

Criminal Litigation

Code: 42473
ECTS Credits: 9

Degree	Type	Year	Semester
4313312 Legal Profession	OB	1	2

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)

Teachers

Joan Baucells Lladós

Míriam Cugat Mauri

Juan Carlos Gavara de Cara

Fermín Morales Prats

María Jesús García Morales

Jose Riba Ciurana

External teachers

Abel Andrade Ortiz

Blanca Ruiz-Zorrilla Cruzate

Elena Contreras

Enric Bertolín Ponsa

Gonzalo Quintero Olivares

Jordi Puigvert Terra

Josep Maria Torras Coll

José Luis Ramírez Ortiz

Marc Pérez Bou

Mercedes de la Peña Oliete

Oriol Rusca Nadal

Pilar López Fondón

Yolanda Rueda Soriano

Prerequisites

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

Objectives and Contextualisation

To gain specific skills on the subject matter of special interest for the legal practice.

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. Communicate and justify conclusions clearly and unambiguously to both specialist and non-specialist audiences.
2. Draft statements of accusation and defence at the intermediate stage of criminal proceedings.
3. Draft the various types of appeals against rulings by examining magistrates.
4. Integrate knowledge and use it to make judgements in complex situations, with incomplete information, while keeping in mind social and ethical responsibilities.
5. Know the techniques for defending clients before the police or examining magistrates.
6. Know the techniques of examination.
7. Know the various types of briefs that can be submitted in examining magistrates' courts.
8. Learn factual assessment techniques in the corresponding area of criminal law. Handle case law.
9. Locate, analyse and assess the legislation, case law and scientific doctrine applicable to the case.
10. 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.
11. Propose the making of inquiries and gathering of evidence in the trial.

Content

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Maria Jesús García Morales

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Fermín Morales Prats

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Oriol Rusca Nadal

IV. INITIATION OF CRIMINAL PROCEEDING AND INVESTIGATION OF THE CRIMINAL OFFENCE

Marc Pérez Bou

V. PRECAUTIONARY MEASURES

Yolanda Rueda Soriano

VI. CONSTITUTIONAL PROTECTIONS DURING THE INVESTIGATION OF THE CRIMINAL OFFENCE

Juan Carlos Gavara de Cara

VII. THE INTERMEDIATE PHASE OF THE PROCEDURE

José Luis Ramírez Ortiz

VIII. ORAL TRIAL (I): PRELIMINARY DEFENCES

Enric Bertolín Ponsa

IX. ORAL TRIAL (II): THE BURDEN OF PROOF AND EVALUATION OF THE EVIDENCE

Pilar López Fondón

X. ORAL TRIAL (III): FINAL REPORT AND JUDGEMENT

Jordi Puigvert Terra

XI. COURT'S DECISIONS AND JUDICIAL REMEDIES

Josep Maria Torras Coll

XII. CASSATION APPEAL

Mercedes de la Peña Oliete

XIII. ANNULMENT OF THE PROCEEDINGS AND "AMPARO" TO THE CONSTITUTIONAL COURT

Abel Andrade Ortiz

XIV. EXECUTION OF SENTENCE AND PAROLE

Blanca Ruiz-Zorrilla Cruzate

XV. SPEEDY TRIALS

Jordi Puigvert Terra

XVI. PROCEDURE AGAINST MINOR OFFENCES

Jordi Puigvert Terra

XVII. THE JURY

Elena Contreras

XVIII. CIVIL LIABILITY AND CONFISCATION OF GOODS

Gonzalo Quintero Olivares

XIX. RESPONSABILITY AND CRIMINAL PROCEEDINGS OF MINORS.

Josep Riba Ciurana

Methodology

The teaching method combines theory and practice.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Case studies	19	0.76	8, 3, 6, 9, 11, 4, 1, 2, 5, 10
theoretical lessons	38	1.52	8, 3, 6, 7, 9, 4
Type: Supervised			
evaluation of case studies	12	0.48	3, 9, 11, 4, 1, 2, 5, 10
Type: Autonomous			
Readings	106	4.24	8, 9, 4, 2, 10
exam preparation	32	1.28	8, 9, 4, 10

Assessment

The teacher will value theoretical knowledge (50%) and practical skills (50%), according to the instructions that will be presented to the student at the beginning of the course.

The student has the possibility of a second retake opportunity of the exam on theoretical contents.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Case law and drafting of procedural writs	50%	16	0.64	8, 6, 9, 11, 4, 1, 2, 5, 10
test	50%	2	0.08	8, 3, 7, 9, 5

Bibliography

Basic literature:

CUGAT/BAUCELLS/AGUILAR (coords.), *Manual de Litigación penal. Materiales para la prueba de acceso a la profesión de abogado*, Tirant lo Blanch, Valencia, 2017.

Complementary literature:

GIMENO SENDRA, V., *Derecho procesal penal*, 2015, Castillo de luna.

QUINTERO OLIVARES, G. (dir.), *Compendio de la Parte especial del Derecho penal. Adaptada al programa de ingreso en las carreras judicial y fiscal*, Aranzadi, 2016.

QUINTERO OLIVARES, G./MORALES PRATS, F., *Parte general del Derecho penal. Adaptada al programa de ingreso en las carreras judicial y fiscal*, Aranzadi, 2015.

RAMOS MÉNDEZ, F., *Enjuiciamiento criminal: undécima lectura constitucional*, Atelier, 2014.

Links:

www.boe.es

www.fiscal.es

www.poderjudicial.es

Software

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