.
- "Sobre el concepto de resolución definitiva en la Ley de Enjuiciamiento Civil" [About the notion of 'definitive decision' in the Spanish Civil Procedure Act], in: Robles Garzón and Ortells Ramos (Eds), *Problemas actuales del proceso iberoamericano* (vol II), Centro de Ediciones de la Diputación Provincial de Málaga, Málaga, 2006, pp 749-758.
- "Los equipos conjuntos de investigación en la Unión Europea: una perspectiva española" [Joint investigation teams: a Spanish perspective], in: Armenta Deu, Gascón Inchausti, Bachmaier Winter and Cedeño Hernán (Eds), *El Derecho Procesal Penal en la Unión Europea: tendencias actuales y perspectivas de futuro*, Colex, Majadahonda, 2006, pp 297-334.

Journal articles and comments on Case Law

- "Inadmisión del recurso de casación por falta de traslado de copias a los procuradores del resto de las partes" [Denial of appeal in cassation due to lack of service of copies by the court representative of the appellant to the other court representatives], in: *Comentarios a las sentencias de unificación de doctrina (Civil y Mercantil) 2018 – vol 10*, Dykinson, Madrid, 2019, pp 201-216.
- "Costas en litigio sobre cláusula suelo y principio de efectividad del Derecho de la Unión Europea" [Costs in 'floor clause' suits and principle of effectiveness of EU law], in: *Comentarios a las sentencias de unificación de doctrina (Civil y Mercantil) 2017 – vol 9*, Dykinson, Madrid, 2018, pp 309-324.
- "¿Es inconstitucional la 'nueva oficina judicial'? (A propósito del libro Justicia o burocracia)" [Is the new 'court administrative office' unconstitutional? Apropos of the book 'Justice or bureaucracy'], *Revista Española de Derecho Constitucional*, no 112, January-March 2018, pp 387-410.
- "Proceso monitorio europeo: la revisión de un requerimiento de pago ejecutivo no procede cuando se basa en circunstancias que el demandado pudo haber tenido en cuenta para presentar un escrito de oposición" [European order for payment procedure: review of an enforceable order for payment is not admissible when based on grounds that the defendant might have taken into account in order to lodge a statement of opposition], *Cuadernos de Derecho Transnacional*, 2-2017, vol 9, pp 725-736.
- "Rescisión por fraude de acreedores solicitada con posterioridad a una condena penal firme por delito de alzamiento de bienes" [Contract rescission based on fraud against creditors: civil claim filed subsequent to a final and unappealable criminal conviction for concealment of assets], in: *Comentarios a las sentencias de unificación de doctrina (Civil y Mercantil) 2016 - vol 8*, Dykinson, Madrid, 2017, pp 235-252.

- “Eficacia inmediata del pronunciamiento judicial de divorcio cuando éste fue solicitado por ambas partes. Momento de la eficacia de las resoluciones judiciales” [Immediate efficacy of the judicial decision on divorce when both parties had agreed to it. Moment of efficacy of judicial decisions], in: *Comentarios a las sentencias de unificación de doctrina (Civil y Mercantil) 2015 - vol 7*, Dykinson, Madrid, 2017, pp 365-379.
- “Caducidad y prescripción de la acción en los casos de presentación de la demanda ante tribunal incompetente: A propósito de la STS 1.ª 486/2016, de 14 de julio” [Expiry and statute of limitations of the legal action when the complaint is filed before a court that lacks jurisdiction. Apropos Spanish Supreme Court Judgment (Civil Chamber) 486/2016, of 14 July], *Diario La Ley*, no 8857, 7 November 2016.
- “Imparcialidad de la institución administradora del arbitraje” [Impartiality of the institution entrusted with arbitration proceedings], *Arbitraje. Revista de arbitraje comercial y de inversiones*, vol I, 2008(2), pp 547-557.
- Sobre la posibilidad de revisar la valoración de las pruebas mediante el recurso de casación penal: estado de la cuestión a la luz del derecho del condenado a la revisión de su sentencia y del principio de inmediación” [On the potential review of questions of fact by way of the appeal in cassation in criminal cases: current status of the issue in the light of the right of the convicted person to a review and the principle of immediacy], *La Ley Penal*, January 2006, no 23, year III, pp 5-28.
- “Huella dactilar, presunción de inocencia, in dubio pro reo y ausencia de duda razonable” [Fingerprints, presumption of innocence, in dubio pro reo and proof beyond reasonable doubt], *Tribunales de Justicia*, 2000, no 1, pp 98-102.
- “Mejora de postura tras la tercera subasta en el procedimiento judicial sumario de ejecución hipotecaria” [Enhanced bid after third auction in judicial proceedings for the sale of mortgaged assets], *Tribunales de Justicia*, 1999, no 5, pp 475-479.
- “Ejecución provisional de condena en costas” [Provisional enforcement of costs awards], *Tribunales de Justicia*, 1999, no 1, pp 49- 51.
- “Cosa juzgada: acción basada en derecho real de propiedad” [Res judicata: claim based on ownership], *Tribunales de Justicia*, 1998, no 12, pp 1267-1270.
- “Enervación del desahucio: necesidad de que el demandado tenga conocimiento de la posibilidad de enervación; consecuencias del incumplimiento del artículo 1563.3.º LEC” [Enervation of eviction proceedings: the need for the defendant to know of his/her right to enervate; consequences of non-compliance with article 1563.3 of the Spanish Civil Procedure Act], *Tribunales de Justicia*, 1998, no 7, pp 774-777.

Blogposts

- “Effectenbezitters: A flawed Argument to limit jurisdiction under Article 7(2) of Brussels I bis”, [EAPIL Blog](#), 7 July 2021.
- “‘Place where the harmful event occurred’ and financial damage connected to breaches of obligations to disclose information by an issuer of securities: no jurisdiction if the defendant was not subject to such obligations in the State where the investment account was located?”, [EU Law Live](#), 17 May 2021.
- “VKI v VW and the diesel scandal: final buyers may bring tortious claims before the courts for the place where the vehicle was purchased”, [EU Law Live](#), 17 July 2020.

Other publications

- “Metodologías para enseñar que ayudan a aprender. La perspectiva de los alumnos” [Teaching methodologies that help students learn. The students’ perspective] (with Cubillo López, Gascón Inchausti, Peiteado Mariscal and Villamarín López), *Reduca (Derecho)*, vol 5 (2014), no 1, pp 399-451.
- “El juicio ordinario. El procedimiento abreviado. El procedimiento para el enjuiciamiento rápido. El juicio de faltas. El proceso ante el Tribunal del Jurado. Otros procesos penales. La ejecución penal. El proceso de menores” [The ordinary proceeding. The abbreviated proceeding. The fast-track proceeding. The proceeding for petty offences. Enforcement of criminal judgments. Juvenile proceedings], in: Gutiérrez Berlinches (Ed), *Preguntas de test para la autoevaluación en Derecho Procesal*, Universidad Complutense de Madrid, 2010, pp 303-338.
- “016. El objeto del proceso civil de declaración (casos 8,9,10; comentarios 4,5,6).- 037. El inicio del proceso de ejecución (caso 8).- 040. El embargo de bienes (casos 11,12,13; comentarios 6,7,8).- 068. Los recursos en el proceso penal (caso 5)” [016. The scope of civil proceedings (cases 8,9,10; commentaries 4,5,6).- 037. The

initiation of enforcement proceedings (case 8).- 040. Attachment of assets (cases 11,12,13; commentaries 6,7,8).- 068. Appeals in criminal proceedings (case 5)], in: *Banco de Materiales de Derecho Procesal*, Tirant lo Blanch, Valencia, 2009, online publication.

- Recension: "Tutela sustantiva y procesal de los títulos nobiliarios [Substantive and procedural remedies for honorary rights] by M. De Prada Rodríguez", *Revista de Derecho Procesal*, 2009, pp 1090-1091.
- Recension: "Proceso Penal y sistemas acusatorios [Criminal procedure and accusatory systems] edited by L. Bachmaier Winter", *Iustel – Revista General de Derecho Procesal*, 2009, no 18, online publication.
- Recension: "Comentarios a la Ley del Jurado [Commentaries on the Juries Act] edited by A. de la Oliva Santos", *Tribunales de Justicia*, 1999, pp 1133-1135.

Conference Presentations

- "Acceso fuentes de prueba en los procesos de daños derivados de infracciones del Derecho de la competencia" [Access to evidence in claims for damages arising out of infringements of competition law], presented at the Foro Procesal y Penal UCM-Grant Thornton on *Aplicación del nuevo sistema de acceso a las fuentes de prueba en los procesos de daños derivados de infracciones del Derecho de la competencia*, Complutense University of Madrid, 26.10.2018.
- "Harmonization of the rules on access to information and evidence", presented at the Conference on *Harmonization of civil procedure in the European Union: How far can we go?*, Max Planck Institute Luxembourg for Procedural Law, 19.07.2018.
- "El proceso monitorio europeo" [The European order for payment procedure], presented at the Conference on *Circulación y ejecución de decisiones relativas al pago de cantidades en la Unión Europea*, Complutense University of Madrid, 25.05.2018.
- "Evaluation of evidence by the Spanish civil courts", presented at the Conference on *Evidence in Spanish and Greek civil procedural law*, University of Thessaloniki, 23.04.2018.
- "Metodologías para enseñar que ayudan a aprender: la perspectiva de los alumnos de Derecho Procesal" [Methodologies for teaching that help with learning: the perspective of students of procedural law], presented with Profs. Cubillo López, Gascón Inchausti, Peiteado Mariscal and Villamarín López at the II Conference on *Innovación docente en Derecho Procesal*, Complutense University of Madrid, 12.12.2014.
- "Preclusión y cosa juzgada en el proceso civil" [Preclusion and res judicata in civil procedure], presented at the Seminar *Preclusión y cosa juzgada en el proceso civil*, Complutense University of Madrid, 13.03.2014.
- "Impartiality and independence of the persons entrusted with Consumer ADR", presented at the Conference on *The role of Consumer ADR in the Administration of Justice (new trends in access to Justice under EU Directive 2013/11)*, Complutense University of Madrid, 22.11.2013.
- "Las reformas operadas en el proceso penal por las Leyes de implantación de la Oficina Judicial" [Legal reforms in criminal procedure introduced by the Acts implementing the new court administrative office], presented at the Conference on *Reformas penales y procesales recientes y futuras: ¿tiene sentido la expansión de la Justicia penal?*, Complutense University of Madrid, 21.04.2010.
- "La protección del consumidor a través de las reglas sobre carga de la prueba" [Protection of consumers via rules on the burden of proof], presented at the Conference on *Protección de los Consumidores*, Colegio de Abogados de Córdoba [Córdoba Bar], 24.09.2009.
- "Privacy and public access to court records in Spain", presented with Prof. Banacloche Palao at the 6th Conference on *Privacy and public access to court records*, College of William & Mary – Williamsburg, 06.11.2008.
- "Sobre el concepto de resolución definitiva en la Ley de Enjuiciamiento Civil" [On the notion of 'definitive decision' in the Spanish Civil Procedure Act], presented at the Conference *XX Jornadas Iberoamericanas de Derecho Procesal*, University of Málaga, 25.10.2006.
- "Los equipos conjuntos de investigación en la Unión Europea: una perspectiva española" [Joint investigation teams in the European Union: the Spanish perspective], presented at the Conference *Cuestiones actuales de Derecho Procesal Penal Europeo*, Complutense University of Madrid, 30.09.2005.
- "Las partes en el proceso civil" [The parties in civil procedure], presented at the XXX, XXXI and XXXII *Curso de Formación de Secretarios Judiciales*, Centro de Estudios Jurídicos de la Administración de Justicia [Centre for Legal Studies of the Administration of Justice], Madrid, 26.01.2004, 21.01.2004, 13.01.2004 and 07.09.2003.

- "Los actos de comunicación procesal" [Service and other procedural acts of communication], presented at the XXX *Curso de Formación de Secretarios Judiciales*, Centro de Estudios Jurídicos de la Administración de Justicia [Centre for Legal Studies of the Administration of Justice], Madrid, 24.09.2003.
- "Intervención del Secretario Judicial en la tramitación procesal penal" [Role of the Court Clerk in criminal proceedings], presented at the XXX *Curso de Formación de Secretarios Judiciales*, Centro de Estudios Jurídicos de la Administración de Justicia [Centre for Legal Studies of the Administration of Justice], Madrid, 16.09.2003.

Participation in External Research Programmes and Projects

- "Comparative procedural law and justice" (FNR-O19/13946847), financially supported by the Luxembourg National Research Fund (2019 – 2024).
- "Hacia un proceso civil convergente con Europa. Hitos presentes y retos futuros" [Towards a civil procedure that is convergent with Europe. Current milestones and future challenges] (PGC2018-094693-B100), financially supported by the Spanish Ministry for Science, Innovation and Universities (2019 – 2021).
- "La armonización del proceso civil en la Unión Europea" [Harmonization of civil procedure in the European Union] (DER 2015-64756-P), financially supported by the Spanish Ministry for Economy and Competitiveness (2016 – 2018).
- "El proceso civil en la jurisprudencia del Tribunal Europeo de Derechos Humanos: bases para la armonización del Derecho Procesal Civil en Europa" [Civil procedure in the case-law of the European Court of Human Rights: grounds for the harmonization of civil procedural law in Europe] (DER2012-33378), financially supported by the Spanish Ministry for Economy and Competitiveness (2013 – 2015).
- "El proceso penal en España: propuestas para su reforma" [Criminal procedure in Spain: proposals for reform] (DER2008-02509), financially supported by the Spanish Ministry for Science and Innovation (2009 – 2011).
- "Nuevos instrumentos para la tutela judicial y extrajudicial de los consumidores" [New instruments for the judicial and non-judicial protection of consumers] (SEJ 04270), financially supported by the Government of the Autonomous Community of Andalucía (2009 – 2010).
- "Instrumentos para la cooperación judicial penal en la Unión Europea" [Instruments for judicial cooperation in criminal matters within the EU] (SEJ2004-06192/JURI), financially supported by the Spanish Ministry for Education and Science (2004 – 2008).
- "La audiencia previa al juicio en la nueva Ley de Enjuiciamiento Civil" [The pre-trial conference in the new Spanish Civil Procedure Act] (BJU2000-0586), financially supported by the Spanish Ministry for Science and Technology (2000 – 2003).

Teaching Activities

- PhD thesis supervision (Doctoral Studies), Complutense University of Madrid, Supervisor of two PhD thesis successfully defended in 2015 and 2017.
- Master thesis supervision (18 ECTS), Master in Lawyering, Complutense University of Madrid, 2015, 2016, 2017, 2018.
- Practice of Civil and Commercial Procedure (5 ECTS), Master in Lawyering, Complutense University of Madrid, 2014, 2015.
- The Brussels I-bis Regulation (I): Scope and Jurisdiction (1h30min session), Seminar on Fundamental Developments in European Procedural Law, University of Luxembourg, 2020, 2021.
- Civil Procedure I (6 ECTS), Degree in Law, Complutense University of Madrid, 2012, 2013, 2014, 2015, 2016.
- Civil Procedure II (6 ECTS), Degree in Law, Complutense University of Madrid, 2014, 2015, 2016, 2017, 2018.
- Criminal Procedure (6 ECTS), Degree in Law, Complutense University of Madrid, 2016, 2017, 2018.
- Procedural Law I (120 hours), Degree in Law, Complutense University of Madrid 2002, 2004, 2006, 2008, 2010, 2011, and Villanueva University of Madrid, 1998, 1999, 2000, 2002.
- Procedural Law II (120 hours), Degree in law, Complutense University of Madrid, 2001, 2003, 2005, 2007, 2009 and Villanueva University of Madrid, 2001, 2003.

Other Professional Activities

Legal consulting and expertise

- Of-counsel at Sacristán & Rivas Lawyers Madrid (2014 – 2019) and at JV Lawyers Madrid (1998 – 2004)

Evaluation

- Member of the jury evaluating six PhD thesis (2010, 2014, 2016, 2017, 2020)

Professional Affiliations

- Member of the International Association of Procedural Law (IAPL)
- Member of the Association of Professors of Procedural Law of the Spanish Universities (APDPUE)
- Member of the Madrid Bar (ICAM)

Scholarships and Prizes

- Extraordinary PhD Award in the field of Public Law, Complutense University of Madrid (2002-2003)
- Erasmus Scholarship, Complutense University of Madrid / University College Dublin (1995-1996)