

27718 - Procedural Law I

Syllabus Information

Academic year: 2023/24

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

The main goal of this subject is that the student knows the characteristics of the jurisdictional function, the drive for its action, the action, and the instrument to provide jurisdictional protection: the process. This knowledge must be acquired through the study of the institutions that make up the civil process and that are the basis for the configuration of other jurisdictional processes.

At the same time, knowledge of the civil process contributes to the achievement of the following Sustainable Development Goals:

Goal 4: Quality Education.

Goal 5: Gender Equality.

Goal 10: Reduction of Inequalities

Goal 16: Peace, Justice and Strong institutions

2. Learning results

Knows and situates jurisdiction as a function of the State, the way in which the different jurisdictional orders are organized, and the composition and organization of the courts and tribunals and the organs of government of the Judicial Power, as well as the rights and guarantees of the citizens before the Jurisdiction

Knows the fundamental principles and forms of civil procedure, its assumptions and basic elements

Knows, understands and applies, by means of coherent arguments, the rules and jurisprudence on the civil process, declaration and execution and the regime of its precautionary measures, and voluntary jurisdiction.

Identifies forensic writings and writes basic forensic writings

Assesses the advantages and disadvantages of jurisdiction versus alternative means of conflict resolution.

3. Syllabus

1. The process and its types.
2. The jurisdictional function and its principles.
3. Jurisdiction as a presupposition of the process.
4. The parties in the process.
5. The plurality of parties in the process.
6. Costs and expenses in the process. Free justice.
7. The object of the declarative process. Accumulation of actions and processes.
8. Procedural acts.
9. The declaration process.
10. Evidence in the civil process.
11. Means of proof.
12. The conclusion of the process.
13. Means of contestation. Resources.
14. The legal effects of the final judgment.
15. The singular execution and its budgets.
16. Dynamics of the execution process.
17. Monetary execution.

18. Non-monetary execution.
19. Provisional execution.
20. Precautionary measures.
21. Overview of special processes.

4. Academic activities

The program contents will be presented and systematized through master classes (54 hours).

A practical knowledge of the contents will be sought through problem solving sessions and case studies in class (36 hours) presented to students.

Depending on the planning possibilities of the term, part of these hours will also be used for the projection of videos on judicial proceedings, or for the exhibition of works elaborated by the students.

As far as coordination with other subjects and groups allows, attendance at public court hearings and trial simulation activities will be sought.

5. Assessment system

Students must demonstrate that they have achieved the intended learning results by means of the following assessment activities

Mixed assessment system

This system is designed for students who regularly attend classes. It will consist of

1. Continuous evaluation of the student's learning in class by means of passing three multiple-choice tests, , on the contents of the program posed as direct questions or as practical assumptions.

Each of the multiple-choice tests will consist of fifteen (15) multiple-choice questions with four options.

To pass each test it will be necessary to obtain 10 points. To pass the continuous evaluation of learning it will be necessary to have passed at least two multiple-choice tests and achieved a total 30 points.

Those who have passed this continuous evaluation can add up to 15 points more through their active participation in class and especially in activities related to trial simulations, the writing of forensic briefs and the scheduled attendance to hearings.

The continuous assessment will allow obtaining up to 60 points that represent 30% of the final grade.

2. Completion of a final test (70% of the grade), which will consist of:

A) Questions on program issues. The grade obtained (30 points) will account for 30% of the final grade

B) A practical test. A scenario will be presented and several questions will be asked to be answered by the student. The student will be able to use the legal texts in this second test. The grade obtained (out of 40 points) will represent 40% of the final grade.

In order to pass the subject, students must have passed both the continuous evaluation part (2 tests and 30/60 points) and the final exam (35 out of 70 points). The final test in this system of evaluation is considered to be composed of the questions on the program and the practical test.

In case of not passing the continuous evaluation part, the student must take the global final exam, as established in "System based exclusively on a global final exam".

In the case of passing the continuous evaluation part, but not passing the final exam, the student's numerical grade will be the one obtained in the final exam (70%) to which the grade obtained for active participation will be added, but with a weight of 15%. The grade obtained by continuous evaluation will be saved for the extraordinary call.

System based exclusively on a global final test

For students who opt for it or who fail by continued assessment. This test will consist of:

A) A multiple-choice questionnaire on the contents of the program. Thirty (30) multiple choice questions will be asked with four options. To pass this test it will be necessary to obtain 18 points. Passing this test is a prerequisite for passing the subject- If it is not passed, the rest will not be corrected. The grade obtained will account for 30% of the final grade

B) One or more essay questions on the contents of the program. The grade obtained will account for 30 % of the final grade

C) A practical test. A scenario will be presented and several questions will be asked to be answered by the student. The student will be able to use the legal texts in this second test. The grade obtained will account for 40% of the final grade.

Passing the tests referred to in sections A) and B) (30 out of 60 points) will be an essential requirement for the teacher to correct the practical test. Only if the practical test is passed (20 out of 40) will this grade be added to the grade obtained in the other two tests for the final grade. If the student has passed test A) by reaching the minimum of 18 correct answers in the test, but fails the whole exam, the result of this test will be saved for the next call..

Assessment criteria

In the correction of the practical and objective tests, in addition to the correctness in the use of the written language -also its correct spelling- and -and, where appropriate, spoken language, the following will be assessed

1. the assimilation of the particularities of the exercise of the jurisdictional function and the guarantees and rights of citizens before the Administration of Justice in the arguments put forward in the exposition of the contents and the resolution of the practical cases;

2. the precision in the use of the legal concepts analysed during the subject, both in the exposition of the contents and in the construction of arguments, as well as in the solutions to the questions posed in the practical cases raised or the drafting of forensic writings, if necessary.

3. coherence in the legal argumentation developed in the presentation of the contents and the

solutions to the practical issues raised;

4. the proportionality between costs, resources and possible results in the solutions offered to the practical problems posed;

and finally, the ability to propose solutions to legal problems through the reasoned application of procedural law and jurisprudence