Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310311 **Name:** Procedural Law II

Credits: 6,00 **ECTS Year:** 3 **Semester:** 1

Module: Procedural Law

Subject Matter: Procedural Law **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department: -

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

313A	Diana Marcos Francisco **(Responsible Lecturer)**	diana.marcos@ucv.es
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Module organization

Procedural Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Procedural Law	18,00	Procedural Law I	6,00	2/2
		Procedural Law II	6,00	3/1
		Procedural Law III - Bankruptcy and other special processes	6,00	4/1

Recommended knowledge

Procedural Law I should be studied before Procedural Law II, although this is not essential.

Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

R1 To know how to adapt the legal-procedural concepts seen in the general part on jurisdiction, action and process, as well as their constitutional and jurisprudential reading, to their correlatives in matters of civil procedural protection.

R2 To know the civil jurisdiction, analyzing its courts and competence.

R3 To know how to analyze civil action and its practical development.

R4 To become familiar with the use of out-of-court methods of conflict resolution (Alternative Dispute Resolution) under private law (civil and commercial), especially mediation as a self-composing mechanism and arbitration as a heterocomposing method.

Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.				x
CG2	Analysis and synthesis capacity			x	
CG3	Capacity for organization and planning			x	
CG4	Problem-solving capacity.				x
CG8	Ethical commitment to information management.			x	
CG9	Oral and written communication skills in their native language in relation to the Science of Law.				x
CG11	Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.			x	
CG13	Information management capacity.			x	
CG16	Ability to develop and maintain one's own competencies, skills and knowledge according to the standards of the profession.			x	

SPECIFIC		Weighting			
		1	2	3	4
CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.				x
CE14	Ability to lodge appeals against acts of the different bodies of the various administrations or institutions.				x

CE15	Ability to defend in and out of court the rights of natural and legal persons and institutions.			x
CE20	Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).	x		
CE21	Ability to read and interpret legal texts.			x
CE22	Ability to make legal arguments.			x
CE23	Ability to write legal texts. Basic knowledge of legal argumentation.			x
CE24	Development of legal oratory. Ability to express oneself appropriately in front of an audience.			x
CE27	Capacity for negotiation and conciliation.			x
CE28	Ability to give legal form to bilateral and multilateral relations of individuals.	x		
CE29	Ability to legally articulate projects, agreements, or disagreements.		x	

Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3	50,00%	Practical tests
R1, R2, R3, R4	15,00%	Attendance, active participation and favourable attitude in the subject/ course/ module
R1, R2, R4	35,00%	Written theoretical tests

Observations

1ª) Students must obtain a minimum of 4 points out of 10 in the theoretical exam and in the practical exam to make the average and to be able to sum the other assessment instruments. However, in the 2nd call, the practices presented throughout the course will not be taken into account, neither the assistance and participation. The student must do a practical questionnaire and a theoretical questionnaire the same date of the official exam. The mark obtained in said tests will represent 100% of the final grade (50% theoretical and 50% practical).
2ª) In relation to the concept of "attendance, active participation and a favourable attitude in the subject" (15%), the mere attendance or physical presence at classes will not compute anything: the 15% will derive from the favourable attitude in the subject. The assessment will be made through the records of attendance and the quality of the participation.
3ª) Students must obtain a minimun of 5 points out of 10, both in 1st or 2nd call, to pass the subject.

MENTION OF DISTINCTION:
According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente"). The number of "Distinction of Honor" mentions that may be awarded may not exceed five percent of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.

M3 Sessions where the students defend an assumption from different points of view. Various roles are played, such as lawyer, judge, prosecutor, court clerk, etc.

M4 The students, guided by the teachers, must attend real trials, as long as they can be accessed following the existing legislation.

M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.

M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.

M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.

M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.

M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.

IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1	R1, R2, R3	12,00	0,48
Simulations of Judicial Processes with the Representation of the different legal actors. M3	R1, R2, R3	8,50	0,34
Theoretical classes. M8	R1, R2, R4	35,00	1,40
Tutorial. M11	R1, R2, R3, R4	3,00	0,12
Assessment M12	R1, R2, R3, R4	1,50	0,06
TOTAL		**60,00**	**2,40**

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M13	R1	2,00	0,08
Individual work. M14	R1, R2, R3, R4	88,00	3,52
TOTAL		**90,00**	**3,60**

Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
BLOCK 1. Declarative civil procedure.	1.1. The jurisdiction. 1.2. The parties. 1.3. The object. 1.4. Pre-trial (non judicial) activities. 1.5. General rules. 1.6. The first Court. 1.7. The appeals. 1.8. The effects of the procedure and the chanllenge of res iudicata.
BLOCK 2. Executive civil procedure.	2.1 The enforcement order. 2.2. The jurisdiction. 2.3. The parties. 2.4. The object. 2.5. The provisional execution. 2.6. The definitive execution. 2.7. Procedural mechanisms to protect the third.
BLOCK 3. Precautionary civil procedure.	3.1. Regulation and concept. 3.2. Characteristics of precautionary measures. 3.3. Requirements of precautionary measures. 3.4. Kinds of precautionary measures. 3.5. Procedure to adopt precautionary measures. 3.6. The effects of termination and suspensión of the main process in relation to precutionary measures taken.
BLOCK 4. Special civil procedures.	4.4. Inquisitive proceedings. 4.2. To divide heritages. 4.3. For the protection of credit. 4.4. The bankruptcy process.

Temporary organization of learning:

Block of content	Number of sessions	Hours
BLOCK 1. Declarative civil procedure.	18,00	36,00
BLOCK 2. Executive civil procedure.	6,00	12,00
BLOCK 3. Precautionary civil procedure.	2,00	4,00
BLOCK 4. Special civil procedures.	4,00	8,00

References

BASIC:
- AAVV, GÓMEZ COLOMER, J. L. y BARONA VILAR, S. (Coords.), *Proceso Civil. Derecho Procesal II*, Valencia, Tirant lo Blanch, 2ª Ed., 2022.

COMPLEMENTARY:
- AAVV, ASENCIO MELLADO, J. M. (Dir.), *Derecho procesal civil. Parte general*, Valencia, Tirant lo Blanch, 1ª Ed., 2019.
- CORTÉS DOMÍNGUEZ, V. y MORENO CATENA, V., *Derecho Procesal Civil. Parte especial*, Valencia, Tirant lo Blanch, 11ª Ed., 2021.
- GIMENO SENDRA, V., *Derecho procesal civil. T. I: El proceso de declaración. Parte general*, Madrid, Ediciones Jurídicas Castillo de Luna, 2ª Ed., 2017.
- AAVV, ORTELLS RAMOS, M. (Dir.), *Derecho procesal civil*, Cizur Menor (Navarra), Thomson Reuters Aranzadi, 20ª Ed., 2022.

Addendum to the Course Guide of the Subject

Due to the exceptional situation caused by the health crisis of the COVID-19 and taking into account the security measures related to the development of the educational activity in the Higher Education Institution teaching area, the following changes have been made in the guide of the subject to ensure that Students achieve their learning outcomes of the Subject.

Situation 1: Teaching without limited capacity (when the number of enrolled students is lower than the allowed capacity in classroom, according to the security measures taken).

In this case, no changes are made in the guide of the subject.

Situation 2: Teaching with limited capacity (when the number of enrolled students is higher than the allowed capacity in classroom, according to the security measures taken).

In this case, the following changes are made:

1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject will be made through a simultaneous teaching method combining onsite teaching in the classroom and synchronous online teaching. Students will be able to attend classes onsite or to attend them online through the telematic tools provided by the university (videoconferences). In any case, students who attend classes onsite and who attend them by videoconference will rotate periodically.

In the particular case of this subject, these videoconferences will be made through:

- [X] Microsoft Teams
- [ ] Kaltura

Situation 3: Confinement due to a new State of Alarm.

In this case, the following changes are made:

1. Educational Activities of Onsite Work:

All the foreseen activities to be developed in the classroom as indicated in this field of the guide of the subject, as well as the group and personalized tutoring, will be done with the telematic tools provided by the University, through:

- [X] Microsoft Teams
- [ ] Kaltura

Explanation about the practical sessions:

- If there were practical tests (test questionnaires) left to take, these questionnaires won't be done through the UCVnet platform (moodle).

2. System for Assessing the Acquisition of the competences and Assessment System

ONSITE WORK

Regarding the Assessment Tools:

[X] The Assessment Tools will not be modified. If onsite assessment is not possible, it will be done online through the UCVnet Campus.

[ ] The following changes will be made to adapt the subject's assessment to the online teaching.

Course guide		Adaptation	
Assessment tool	Allocated percentage	Description of the suggested changes	Platform to be used

The other Assessment Tools will not be modified with regards to what is indicated in the Course Guide.

Comments to the Assessment System:

- The exam will be done through the UCVnet platform (moodle). It will be possible to use manuals, notes, legislation and jurisprudence.