

**Economic Criminal Law and Commercial Litigation
Practice**

Code: 43000
ECTS Credits: 9

Degree	Type	Year	Semester
4313781 Enterprise Law	OB	0	A

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

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Use of Languages

Principal working language: spanish (spa)

Other comments on languages

Tot i que l'assignatura s'imparteix en castellà no hi ha obstacle a la participació en anglès per part de l'alumnat.

Teachers

Míriam Cugat Mauri
Francisco Ramos Andreu

Prerequisites

No special requirements, except to have a basic knowledge of Criminal Law.

Objectives and Contextualisation

To gain specific skills on the subject matter of special interest for the business world.

Competences

- Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
- Integrate knowledge of the law and of negotiation to make judgments in the business context.
- Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic in business law.
- Seek out, interpret and apply legal provisions related to tax, employment or penal matters within corporate activity, and any others in which a legal solution is needed for situations arising in the business context.
- Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
- Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.
- Work in a team to create synergies in the workplace, in a coordinated, cooperative fashion.

Learning Outcomes

1. Describe theoretical and practical aspects of legal procedures on matters of business.
2. Identify the different elements of economic criminal law in order to analyse issues of criminal responsibility within companies, applicable penalties and the main crimes committed.
3. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
4. Interrelate legal principles and negotiation techniques to assess cases of economic criminal law and commercial law procedures.
5. Seek out information in the scientific literature using appropriate channels, and use this information to formulate and contextualise a research topic in business law.
6. Solve problems in new or little-known situations within broader (or multidisciplinary) contexts related to the field of study.
7. Use acquired knowledge as a basis for originality in the application of ideas, often in a research context.
8. Work in a team to create synergies in the workplace, in a coordinated, cooperative fashion.

Content

Regarding the Criminal Law contents, the course will focus on the specific offences, legal conditions for criminal liability, and criminal sanctions.

As for the procedural contents, some of the procedures of interest for the sector will be analysed, such as the proceedings on small debts, the bill of exchange, unfair competition, illicit advertising, general conditions of contracting, precautionary measures and execution, among others.

Methodology

Regarding the subject of Economic Criminal Law, for the preparation of each session, the student must previously read the material recommended for this purpose, which will be available on the virtual campus.

The classes will be held via teams

- They will begin with a synthetic exposition of the subject by the lecturer, with support in shareable material on screen, which will be provided to students at the end of the class so that they have a guide for the study of the subject.
- During the presentation, or at the end of it, the doubts on the subject treated will be clarified.
- The solution of specific case studies will then be discussed.

The last half hour of class will be devoted to conducting a short test (via virtual campus / questionnaires) to check and evaluate the knowledge acquired during the session, and will be discussed below (via teams).

During the course, each student must solve a case study (of those published on the virtual campus on the first day of class), which must be submitted before February 24 (via campus / homework). The solution to the case will be posted on the virtual campus and will be discussed in class on March 3.

When it comes to Commercial Litigation Practice, the professor in charge of each on line group will plan the beginning of the course for the theoretical sessions and the most practical sessions on the development of discussion seminars and resolution of practical cases.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Lecturers	56	2.24	5, 1, 2, 4, 3, 6, 7
Type: Supervised			
Under supervision	10	0.4	5, 1, 4, 3, 6, 8
Type: Autonomous			
Individual	67.5	2.7	5, 1, 2, 4, 3, 6, 8

Assessment

The final mark will be awarded according to the following criteria in Economic Criminal Law:

Exam (50%): March 10

Test: 20 questions, with 4 possible answers, only one correct, without penalty for incorrect or unanswered questions.

Continuous assessment (50%)

a) course test (30%): each session

The last half hour of class will consist of taking a short test (via virtual campus / questionnaires) to check and evaluate the knowledge acquired during the session, and will then discuss it with the lecturer (via teams).

b) case study (20%): deadline February 24

In order to bring theory closer to practice, three possible practical cases (virtual campus) will be offered at the beginning of the course, from which each student must choose one to develop during the course and deliver before February 24 (via campus / homework) .

For the resolution of doubts about the practical case, a "forum" will be opened in the virtual campus, so that the student can raise any doubts he or she has, and the lecturer's response will serve the whole class.

The case solution will be posted on the virtual campus and will be discussed in class on March 3.

c) class participation (possible plus 5%)

Interventions carried out by the students throughout the classes can lead to an increase in the grade by up to 5%, in the event that they manifest a control of the subject that deserves its reflection in the course grade.

In Commercial Litigation Practice, The evaluation of the subject will be carried out on the basis of a development exam that may consist of solving practical cases and / or answering questions on program subjects, according to the criteria of evaluation of the docent guide.

Common points for the evaluation and reevaluation of both subjects:

Once the evaluation has been communicated, a review may be requested so that the Professor explains to the student the applied criteria (art. 114.3 UAB academic regulations), without prejudice to the student's rights to challenge the grade.

The date of the final exam of the subject is scheduled in the exam calendar of the Faculty.

The scheduling of the evaluation tests cannot be modified, unless there is an exceptional and duly justified reason why an evaluation act cannot be carried out. In this case, the people responsible for the degrees, after

consulting the teachers and the affected students, will propose a new schedule within the corresponding school period (art. 115.1 Calendar of evaluation activities, UAB Academic Regulations)

To pass the course, the student must have participated in the three evaluation activities and have obtained at least a 3.5 in the final exam. To take the final exam, it is necessary to prove attendance to 90% of the classes.

Only the reevaluation of the test is possible (50%). The continuous assessment activities cannot be reevaluated, since their meaning is to check the knowledge progressively acquired throughout the course, notwithstanding that in case of illness or other eventualities an alternative solution may be found for the specifically affected student.

To retake the exam, student must have obtained at least a 3 in each of the three evaluation activities. Students who take the reevaluation exam may obtain a maximum grade of 7 in the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assignments	20%	20	0.8	5, 1, 2, 4, 3, 6, 7, 8
Exercises in class	30%	67.5	2.7	3
Theory and practical tests	50%	4	0.16	1, 4, 3, 6, 7

Bibliography

Economic Criminal Law

GALÁN MÚÑOZ/NÚÑEZ CASTAÑO, *Manual de derecho penal económico y de la empresa*, 3rd ed., Tirant lo Blanch, 2019.

MARTÍNEZ BUJÁN, *Derecho Penal Económico y de la Empresa Parte Especial*, 6th ed., Tirant lo Blanch, Valencia 2019.

MARTÍNEZ BUJÁN, *Derecho Penal Económico y de la Empresa Parte General*, 5th ed., Tirant lo Blanch, Valencia 2016.

MATA BARRANCO et al., *Derecho penal económico y de la empresa*, Dykinson, 2018. (disponible online-campus virtual)

QUINTERO OLIVARES (dir), *Comentarios al Código Penal Español*, 7th ed., Aranzadi, Cizur Menor, 2016.

TIEDEMANN, *Manual de Derecho Penal Económico Parte General y Especial*, Tirant lo Blanch, Valencia, 2010.

Commercial Litigation Practice

DE LA OLIVA SANTOS, Andrés y Otros, *Curso de derecho procesal civil*, Ed. Universitaria Ramón Areces, last edition.

ORTELLS RAMOS, Manuel, *Derecho Procesal Civil*, Ed. Aranzadi, last edition

RAMOS MÉNDEZ, Francisco. *Enjuiciamiento Civil. Cómo gestionar los litigios civiles*, Ed. Atelier, 2008.