

## 27718 - Procedural Law I

### Syllabus Information

**Academic Year:** 2020/21

**Subject:** 27718 - Procedural Law I

**Faculty / School:** 102 - Facultad de Derecho

**Degree:** 421 - Degree in Law

**ECTS:** 9.0

**Year:** 3

**Semester:** First semester

**Subject Type:** Compulsory

**Module:** ---

### 1.General information

#### 1.1.Aims of the course

#### 1.2.Context and importance of this course in the degree

#### 1.3.Recommendations to take this course

### 2.Learning goals

#### 2.1.Competences

#### 2.2.Learning goals

#### 2.3.Importance of learning goals

### 3.Assessment (1st and 2nd call)

#### 3.1.Assessment tasks (description of tasks, marking system and assessment criteria)

### 4.Methodology, learning tasks, syllabus and resources

#### 4.1.Methodological overview

#### 4.2.Learning tasks

#### 4.3.Syllabus

The course will address the following topics:

- Topic 1. The jurisdiction. Principles of the jurisdiction.
- Topic 2. The action.
- Topic 3. The proceeding: its guarantees, principles and forms.
- Topic 4. Organization of the jurisdiction. The governing of the Judiciary.
- Topic 5. Court procedures and its requirements. Types of court procedures.
- Topic 6. The jurisdiction as a requirement of the proceeding. The competence: objective competence and functional competence. The territorial competence.
- Topic 7. Parties in civil proceedings. Capacity to be a party. Appearance in court and representation. Capacity to sue. Procedural representation and technical defence.
- Topic 8. Multiplicity of parties. Optional and necessary joint litigation. Intervention.
- Topic 9. Costs and expenses. Legal aid system.

- Topic 10. The object of declaratory proceedings. Joinder of actions and joinder of proceedings.
- Topic 11. Civil proceedings: ordinary proceeding and oral trial.
- Topic 12. Declaratory proceedings: preliminary proceedings, claims.
- Topic 13. Evidence in civil process. Purpose of evidence. Burden of proof. The different ways of taking evidence and its assessment.
- Topic 14. The conclusion of the proceeding. The judgement. Ending of the proceeding without judgement or with non-adversarial judgement. Crisis of the proceeding.
- Topic 15. The remedies. The appeals.
- Topic 16. The effects of the judgement. Res iudicata effect. The review of a final judgement.
- Topic 17. The particular enforcement and its requirements. Enforcement titles. Parties in the enforcement.
- Topic 18. Proceeding of monetary enforcement. Dispatch of enforcement. Opposition to enforcement.
- Topic 19. Monetary enforcement. The attachment of the assets. Realisation of pledged assets.
- Topic 20. Non-monetary enforcement.
- Topic 21. The provisional enforcement.
- Topic 22. Injunctions: requirements and proceeding.
- Topic 23. Special proceedings. Proceedings regarding kinship, capacity, marriage and minors. Judicial division of estates. On the order for payment and negotiable instruments procedures.
- Topic 24. Alternative dispute resolution. Arbitration, mediation and other means to solve disputes.
- Topic 25. Voluntary jurisdiction procedures.

#### **4.4.Course planning and calendar**

Further information concerning the timetable, classroom, office hours, assessment dates and other details regarding this course, will be provided on the first day of class or please refer to the Faculty of Law website (<http://derecho.unizar.es>)

#### **4.5.Bibliography and recommended resources**