

1. OVERVIEW.

Subject Area	CIVIL PROCEDURAL LAW
Degree	BACHELOR'S DEGREE IN LAW
School/Faculty	SOCIAL SCIENCES
Year	Second
ECTS	6
Type	CORE
Language(s)	SPANISH
Delivery Mode	ON CAMPUS
Semester	SECOND SEMESTER

2. INTRODUCTION.

The overall aim of the subject area 'Civil Procedural Law' is for students to learn about declaratory proceedings, both in first and second instance. Students will also learn about all kinds of appeal against judicial decisions in the area of civil procedure. Furthermore, students will analyse and understand the process of enforcement (enforcement orders), provisional enforcement, and definitive enforcement. Finally, procedural exceptions, interim measures and special proceedings will be studied.

Through the exposition and development of the elements that make up the course, both in their theoretical-legal configuration and in their practical judicial and jurisprudential application, the aim is to equip students with the essential tools for professional practice in the specific areas of Civil Procedural Law.

3. SKILLS AND LEARNING OUTCOMES.

Key skills (CB, as per the Spanish acronym):

- CB1: Students have demonstrated possession and understanding of knowledge in a study area that builds on general secondary education, and is typically at a level that, while supported by advanced textbooks, also includes aspects that involve knowledge from the forefront of their field of study.

- CB2: Students can apply their knowledge to their work professionally and possess the necessary skills, usually demonstrated by forming and defending opinions, as well as resolving problems within their study area.
- CB3: Students have the ability to gather and interpret relevant information (usually within their study area) to form opinions which include reflecting on relevant social, scientific or ethical matters.
- CB4: Students can communicate information, ideas, problems and solutions to both specialist and non-specialist audiences.
- CB5 - Students have developed the learning skills necessary to undertake further study in a much more independent manner.

Cross-curricular skills (CT, as per the Spanish acronym):

- CT05: Interpersonal understanding: Students should be able to actively listen for the purpose of reaching agreements, using an assertive communication style.
- CT06: Flexibility: Students should be able to adapt and work in different and varied situations with different people. This involves assessing and understanding different positions and adapting their own approach according to the situation.
- CT07: Teamwork: Students should be able to actively participate in achieving a common objective by listening, respecting and valuing the ideas and proposals of the other members of their team.
- CT08: Initiative: Students should be able to respond proactively to situations that emerge, proposing solutions or alternatives.

Specific skills (CE, as per the Spanish acronym):

- CE01: Know and understand the components, structure, resources, interpretation and application of the legal system, and interpret the sources and fundamental legal concepts of the different legal systems.
- CE02: Know and understand the mechanisms and procedures for resolving legal conflicts, including the legal position of individuals in their relations with the government and in general with public authorities.
- CE03: Understand and know how to apply the criteria for the hierarchy of legal norms to determine the applicable rules in each case, particularly that of conformity with constitutional rules, principles and values.

- CE06: Deliver a convincing legal argument with regard to a theoretical question related to one of the different areas of law.
- CE11: Anticipate and resolve a legal problem in court or out of court.

Learning outcomes (RA, as per the Spanish acronym):

- RA1: Understanding of and distinction between the declaratory process and the enforcement process.
- RA2: Knowledge of procedural defences and interim relief.
- RA3: Knowledge and handling of the different special procedures.
- RA4: Students take active part in discussions, demonstrating knowledge, understanding and interlinking of the fundamental principles of the subject.
- RA3: Submission and presentation of research papers, as well as objective written tests that address legal problems related to proceedings, using a range of knowledge and solutions founded in law.

The following table shows how the skills developed in the course match up with the intended learning outcomes:

Skills	Learning outcomes
CE1, CE2, CB5	RA1
CE1, CE2, CB5	RA2
CE1, CE2, CB5	RA3
CE1, CE6, CE11, CB2, CB3, C	RA4
CE1, CE2, CE3, CE11, CB1, CB4, CB5	RA5

4. CONTENTS.

Unit 1. Civil proceedings

- Declaratory proceedings
- Ordinary declaratory proceedings
- Special declaratory proceedings
- Enforcement proceedings
- Interim proceedings

Unit 2. Competence

- Jurisdiction and competence
- Objective competence
- Functional competence
- Territorial competence
- Filing a complaint of judicial incompetence. Declinatory plea
- Distribution of cases

Unit 3. Parties to proceedings

- Parties to proceedings

Unit 4. Multiple parties and procedural succession

- Multiple parties
- Procedural succession

Unit 5. Pre-trial procedures

- Introduction
- Conciliation proceedings
- Pre-trial proceedings

Unit 6. The claim

- The procedure of filing a claim
- Outline of the purpose of the proceedings in the claim (cause of action)
- Supporting documents for claims
- Inadmissible claims
- Implications of an admissible claim
- The so-called case backlog

Unit 7. Defiance and lack of response

- Defiance and lack of response
- Lack of response to a claim

Unit 8. The response to a claim

- The procedure of responding to a claim
- Content of the response to a claim
- The counterclaim
- Other forms of pleading

Unit 9. Pre-trial hearing

- Introduction. The pre-trial hearing in ordinary proceedings and the hearing (first part) in oral proceedings
- Termination of proceedings following a decision in first instance
- Additional claims
- Determination of the parties' position
- Statement of evidence

Unit 10. Evidence

- Concept
- Purpose of evidence

Unit 11. Evidence assessment and burden of proof

- Evidence assessment
- Burden of proof

Unit 12. Evidentiary proceedings

- Introduction
- Statement of evidence
- Admission
- Taking of evidence

Unit 13. Forms of evidence:

- Questioning of the parties
- Documentary evidence
- Expert witness statements
- Judicial recognition
- Questioning of witnesses
- Other forms of evidence

Unit 14. Conclusion of proceedings. Judgment summons and final formalities.

Unit 15. The judgment

- The judgment
- Res judicata

Unit 16. Abnormal termination of proceedings

- Early termination of proceedings at the will of at least one party

- Stay of proceedings
- Incidental questions
- The total or partial loss of case files

Unit 17. Appeals

- Appeals
- Motion for reconsideration
- Appeal to a higher court
- Extraordinary appeals for procedural infringement and judicial review

Unit 18. Enforcement and the enforcement procedure. Provisional enforcement

- General concepts
- Enforcement order
- Commencement and conclusion of enforcement
- Enforcement proceedings and declaration of enforceability
- Objection to enforcement

Unit 19. Interim measures

Unit 20. Special proceedings

5. TEACHING/LEARNING METHODS.

The types of teaching/learning methods are as follows:

- Case studies
- Collaborative learning
- Problem-based learning
- Lecture
- Mock scenarios

6. LEARNING ACTIVITIES.

The types of learning activities, plus the amount of time spent on each activity, are as follows:

Type of learning activity (AF, as per the Spanish acronym)	Number of hours
AF1: Lecture.	30 h
AF2: Link theoretical and practical content with	25 h

current legal/social reality.	
AF3: Build knowledge of comparative law.	12.5 h
AF4: Autonomous learning.	17.5 h
AF5: Theory/practical knowledge tests.	5 h
AF6: Solve practical case studies that relate to a certain branch of law (real and fictional).	25 h
AF7: Mock scenarios of managing administrative and legal proceedings.	17.5 h
AF8: Carry out research and systemic analysis of legal institutions.	17.5 h
TOTAL	150 h

7. ASSESSMENT.

The assessment methods, plus their weighting in the final grade for the course, are as follows:

On-campus:

Assessment system	Weighting
Essays and reports.	25%
Presentations.	15%
Practical exercises.	10%
Knowledge tests.	50%

On the Virtual Campus, when you open the subject area, you can see all the details of your assessment activities, including the deadlines and assessment procedures for each activity.

8. BIBLIOGRAPHY.

Although students may use textbooks and articles that they deem appropriate, below we recommend a list of books that relate to the content of this subject area. The books referenced are the latest editions.

The recommended bibliography is indicated below:

- M^ª PAULA DÍAZ PITA: “Derecho procesal civil: Tomo I. Conceptos generales, procesos declarativos ordinarios, medidas cautelares y recursos”, Ed. Tecnos, 9^ª Edición, ISBN: 978-8430970599.
- VALENTÍN CORTÉS DOMÍNGUEZ, VICTOR MORENO CATENA: “Derecho Procesal Civil Parte Especial”, Ed. Tirant lo Blanch, 10^ª Edición, ISBN: 9788413362441. (Disponible en Libro electrónico).
- VALENTÍN CORTÉS DOMÍNGUEZ, VICTOR MORENO CATENA: “Derecho Procesal Civil Parte General”, Ed. Tirant lo Blanch, 9^ª Edición, ISBN: 9788491694175. (Disponible en Libro electrónico).

Up-to-date legal texts:

- Leyes procesales: Ley de Enjuiciamiento Civil (ed. BOE, Tecnos, Aranzadi, etc..)
- Constitución Española.

Students are also advised to attend the specific sessions with the appropriate up-to-date legal texts.