

**Procedural Law II**

Code: 102206  
ECTS Credits: 9

Degree	Type	Year	Semester
2500786 Law	OB	3	2

**Contact**

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**Use of Languages**

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: Yes

**Teachers**

Manuel-Jesús Cachón Cadenas  
Cristina Riba Trepà  
Josefina Coromoto Huelmo Regueiro  
Francisco Ramos Romeu  
Laura Cachón Marinelló  
Albert Fauria Planas  
Santiago Orriols García  
Montserrat Carceller Valls

**Prerequisites**

For attending this course previous enrollment in Constitutional Law, Civil Law and Criminal Law is recommended during 1st and 2nd years of the Degree of Law, as well as Procedural Law I; all these courses offer basic training in relation to the legal system and without them the contents of Procedural Law II cannot be properly understood nor analysed.

Group 01: Consuelo Ruiz de la Fuente (Spanish)

Workshops:

- 11 Josefina Huelmo Regueiro
- 12 Santiago Orriols García
- 13 Consuelo Ruiz de la Fuente

Group 02: Manuel Cachón Cadenas + Santiago Orriols García (spanish)

Workshops:

- 21 Laura Cachón Marinelló

22 Consuelo Ruiz de la Fuente/Josefina Huelmo Regueiro

23 Santiago Orriols García

Group 51: Francisco Ramos Romeu (spanish)

Workshops:

511 Montserrat Carceller Valls

512 Albert Fauría Planas

513 Francisco Ramos Romeu

Group 70: Cristina Riba Trepát (Catalan)

Workshops:

71 Consuelo Ruiz de la Fuente

72 Cristina Riba Trepát

## **Objectives and Contextualisation**

Main objective of this course is a good knowledge and understanding of the Civil Process. Its phases of allegation

## **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 process general structure

Lesson 2: Pre-process activities

Lesson 3: Civil Jurisdiction

Lesson 4: Procedural parties

Lesson 5: Allegation phase: plaint, reply, counterclaim, counterclaim's reply.

Lesson 6: Prior hearing

Lesson 7: Trial

Lesson 8: Final judgement

Lesson 9: End of the civil process by alternative vías.

Lesson 10: Costs of the proceedings

Lesson 11: Evidence in civil trials

Lesson 12: Appeals en civil trials

Lesson 13: Civil procedural enforcement

Lesson 14: Preliminary civil measures

Lesson 15: Special civil trials

## **Methodology**

Students' learning process in this course is organised around two 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 activities and practical activities.

In the master classes the lecturer, based on the applicable Law, explains different contents of the course. It is necessary that all students have an updated compilation of procedural normative.

The workshops can, among others, consist of case-resolutions, analysis and discussion of court-judgements, oral presentations, debates, etc.

Students, alone or in little groups, carry out these activities.

Attendance at workshops is mandatory.

### **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.

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	39	1.56	1, 2, 4, 5, 8, 10, 9, 7
workshops	19.5	0.78	1, 2, 3, 4, 6, 5, 8, 11, 10, 9, 7
Type: Autonomous			
Evaluation	5	0.2	1, 2, 3, 6, 5, 11, 9, 7
personal work of the student	151.5	6.06	1, 2, 3, 4, 6, 5, 8, 11, 10, 9, 7

## Assessment

-The student who cheats or tries to cheat in an exam will be given a 0 as a mark. The student who submits a paper or a practical exercise in which evidence of plagiarism can be identified will be given a 0 as a mark and will receive a warning. In case of repetition, the student will fail the subject.

### CONTINUOUS ASSESSMENT:

-There will be the following scored activities, distributed throughout the course.

-At the beginning of the course, the lecturer of each group will indicate the specific date for these scored activities.

-The scored activities are stated below and have the following weighting in the final grade:

1) theoretical and/or practical exam of part of the subject: 30%

2) theoretical and/or practical exam of part of the subject: 30%

3) practical activities: there are 2 practical individual scored activities during the course: 15% per each.

4) practical activities in the classroom: case-studies, oral presentations, case-law essays, assistance and participation at class, etc: 10%

-At the discretion of each teacher, a minimum grade in each of the evaluable activities may be required to pass the continuous assessment.

### REEVALUATION:

-The student who does not pass the continuous assessment may be eligible for the reevaluation-exam. The reevaluation-exam will consist in a theoretical-practical exam. The practical activities carried out in the workshops cannot be recovered.

-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 the elaboration and qualification of every scored activity, the lecturer will set a date to review the activity for any student interested.

### Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
activities	40%	5	0.2	2, 3, 6, 5, 8, 11, 10, 9, 7
partial exam theory and/or practic	30%	2.5	0.1	1, 2, 4, 8, 9
partial exam theory and/or practic	30%	2.5	0.1	1, 2, 4, 8, 9

### Bibliography

#### BASIC BIBLIOGRAPHY:

CACHÓN CADENAS, Manuel, *Introducción al enjuiciamiento civil*, Atelier, Barcelona, last edition.

CACHÓN CADENAS, Manuel, *Esquemas de Derecho Procesal I*, Editorial Uno, Bellaterra, last edition.

CACHÓN CADENAS, Manuel, *Esquemas de Derecho Procesal II*, Editorial Uno, Bellaterra, last edition.

#### RECOMMENDED BIBLIOGRAPHY:

ARMENTA DEU, Teresa, *Lecciones de Derecho Procesal Civil*, Marcial Pons, Barcelona, last edition.

ASENCIO MELLADO, José María, *Derecho procesal civil*, Tirant lo Blanch, València, last edition. Available at the UAB digital library.

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

CÁMARA RUIZ, Juan; CUCARELLA GALIANA, Luís Andrés; ORTELLS RAMOS, Manuel, *Derecho procesal civil*, Aranzadi, Navarra, last edition. Available at the UAB digital library.

CORTÉS DOMÍNGUEZ, Valentín; MORENO CATENA, Víctor, *Derecho procesal civil*, Tirant lo Blanch, València, last edition. Available at the UAB digital library.

DE LA OLIVA SANTOS, Andrés; DÍEZ-PICAZO GIMÉNEZ, Ignacio; VEGAS TORRES, Jaime, *Derecho procesal civil*, Centro de Estudios Ramón Areces, Madrid, last edition.

DE LA OLIVA SANTOS, Andrés, *Curso de Derecho Procesal Civil I. Parte general, II. Proceso Civil*, Centro de Estudios Ramón Areces, Madrid, last edition.

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

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

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

MONTERO AROCA, Juan; GÓMEZ COLOMER, Juan Luis; BARONA VILAR, Silvia; CALDERÓN CUADRADO, M.<sup>a</sup> Pía, *Derecho Jurisdiccional II. Proceso Civil*, Tirant lo Blanch, València, last edition. Available at the UAB digital library.

NIEVA FENOLL, Jordi, *Derecho Procesal II. Proceso Civil*, Tirant lo Blanch, València, last edition. Available at the UAB digital library.

NIEVA FENOLL, Jordi; BUJOSA VADELL, Lorenzo (Dir.), *Nociones preliminares de derecho procesal civil*, Atelier, Barcelona, last edition.

RAMOS MÉNDEZ, Francisco, *Juicio Civil*, Atelier, Barcelona, last edition.

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

## **Software**

The subject does not require any specific software.