

Administrative Litigation

Code: 42470
ECTS Credits: 9

Degree	Type	Year	Semester
4313312 Legal Profession	OB	1	2

Contact

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Other comments on languages

Català i espanyol al 50%

Use of Languages

Principal working language: catalan (cat)

Teachers

Roser Martínez Quirante

Prerequisites

There are no prerequisites. However, it is advisable to make a general review of the subject of Administrative Law

and avoid them becoming a repetition of what was studied in the Faculty.

Objectives and Contextualisation

Deepen, both from a theoretical and practical point of view, in the procedure and administrative resources, public

and especially, administrative contentious jurisdiction.

Competences

- Choose the correct strategy for defending clients' rights, while keeping in mind the particular demands of each area within professional practice.
- Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Know the techniques for ascertaining the facts in different types of procedure, especially the production of documents, examination and expert evidence.

- Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.
- Put into practice the specialist academic knowledge acquired on the degree programme in order to avoid damage, risk or conflict with respect to clients' interests or regarding professional practice before the courts and other authorities and when offering consultancy services.

Learning Outcomes

1. Analyse the main elements in an administrative enquiry.
2. Argue against the presumption of validity of administrative acts.
3. Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
4. Draft a claim for evidence and a statement of evidence
5. Establish the elements of fact in a claim and relate the claim to the legal arguments put forward.
6. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
7. Know the characteristic features of administrative procedures for resolving disputes before resorting to litigation.
8. Present facts and their corresponding legal implications orally and in writing, in a way that is appropriate to the context and the addressees and, where necessary, to the established procedures.

Content

PROGRAM

1. The administrative procedure: phases, deadlines and forms of completion.
2. Administrative appeals.
3. The patrimonial responsibility of the Administration. Procedures
4. The procedure for the exercise of the sanctioning power of the Administration.
5. Administrative intervention techniques: authorizations, concessions, responsible declaration and prior communication
6. Forced expropriation.
7. Public sector contracts.
8. Tax procedures. The economic-administrative route: the review of administrative acts in matters tributary
9. Jurisdiction and competence in the contentious-administrative order.
10. The ordinary contentious-administrative procedure and special procedures. The lawyer's performance in The different phases of the process.
11. The development of the contentious-administrative process. Capacity, legitimation, representation and defense of the parts. The proof. The precautionary measures. Type of procedural resolutions.
12. Appeals against procedural decisions. Special reference to the appeal.
13. The execution of sentence. Extension of effects of sentences. The provisional and final execution in contentious-administrative processes of judicial titles. Opposition to execution.
14. The legal regime of foreigners.

Methodology

The sessions will be monographic with respect to the module agenda.

Depending on the topic covered, practical cases or questionnaires will be carried out to verify the students' achievement of the topic discussed in class.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			

Theoretical classes	27	1.08	1, 7, 5, 6, 3, 4
Tutorials	45	1.8	6, 3, 8
Type: Supervised			
Practical classes	24	0.96	1, 2, 7, 5, 3, 4, 8
Type: Autonomous			
Preparation, writing and presentation of different activities	40	1.6	1, 7, 5, 6, 3
Study and exam preparation	80	3.2	1, 2, 7, 5, 6, 8

Assessment

The evaluation is based on two elements:

1. Continuous evaluation activities (50% of the final score)

The Master's Degree in Advocacy of the UAB is a face-to-face education where the active attendance and participation of students is especially valued, making it one of the essential parts of the system of evaluation are the activities of continuous evaluation, which will be carried out in the classroom.

The format of the activities of continuous evaluation will be diverse, including activities of a markedly practical nature (Writing of writings, resolution of real problems, etc.) as follow-up questionnaires and, as a general rule, the dates / times in which they will be carried out. They will be communicated previously.

Students who are not in the classroom at the time the continuous assessment activities are carried out and, therefore, cannot perform, cannot recover these activities on other dates or through alternative activities. This rule governs regardless of whether the absences are excused or unexcused, therefore it is irrelevant that the student provides documentation proving the reason for their absence.

In cases where the final reevaluation exam is carried out (see the following point), the grade obtained through the continuous assessment activities will be retained without any variation or improvement option.

2. Final exam (50% of the final score)

The ordinary final exam will be held on the date set by the Coordination of the degree and consists of a test type test, with four response options. The correct questions add up to 1 point, the Incorrect penalties 0.33 points and the unanswered 0 points.

It is necessary to obtain at least a score of 4 points out of 10 in the final exam to be able to add the corresponding qualification to the activities of continuous evaluation and pass the subject. The subject will be considered surpassed if the sum of the mark obtained in the activities of continuous evaluation and the one that has been achieved in the final exam equals or exceeds 5 points out of 10.

Students who do not pass the subject through the ordinary final exam will be entitled to a final reassessment exam, which will have the same characteristics as the ordinary one and will be held on the date set by the Degree coordination.

The final grade is made up of the marks obtained in the case studies and in the final test.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam (test)	50%	3	0.12	2, 7, 5, 6, 3, 8
Preparation, writing and presentation of different activities	50%	6	0.24	1, 2, 7, 5, 6, 3, 4, 8

Bibliography

Specialized bibliography will be delivered in each of the sessions.