

Administrative Litigation

Code: 45039
ECTS Credits: 9

Degree	Type	Year	Semester
3500070 Legal Profession and Legal Representation	OB	1	2

Contact

Name: Roser Martinez Quirante

Email: roser.martinez@uab.cat

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

There are no prerequisites. However, it is advisable to make a general review of the subject of Administrative Law and avoid them becoming a repetition of what was studied in the Faculty.

Objectives and Contextualisation

Deepen, both from a theoretical and practical point of view, in the procedure and administrative resources, public and especially, administrative contentious jurisdiction.

Learning Outcomes

- CA05 (Competence) Respect professional secrecy and confidentiality in relation to the personal data of clients who initiate litigation proceedings against public administrations.
- CA06 (Competence) Learn to work on matters related to Administrative Law (compulsory expropriation, public contracting, pecuniary liability, etc.) in specialised and interdisciplinary teams to obtain cross-cutting knowledge of the case.

- CA07 (Competence) Interact appropriately with the general public, institutions and other professional practitioners in relation or connection to any of the disciplines covered by administrative law.
- KA06 (Knowledge) In matters of litigation, determine the administrative and jurisdictional instance, as well as the appropriate measure or action to defend the rights of clients within the possibilities offered by the law.
- KA07 (Knowledge) Determine the appropriate procedure to represent interested parties before public administrations and before judicial bodies.
- SA16 (Skill) Properly apply the right techniques and methodologies in litigation procedures (capacity, legitimation, representation, defence, etc.).
- SA17 (Skill) Prepare administrative deeds and documents, as well as duly investigate material facts, and prepare and analyse reports and evidence, with special attention to the gender perspective.
- SA18 (Skill) Make proper use of the procedural instruments of litigation proceedings, especially in enforcement and notices, paying attention to sustainability and effectiveness.

Content

PROGRAM

1. The administrative procedure: phases, deadlines and forms of completion.
2. Administrative appeals.
3. The patrimonial responsibility of the Administration. Procedures
4. The procedure for the exercise of the sanctioning power of the Administration.
5. Administrative intervention techniques: authorizations, concessions, responsible declaration and prior communication
6. Forced expropriation.
7. Public sector contracts.
8. The report and the expert opinion as a means of proof in the different jurisdictions
9. Jurisdiction and competence in the contentious-administrative order.
10. The ordinary contentious-administrative procedure and special procedures. The lawyer's performance in The different phases of the process.
11. The development of the contentious-administrative process. Capacity, legitimation, representation and defense of the parts. The proof. The precautionary measures. Type of procedural resolutions.
12. Appeals against procedural decisions. Special reference to the appeal.
13. The execution of sentence. Extension of effects of sentences. The provisional and final execution in contentious-administrative processes of judicial titles. Opposition to execution.
14. The legal regime of foreigners.

Methodology

The sessions will be monographic with respect to the module agenda.

Depending on the topic covered, practical cases or questionnaires will be carried out to verify the students' achievement of the topic discussed in class.

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			

Theoretical classes	27	1.08
Tutorials	45	1.8
Type: Supervised		
Practical classes	24	0.96
Type: Autonomous		
Preparation, writing and presentation of different activities	40	1.6
Study and exam preparation	80	3.2

Assessment

Continuous evaluation:

1. Continuous assessment activities (50% of the final mark)

The UAB Master's Degree in Law is face-to-face teaching where active attendance and student participation is especially valued, therefore one of the essential pieces of the system

Assessment are the continuous assessment activities, which will be carried out in the classroom.

The format of the continuous evaluation activities will be diverse, encompassing activities of a markedly practical nature (Writing of papers, solving real problems, etc.) such as follow-up questionnaires and, as a general rule, the dates / times in which they will be carried out will not will be communicated in advance.

Students who are not in the classroom at the time the continuous assessment activities are carried out and, therefore, cannot carry them out, will not be able to recover these activities on other dates or through alternative activities. This rule applies regardless of whether the absences are justified or unjustified, therefore it is irrelevant that the student provide documentation proving the reason for the absence. In the cases in which the final reassessment exam is carried out (see the following point) the grade obtained through the continuous assessment activities will be kept without any type of variation or option for improvement.

The value of these tests that will be carried out in the classroom randomly and without prior notice without being able to recover, will be 2 points. The remaining 3 points will be obtained by carrying out an evaluable practice at the end of the module.

2. Final exam of the continuous assessment (50% of the final grade)

The ordinary final exam will take place on the date set by the Coordination of the degree and consists of a multiple choice exam, with four response options. The correct questions add 1 point, the Incorrect penalize 0.33 points and those not answered 0 points.

You must obtain at least a score of 3.5 points out of 10 in the finalexam to be able to add the corresponding score to the continuous assessment activities and pass the subject. The subject will be considered passed if the sum of the grade obtained in the continuous assessment activities and the grade obtained in the final exam equals or exceeds 5 points out of 10.

Students who do not pass the subject through the ordinary final exam will be entitled to a final reassessment exam, which will have the same characteristics as the ordinary one and will be held on the date set by the Degree Coordination.

Single evaluation:

Students who opt for the single assessment will take a final synthesis test of the subject (50%), a practice (40%) and an oral defense of the same (10%).

The date for this test will be the same scheduled in the schedule for the last continuous assessment exam.

The same recovery system will be applied as for the continuous evaluation.

Recovery exam:

Students who do not pass the subject, who do not reach 5 (total) out of 10, either in continuous or single assessment, may take a recovery or reassessment exam as long as they have been evaluated in a set of activities, weight of which is equivalent to a minimum of two thirds of the total grade for the subject. If it has not been evaluated by these two third parties for not having taken the tests, it will obtain a rating of Not Presented, without having the possibility of taking the recovery exam.

In this exam, all the contents of the subject that have not been passed in the continuous assessment will be evaluated again.

In the case of passing the recovery exam, the subject will be approved with a maximum of 5, regardless of the grade obtained in the exam.

Erasmus student evaluation:

Erasmus students will follow the same evaluation model with the only peculiarity that the final tests will be advanced and everything established by the module coordinator will enter.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Final exam (test)	50%	3	0.12	CA05, CA06, CA07, KA06, KA07, SA16, SA17, SA18
Preparation, writing and presentation of different activities	50%	6	0.24	CA05, CA06, CA07, KA07, SA16, SA17, SA18

Bibliography

Specialized bibliography will be delivered in each of the sessions.

Software

-