

Degree	Type	Year
2500786 Law	OB	3

Contact

Name: Maria Consuelo Ruiz De la Fuente

Email: consuelo.ruiz.delafuente@uab.cat

Teachers

Manuel-Jesús Cachón Cadenas

María Cristina Riba Trepal

Josefina Coromoto Huelmo Regueiro

Francisco Ramos Romeu

Laura Cachon Marinel.lo

Jose Luis Rodriguez Torres

Albert Fauria Planas

Santiago Orriols Garcia

Montserrat Carceller Valls

Teaching groups languages

You can view this information at the [end](#) of this document.

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.

The teaching of the subject will be developed taking into account the perspective of the Sustainable Development Goals.

Group 01: Consuelo Ruiz de la Fuente (spanish)

Workshops:

11 To be determined

12 Laura Cachón Marinel.lo (catalan)

13 Consuelo Ruiz de la Fuente (spanish)

Group 02: Santiago Orriols García (catalan)

Workshops:

21 To be determined

22 Albert Fauria (catalan)

23 Santiago Orriols García (catalan)

Group 51: Josefina Huelmo (spanish)

Workshops:

511 Montserrat Carceller Valls (spanish)

512 Josefina Huelmo (spanish)

513 Lluís Pérez Losa (spanish)

Group 70: Cristina Riba Trepal (catalan)

Workshops:

71 To be determined

72 Cristina Riba Trepal (catalan)

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: Evidence in civil trials

Lesson 8: Trial

Lesson 9: Final judgement

Lesson 10: End of the civil process by alternative vías.

Lesson 11: Costs of the proceedings

Lesson 12: Appeals en civil trials

Lesson 13: Civil procedural enforcement

Lesson 14: Preliminary civil measures

Lesson 15: Special civil trials

Activities and Methodology

Title	Hours	ECTS	Learning Outcomes
-------	-------	------	-------------------

Type: Directed

Master class	41.5	1.66	1, 2, 4, 5, 7, 8, 9, 10
workshops	22	0.88	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11
Type: Autonomous			
Evaluation	5	0.2	1, 2, 3, 5, 6, 7, 9, 11
personal work of the student	151.5	6.06	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11

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.

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.

Assessment

Continous Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
activities	40%	3	0.12	2, 3, 5, 6, 7, 8, 9, 10, 11
partial exam theory and/or practic	30%	1	0.04	1, 2, 4, 8, 9
partial exam theory and/or practic	30%	1	0.04	1, 2, 4, 8, 9

-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: 10% per each.

4) practical activities in the classroom: case-studies, oral presentations, case-law essays, assistance and participation at class, etc: 20%

-In order to pass the continuous assessment, students must get as a minimum grade a 5,0 in the average of both partial exams, and a grade of 3,0 in each evaluated practical activities to be considered.

-To be evaluated students must carry out several activities, that in global must represent at least 2/3 of the final qualification. If students do not reach that limit, teachers may consider the student as non-assessable.

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.

SINGLE ASSESMENT:

The single assesment is composed of three parts: 1) An theorethical/practical test exam of 30 questions (50%); 2) Resolution of 2 case studies (without any materials) (25%); 3) An oral exposition of a topic chosen randomly within the contexts of the subject in fron of a court composed al least by 2 teachers (25%).

The duration of the single assesment will be 4 hours aprox, in the data settled by the teachers.

Students should exceed the total score of 5,0 to approve the single assesment. Students that doesn't approve the single assesment may be eligible for the reevaluation-exam, if they have obtained a grade of 3,0 in the single assesment.

The same criteria of non-assessable will be applied as for continous assesment.

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.ª 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 (Dirs.), *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.

Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Spanish	second semester	morning-mixed
(TE) Theory	2	Catalan	second semester	morning-mixed
(TE) Theory	51	Spanish	second semester	afternoon
(TE) Theory	70	Catalan	second semester	morning-mixed

PROVISIONAL