

Management of Civil Litigation

Code: 102205
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	1

Contact

Name: Francisco Ramos Romeu
Email: francisco.ramos@uab.cat

Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: No
Some groups entirely in Spanish: Yes

Teachers

Francisco Ramos Romeu

Prerequisites

To attend this course previous enrollment in Procedural Law I and Procedural Law II is recommended during the 3rd year of the Law Degree; these two courses offer basic training in relation to the procedural legal system and without them the contents of Civil Litigation's Management cannot be properly understood nor analysed.

Group: Prof. Francisco Ramos Romeu (Spanish)

Objectives and Contextualisation

The main objective of this course is to broaden students' knowledge and understanding of the different phases of

Competences

- Acquiring the basic knowledge from the several legal dogmas and presenting them in public.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up legal texts (contracts, judgements, sentences, writs, rulings, wills, legislation...).
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Memorising and utilising legal terminology.
- Working in multidisciplinary and interdisciplinary fields.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Defining the basic procedural concepts.

2. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
3. Distinguishing the procedural and non-procedural documents of the several procedural fields.
4. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
5. Identifying the arisen procedural problems and looking for a solution for them in the several sources and resources studied.
6. Identifying the procedural issues presented in every practical case.
7. Managing the sources and resources needed in order to find the solutions to the practical cases.
8. Relating the basic procedural concepts to the rest of legal disciplines.
9. Using the legal procedural language.
10. Working in multidisciplinary and interdisciplinary fields.
11. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

Lesson 1. Civil jurisdiction and competence.

Lesson 2. Procedural parties.

Lesson 3. Constitutional guarantees of the proceedings.

Lesson 4. Procedural principles.

Lesson 5. Acts prior to procedure.

Lesson 6. Claim.

Lesson 7. Defence and counterclaim.

Lesson 8. Grouping of actions and of proceedings.

Lesson 9. Pretrial hearing.

Lesson 10. Trial. Hearing in verbal procedure.

Lesson 11. Civil judgment.

Lesson 12. Other forms (different from judgment) of ending the proceedings.

Lesson 13. Costs of the proceedings.

Lesson 14. Evidence.

Lesson 15. Appeals.

Lesson 16. Civil procedural enforcement.

Lesson 17. Precautionary measures.

Lesson 18. Special civil trials.

Methodology

Students' learning process in this course is organised around three types of activities:

1.DIRECTED ACTIVITIES

Directed activities are performed in classroom during class-hours under the direction of the lecturer. Directed activities are theoretical and practical activities.

In these sessions, in their theoretical side, the lecturer, based on the applicable Law, explains different contents of the course, and the concepts are developed through questioning students. It is necessary that all students have an updated compilation of procedural normative.

Students, alone or in little groups, shall carry out directed activities in classroom as practical activities.

Basically these practical sessions consist of case-resolutions and students' oral presentations.

2.AUTONOMOUS ACTIVITIES

In these activities students, alone or in group, organise their time and effort autonomously.

Autonomous activities include, among others, search and study of bibliography, elaboration of drafts or summaries, search of case-law and preparation of scored activities afterwards in classroom corrected.

In this course most of the autonomous activities are connected to the following-up of theoretical classes, elaboration of practical activities and preparation for the exam.

3. CRONOGRAM

At the beginning of the course the cronogram shall be posted in the Virtual Campus.

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			
master class	22.5	0.9	1, 2, 3, 5, 8, 10, 9
practical activities in the classroom	22.5	0.9	2, 3, 4, 6, 5, 8, 11, 10, 9, 7
Type: Autonomous			
Evaluation	5	0.2	2, 6
personal work of the student	85	3.4	2, 3, 6, 5, 8, 9, 7

Assessment

ASSESSMENT:

- There will be 3 scored activities, distributed throughout the course.
- At the beginning of the course, the lecturer will indicate the specific date for these scored activities.
- The 3 scored activities are stated below and have the following weighting in the final grade:
 - 1) exam (practical case study): 50%

2) preparation and presentation of cases: 30%

3) tests: 20%

Activities 2 and 3 shall take place during the course. Activity 1 shall take place on the fixed date.

REASSESSMENT:

-The student who does not pass the assessment may be eligible for the reevaluation-exam, that will replace the evaluation activity nº 1 and shall represent 50% of the final grade.

-For the reevaluation-exam the student must at least have a 3 (out of 10) in the average grade of the course.

REVIEWING PROCESS:

-After publishing the results of every scored activity, the lecturer will set a date to review the activity for any student interested.

ANTI-FRAUD REGULATION

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
exam (case study resolution)	50%	5	0.2	1, 6, 5, 8, 9
preparation and presentation of case studies + assistance and participation at class	30%	5	0.2	2, 3, 4, 6, 5, 8, 11, 10, 9, 7
tests	20%	5	0.2	4, 6, 5, 8, 9

Bibliography

RECOMMENDED BIBLIOGRAPHY

RAMOS MÉNDEZ, *Juicio civil*, Atelier, Barcelona, last edition.

RAMOS MÉNDEZ, *Enjuiciamiento Civil*, 2 vols., Atelier, Barcelona, last edition.

CACHÓN CADENAS, *La ejecución procesal civil*, Atelier, Barcelona, last edition.

GIMENO SENDRA, *Derecho procesal I. El proceso de declaración. Parte general*, Castillo de Luna, Madrid, last edition.

GIMENO SENDRA, *Derecho procesal civil II. Los procesos especiales*, Castillo de Luna, Madrid, last edition.

CÁMARA RUIZ, CUCARELLA GALIANA, ORTELLS RAMOS, *Derecho procesal civil*, Aranzadi, Navarra, last edition.

NIEVA FENOLL, *Derecho Procesal I. Introducción; II. Proceso Civil*, Marcial Pons, Barcelona, last edition.

NIEVA FENOLL, BUJOSA VADELL (Dirs.), *Nociones preliminares de derecho procesal civil*, Atelier, Barcelona, last edition.

CORTÉS DOMÍNGUEZ, MORENO CATENA, *Derecho procesal civil*, Tirant lo Blanch, València, last edition.

Available online at

<http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/ebook/sh>

:

ASENCIO MELLADO, *Derecho procesal civil*, Tirant lo Blanch, València, last edition. Available online at

<http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/ebook/sh>

:

MONTERO AROCA, GÓMEZ COLOMER, MONTÓN REDONDO, BARONA VILAR, *Derecho Jurisdiccional I Proceso Civil*, Tirant lo Blanch, València, last edition Available online at

<http://biblioteca.tirant.com/cloudLibrary/login/login?username=UAB&password=8zM8jgWE&redirectto=/ebook/sh>

MARTÍN OSTOS, *Materiales de derecho procesal*, Tecnos, Madrid, last edition.

ARMENTA DEU, *Lecciones de derecho procesal civil*, Marcial Pons, Barcelona, last edition.

Software

No special software is used.