

Assessment and Writing of Legal Documents

Code: 42468
ECTS Credits: 6

Degree	Type	Year	Semester
4313312 Legal Profession	OB	1	1

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

Name: Sandra Camacho Clavijo
Email: Sandra.Camacho@uab.cat

Use of Languages

Principal working language: spanish (spa)

Teachers

Sandra Camacho Clavijo
Luis Brun

External teachers

Emilio Margallo González
Lidia Pérez Sáez

Prerequisites

For a good follow-up of this module it is necessary to have good knowledge of civil law, commercial law, procedural law and tax law.

Objectives and Contextualisation

Advice and drafting of legal documents is a subject that is taught during the first semester of the Master's degree in access to the legal profession.

It is a module that serves for the student to acquire basic notions to advise the client, write legal documents, as well as solve practical cases with which the student can be found in the practice of the Law.

Therefore, this subject is presented with practical assumptions, with the aim of deepening legal concepts already studied by the student

Competences

- Choose the correct strategy for defending clients' rights, while keeping in mind the particular demands of each area within professional practice.
- Defend clients' rights within the framework of national and international jurisdictional systems.
- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.

- Know the different techniques for arriving at a reconciliation of interests and solving problems through out-of-court settlements.
- 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.
- Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.

Learning Outcomes

1. Advise clients on the different alternative methods available to resolve conflicts.
2. Choose the appropriate jurisdictional channel and governing law, whether for objective reasons or in relation to the subject matter or territory.
3. Explain the dimensions and consequences of a legal problem using non-technical language.
4. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
5. Make use of international and European legal channels: ability to practise before the Court of Justice of the European Union and the European Court of Human Rights.
6. Master oral and written communication techniques in relation to legal matters.
7. Plan and conduct the appropriate strategy for defending the client's legal interests.
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.
9. Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
10. Use mechanisms of international legal cooperation in the fields of civil law and criminal law.

Content

Session 1. Legal advice to the client

From a practical case a series of guidelines will be provided, in order to advise the client, considering the special lawyer-client professional relationship.

Session 2: Drafting of corporate documents (I)

When considering establishing a limited company, several factors must be considered (social purpose, typology of the partners, possible entry of new investors, legal liability of partners and administrators, taxation of the entity and partners ...) in order to draft correctly the statutes. In this class the writing of certain documents related to the constitution of a limited company will be studied.

Session 3. Drafting of corporate documents (II)

In the life of a mercantile society, modifications and variations may be produced that make it advisable to draft documents that regulate them. In this session and from a case study we will examine the drafting of "parasocial" agreements and the wording of modification of the bylaws of a commercial company.

Session 4. How is a contract drawn up?

In this class we will work on an assumption made by a client, from which the drafting of a contract that contemplates the claims of our client should be prepared to transfer it to the other party's lawyer.

Session 5. Commercial collaboration agreement.

The objective of this session is to study, from a practical case, the definition and essential characteristics of the agency and distribution agreements, as well as their differences

Session 6. Lease agreement

In this class, using case studies, we will study the basic concepts of contract for rental of housing and for use other than that of housing.

Session 7. The copyright licensing.

In this session will study the patrimonial and moral character of copyright, and solve a practical case of copyright licensing that will be raised in class.

Session 8. Mediation

Mediation is an alternative system of conflict resolution that is characterized because it is the parties who voluntarily go to a third party to try to reach an agreement and avoid litigation. In this session we will study mediation (concept and procedure) through a practical case.

Session 9. Settlement agreement

Based on a practical case, we will study what a settlement agreement is, what matters can be compromised and how it is written

Session 10. Problems of international jurisdiction, applicable and interregional law.

In a globalized society, it is essential to consider the problems of international judicial competence that may arise in private cases of external legal traffic, as well as in situations where interregional law is applicable. In this class, these situations will be explained and how to solve this problem.

Session 11- Taxation of civil and commercial contracts. In this class, from contracts worked in other sessions, we will examine your taxation, in order to advise the client not only from a civil or commercial point of view, but also tax.

Session 12.- Earnest money agreement: In this class, from a practical case study, the main aspects will be studied when preparing an earnest money contract.

Session 13.- Legal argumentation Legal argumentation is a way of giving legal answers to certain problems. In this session, from cases studied in class, we will approach concepts such as interpretation, argumentation and legal reasoning.

Methodology

The learning process is based on the work of the student, who learns working, being the teacher's mission to help in this task by providing information and showing the sources where they can be obtained.

The development of the teaching of the subject and the training of the student is based on the following activities:

1. Directed activities: 1.1 Practical classes: where the students analyze and solve together with the teacher practical cases previously elaborated. In specific cases, cases will be developed in class. The basis of the practical work is the understanding and critical application of the regulations and jurisprudence related to the essential content explained to the theoretical classes.
2. Supervised activities: These are activities that students will develop in the classroom, with the supervision and support of the teacher. It involves the development of some practical assumption in the classroom, study and oral discussion of legal texts, or the completion of schemes of some sections of the subject, the development of a glossary of concepts. The concrete content of these activities will be determined by the teacher of each session.
3. Autonomous activities:
 - 3.1. Preparation of documents: these are documents of the practical activities that will be delivered and analyzed in the classroom (according to the teacher's criteria and activity)
 - 3.2. Comprehensive reading of legal texts: Legal texts can be judgments, norms, journal articles or monographs. The type of concrete legal text will be determined by each teacher according to the proposed case study. Some of the legal material available to the student will be delivered through the virtual campus.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Drafting legal texts	30	1.2	
Master classes	27	1.08	
Practices	10.5	0.42	
Type: Supervised			
Drafting and development of opinions and practical cases in the classroom	7.5	0.3	
Type: Autonomous			
Bibliography and jurisprudence search	10	0.4	
Legal texts study and drafting	45	1.8	
Opinion and legal texts drafting	20	0.8	

Assessment

This module is eminently practical, therefore, for its assessment will consider the active intervention of the student in the classes and activities that arise.

Thus, the final qualification of the module will be obtained:

- 50% of the continuous evaluation:

- 50% of the final exam.

1.- Continuous evaluation:

To assess this parameter will be taken into account the interventions and the active involvement of the student in class, the resolution of the practical assumption that will be made during the module, as well as the result of the test types that will be carried out in six of the thirteen scheduled sessions in this module.

The grade of the continuous evaluation will be distributed:

a) - Test (At the end of six of the thirteen classes a test of 5 questions will be passed on what has been explained in that session.) These tests cannot be recovered in case of absence and will be 20% of the grade of the continuous assessment. Students can stop doing up to 2 of these brief questionnaires, and in the case of performing all the tests, the four that have obtained the best score will be computed.)

b) - Resolution of a practical case (During the module a practical case will be distributed that will have to be solved in a maximum period of 20 days. This case will suppose 40% of the grade of the continuous evaluation.)

c) - Intervention / involvement in class (Most classes will be participatory and therefore 40% of the continuous assessment grade will be calculated from the interventions in class).

This continuous assessment system may be subject to change if, finally, the teaching is on line. In this case, the student will be informed, in time, of the possible variations.

2.- Final exam.

The final exam test will consist of:

a) - Test of 25 questions, following the pattern of the access test of the Ministry of Justice (4 options with a single valid answer, which will be assessed with 0.40 points, penalizing the incorrect with 0.13 points) The test will be 70% of the final exam grade.

b) - Drafting a legal document or the resolution of a practical case like those worked in class. This section will be equivalent to 30% of the final exam grade.

- The exam will only be assessed from a minimum grade of 3 (out of 10). Who has a lower grade, will suspend the module.

- Possibility of reevaluation: who has obtained an exam grade inferior to 3, can be presented again to recover it. This recovery affects only the exam grade, not the continuous assessment grade, which is maintained. Re-evaluation can be presented both students who have failed, and those who have approved and wish to upload a grade; however, the last of the two notes (re-evaluation) will be considered in the final grade, even if it is lower.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam	50%	0	0	1, 2, 7, 4, 9, 5, 10
Legal application of theoretical knowledge	50%	0	0	1, 6, 2, 3, 7, 4, 9, 8, 5, 10

Bibliography

1.- Alfonso García Figueroa...[et al.]; (coordinadora) Marina Gascón Abellán, *Argumentación jurídica*, Tirant lo Blanch, Valencia, 2014.

2.- Araües, Miguel Ángel, *Los Lenguajes del foro : lo que un abogado debe saber hablar, escribir y estar*, Tirant lo Blanch, Valencia, 2014

3.- Calonje Concha, *Técnica de la argumentación jurídica*, Edició: 3ª ed. Thomson Reuters Aranzadi, Editor: Cizur Menor (Navarra), 2014

4.- Esteban Ferrer, María, Jesús Tricás Preckler, Lucinio González Sabaté, *La voz del cliente en los despachos de abogados: ¿qué esperan las empresas de su asesoría jurídica externa?*, Difusión Jurídica y Temas de Actualidad, 2010.

5.- *Practicum ejercicio de la abogacía*, Editor:Cizur Menor (Navarra) : Aranzadi Thomson Reuters, 2019

6.- *Acceso a la abogacía*, Editor:Madrid : Francis Lefebvre, 2020.

7.-Jiménez Yáñez de Barber, Ricardo, Joaquín Mantecón Sancho, *Escribir bien es de justicia : técnicas de expresión escrita para juristas*, (2012), Aranzadi Thomson Reuters, Editor: Cizur Menor (Navarra), 2012

8.- González López, Luis Jesús, *Otrosí digo : normas y reglas básicas en la elaboración y redacción de escritos jurídicos* / Tirant lo Blanch, Valencia, 2012

9.- Joaquim Triadú i Vila-Abadal, Ester Franquesa i Bonet, *Llibre d'estil jurídic*, Centro de Estudios Garrigues : Thomson Reuters Aranzadi, Editor: Cizur Menor (Navarra), 2010

10.-Pintó, Jorge, Francesc Torrella Cabello; *Worker contratación civil mercantil : [modelos de contratación civil y mercantil adaptables al caso concreto]*, Difusión Jurídica y Temas de Actualidad, Madrid, 2007

11.- *Todo : contratos para la empresa* : 2014-2015, Editor:Valencia : CISS, 2015

12.- *Fiscalidad de los contratos civiles y mercantiles : fundamentos y formularios* /Rafael D. Natera Hidalgo (coord.); (aut.) Rafael D. Natera Hidalgo... [et al.]Editor:Bilbao : CISPRACTIS, DL. 2014

13.-Fernández Gil, Cristina,*Guía práctica sobre el alquiler de viviendas y locales : con ejemplos prácticos y modelos de contrato* / Cristina Fernández Gil (2015), Editor: Madrid : Tecnos, cop. 2015

14.-*Guía práctica para la empresa : formularios, modelos y contratos* (2014), Editor: Valladolid : Lex Nova Thomson Reuters, 2014