

Legal Representation in the Different Jurisdictional Bodies

Code: 45036
ECTS Credits: 6

Degree	Type	Year	Semester
3500070 Legal Profession and Legal Representation	OB	1	A

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Prerequisites

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Is essential to be in possession of the Degree in Law

Objectives and Contextualisation

The contents are based on a theoretical and practical exposition on the Procedural Regulations directly related to the exercise of the attorney, specially legal mandate, the representation on the different jurisdiccions and the communication acts carried out actively by the attorney.

Likewise, special attention is take to the use of information technologies in the Justice Administration.

Calculation of court fees.

Learning Outcomes

- CA08 (Competence) Interact appropriately with members of the general public, institutions and other professional practitioners.
- KA08 (Knowledge) Determine the appropriate legal instrument to represent interested parties before third parties, before public administrations and before courts.
- KA09 (Knowledge) Identify judicial acts that require notarial intervention in order to take effect and those that require official registration.
- SA19 (Skill) Appropriately apply procedural techniques in the execution of actions in different jurisdictions, with special attention to deadlines, official notices, execution and enforcement.
- SA20 (Skill) Deliver proper, effective notices to and on behalf of the parties involved in legal proceedings.

- SA21 (Skill) Clearly and precisely differentiate private interests represented by legal professionals from those of a public nature whose execution is required by the law and the courts, with regard to collaboration with the execution of court resolutions.
- SA22 (Skill) Use the most pertinent techniques in each case aimed at the identification and liquidation of customs duties, tax obligations, the constitution of legal deposits and attention to whatever expenses and costs are necessary to guarantee the effective judicial protection of the rights of represented parties.
- SA23 (Skill) Make use of judicial procedures, protocols, systems and applications as required for issue of notices and for cooperation with the Department of Justice, with special attention to those of an electronic or digital nature.

Content

1. EXERCISE OF ATTORNIES

Marc normative of attornies

The procedural representation at the foreign law.

Requisites to exert the profession.

Ongoing function of the attorney and perspectives of future.

The area of professional activity: Depiction and Collaboration.

Mandatory professional intervention.

The agreement of mandate at the professional exercise of the attorney.

Forms of empowerment and classes of powers.

Procedural treatment of the fault of depiction.

2. THE ACTS OF JUDICIAL COMMUNICATION.

Introduction: The procedural acts.

The acts of judicial communication: Concept, juridical nature and classes.

The time of the communication. Efficacy of the acts of communication and his repercussion at the computation of the procedural terms.

Days and hours deft. The habilitation of days and hours.

The computation of procedural terms.

Responsibility of the attorney at the fulfillment of the procedural terms.

The place of the judicial communication.

The Judicial Office.

The domicile. Special reference at the "virtual domicile".

The place of the judicial communication at the execution proceedings.

Addressees of the communication.

Modalities of judicial communication.

The communication through the attorney. The function of passive depiction. The intervention of the Schools of Procurators at the acts of communication: The Kick of reception of notifications and transfers of copies and the Kick of records of judicial communication.

The communication for postal reference.

The communication for electronic reference. LexNET as a platform of certain exchange of information. Other electronic media admitted.

The communication by means of personal delivery. Special reference at the diligence of notification at the procedures of summary aegis of the possession of houses occupied unlawfully.

The communication for edicts. Supposed at what proceeds. Operation of the Unique Judicial Board.

The attorney as a active subject at the practice of the acts of communication.

The capacity of certification of the attorney. The expedition of records and diligences of notification. Models.

The specific diet of responsibility of the attorney at the realisation of the procedural acts of communication.

The emplenment of commandments, exhorts and jobs for the attorney.

Diet of inefficiency of the acts of communication. Mitjans of rebuttal.

The transfer of copies among attornies.

The international juridical cooperation at matter of records of communication.

International judicial help.

International notification.

The international evidence.

The foreign law in the process.

Resolution of study cases.

3. PROFESSIONAL PERFORMANCE AT THE EXECUTION PROCESS

A) The PERFORMANCE OF THE ATTORNEY IN the CIVIL EXECUTION.

Records of communication of the Procurator/at at the procedure of execution.

The intervention of the Procurator/at at the enquiry of the heritage of the executed.

Performance at the Monetary Execution: The embargo of sakes, reembargament and embargo of surplus; the guarantee of the embargo; appraisal of the sakes impounded. The judicial deposit as a size of guarantee. The intervention of the School of Procurators at quality of depository. Kick of deposit: Operative and operation.

Performance at the incidents of "Terceria"

Performance at the phase of mandatory realisation of the goods. Agreement of realisation. Realisation per person or skilled entity. Judicial auction. The Intervention of the Schools of Attornies as a skilled entity. Portal of Auctions Attorney.

Performance at the Execution Mortgage Process. Request of payment. Commandment of certification of charges. Auction. Decree of Adjudication and Commandment of Cancellation. Special situation of the Habitual House. Launch and Inmate of possession.

Performance at the Non monetary Execution. The launch.

Performance at the Cautelars Mesures.

B) The PERFORMANCE OF THE ATTORNEY AT THE BANKRUPTCY EXECUTION

Performance at the bankruptcy execution

The royalties of the professional of the attornet as a credits against the mass. The debenture of payment of the Commandments and Edicts.

Realisation of the goods: The Banckruptcy Administration and the Schools of Attorney as a skilled entity. Portal of Auctions Attorney.

C) The PERFORMANCE OF THE ATTORNET AT THE CRIMINAL EXECUTION.

Performance at the penal field. Processing of the Civil Responsibility at the Execution.

Sakes decomissats in the process penal. The Schools of Attornet as a depository of goods. Kick of Deposit: Operative and operation.

D) The PERFORMANCE OF THE ATTORNEY AT THE SOCIAL AND CONTENTIOUS -ADMINISTRATIVE JURISDICTION EXECUTIONS

Principal performances.

Term of expects. Supletery LEC aplication.

E) The PERFORMANCE OF THE PROCURATOR AT The EXECUTION OF EUROPEAN EXECUTIVE TITLES.

Systems of Execution at Europa: Classes and Effectiveness.

Records of international Communication. Notifications, Sites. Requests of payment. Attachment orders.

Homologation of foreign titles and ecclesiastical decisions.

Professional of the execution at European Law. The Agent of execution.

The world Code of the Digital Execution.

F) THE POSTULACIÓ PROCEDURAL And THE PUBLIC REGISTRIES. SPECIAL REFERENCE AL REAL-ESTATE REGISTRAL LAW. COLLABORATION WITH THE NOTARIAT.

The Public Registries: Classes. Regstral principles.

The Civil Registry.

The Mercantile Registry. The Registries of immovable sakes and of sakes furnish.

Onset of the regstral procedure: The seat of presentation, his effects. Titles inscriptibles: especially the judicial document and his qualification. The regstral titular and the principle of successive tract. The regstral farm: the immatriculació and his modes, regstral modifications of the farms. Royalties and juridical situations that access at the Registry. The seats that practice at the Registry: inscription, cancellation, note marginal and notation, circumstances, natures and, at his case, extinction. Specific survey of the distinct classes of notation: the of demand, embargo, extension and extension, hereditary law and others. Regstral aspects of mortgage executions proceedings, the efficacy of the nicknamed principle of regstral priority.

Judicial and extrajudicial ways of rebuttal the regstral qualification.

Transversal Regstral law. Other Registries. The Public Barnkrruptcy Registry.

The Central Registry of Civil Rebels. The Central Registry of rebels.

G) THE POSTULACIÓ PROCEDURAL And THE COLLABORATION WITH THE NOTARIAT.

Requisites of the powers for proceedings.

Performance of the attorney at the protocol·lització of judicial resolutions, chords of mediation and laudes referee.

Performance of the attorney at the records of voluntary Jurisdiction of notarial competence. Type of Records.
 Special quotation: Statement of Heirs intestate. Records of Command.
 H) RESOLUTION OF PRACTICAL CASES And PREPARATION Of PROFESSIONAL BRIEFS.
 Resolution of case studies on the themed of the matter.
 Preparation of professional and procedural briefs on the themed of the matter.

Methodology

Methodology

During the course, the following activities will be carried out, with specific methodologies in each case:

Expositive classes

Case resolution classes

Oral presentation of works

Preparation of reports and works

Note: 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

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Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Master class	37.5	1.5	CA08, KA09, SA19, SA20, SA21, SA22, SA23, CA08
Type: Supervised			
Workshops: work preparation, resolution of case studies, readings.	37.5	1.5	CA08, KA08, KA09, SA19, SA20, SA21, SA22, SA23, CA08
Type: Autonomous			
Study and reading of the subjects, preparation of works and reports. Realization of the exam and tests.	58	2.32	CA08, KA08, KA09, SA19, SA20, SA21, SA22, SA23, CA08

Assessment

Evaluation:

Final qualification: 50% continuous evaluation: 5 points (over 10) + 50% final exam: 5 points (over 10)

1.- Continuous evaluation:

The teaching staff of the course determines the format and the continuous evaluation activities are made known through the Virtual Campus. They can be performed in 50% of the programmed sessions, approximately.

The failure to carry out these activities, whether justified or not, is not recovered, except in very specific cases (for example, prolonged absences due to health reasons or the like)

It includes two types of activities:

A) Evaluable practical activities (writing of procedural briefs, resolution of practical cases, etc.); They are included in the course calendar and / or are notified in advance.

B) Short questionnaires (short, true or false question, question test, etc.) conducted in class on dates and times that are not previously communicated

2.- Final exam.

Test of 50 questions, according to the proof of access by the Ministry of Justice (4 response options, penalizing errors with -0.33)

Only valid from a minimum of 3 (over 10), Who obtains a lower note, suspends the module.

Possibility of reevaluation: who has obtained a mark of examination of less than 5,0 but superior than 3,0, may return to submit a reevaluation exam. This recovery only affects the mark of the exam, not the rating of the continuous evaluation, which is maintained.

3. Unique assessment

Students who opt for the unique assessment will be evaluated considering the following:

1) Test exam (50 questions) (50%)

2) Elaboration of a procedural brief (law suite, appelation, etc) or case study (25%)

3) Elaboration of a procedural brief (law suite, appelation, etc) or case study (different from the previous one) (25%)

The second and third parts will have a duration between 4 and 5 hours aprox. and it will take place in the schedule specifically settled by the coordination. For the realization of the second and third part of the exam, students may consult legislation but they will no be able to consult on line resources.

To approve the unique assesment students have to obtain a minimum grade of 5,0 in total. If they don't, they can have a reevaluation exam if they have obtained a minimum grade of 3,0

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Continuous evaluation	50%	15	0.6	CA08, KA08, KA09, SA19, SA20, SA21, SA22, SA23
Final exam	50%	2	0.08	KA08, KA09, SA19, SA21, SA22, SA23

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Software

There is not