



Information about the subject

Degree: Official Master's Degree in Law and procure

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 1810017 **Name:** Ethics and Duties of the Lawyer and attorney

Credits: 9,00 **ECTS Year:** 1 **Semester:** 2

Module: Ethics and obligations of the lawyer and attorney, organization and administration

Subject Matter: Deontology and obligations of the lawyer, organization and administration **Type:**

Compulsory

Department:

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:

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Module organization

Ethics and obligations of the lawyer and attorney, organization and

Subject Matter	ECTS	Subject	ECTS	Year/semester
Deontology and obligations of the lawyer, organization and administration	9,00	Ethics and Duties of the Lawyer and attorney	9,00	1/2

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 Know the general aspects of the lawyer's ethics and deontology.
- R2 Understand the professional work in its two scientific-technical and ethical aspects and to consider the importance of the latter in order to develop an adequate professionalism.
- R3 Understand the essential characteristics of the person and the dynamics of human action.
- R4 Establish guidelines for ethical decision-making.
- R5 Know the fundamental aspects of motivation and leadership and the need for an ethical perspective on them.
- R6 Know the different means of quality of an organization.
- R7 Understand the social responsibility of an organization and its members.
- R8 Apply the previous knowledge to specific cases.



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):

BASIC		Weighting			
		1	2	3	4
B6	Students have abilities to understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.				X
B7	Students can apply their acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.				X
B8	Students integrate knowledge and deal with the complexity of making judgements based on incomplete or limited information, including reflections on the social and ethical responsibilities linked to the application of their knowledge and judgements.			X	
B9	Students communicate their findings and the ultimate knowledge and reasons behind them to specialist and non-specialist audiences in a clear and unambiguous manner.				X
B10	Students develop the learning skills that will enable them to continue studying in a largely self-directed or autonomous manner.			X	
GENERAL		Weighting			
		1	2	3	4
G1	Students can find and select information and relevant sources for problem solving, development of action strategies and advice to clients.				X
G2	Prepare and handle the writings, reports and procedures of action most suitable for the problems raised.			X	
G3	Relate the instruments to be able to plan, order and channel activities in such a way that unforeseen events are avoided as much as possible, possible problems are foreseen and minimized, and their solutions are anticipated.			X	



G4	Apply a set and take into account the different aspects and implications in the different aspects of the decisions and options adopted, knowing how to choose or advise the most convenient within the ethics, legality and values of social convenience .				X
G5	Demonstrate working in professional and multi-professional teams with efficacy and efficiency reproducing real contexts and contributing and coordinating one's own knowledge with that of other branches and participants.				X
G6	Provide individual decisions and actively contribute to collective decision making.				X
G7	Project and incorporate new technologies to the professional practice.				X
G8	Control contradictory information and provide a critical judgment on it.				X
G9	Relate and relate cases, problems or situations and provide and defend possible solutions through different techniques of presentation - oral, written, presentations, etc.				X
G10	Students assume the legal profession as a social and solidarity function, beyond the strict free justice.				X

SPECIFIC		Weighting			
		1	2	3	4
E7	Know and know how to apply professional deontological rights and duties in the relations of the person exercising the law or the procurement with clients, other parties, courts or public authorities and among other persons practicing law or the procurement, as well as with other professionals.				X
E9	Know and apply the techniques aimed at the identification and liquidation of customs duties, tax obligations, of constitution of judicial deposits and of attention of all the expenses and costs that are necessary to guarantee the effective guardianship court of the rights of those they represent.				X
E10	Know how to identify conflicts of interest and know the techniques for their resolution, establish the scope of professional secrecy and confidentiality, and preserve the independence of criteria.				X



E12	Know and know how to apply in practice the organizational, management and commercial environment of the legal profession, as well as its associative, tax, labor and personal data protection legal framework.				X
E18	Know, know how to organize and plan the individual and collective resources available for the exercise in its different organizational modalities of professional practice.				X
E21	Know how to develop interpersonal skills and abilities, which facilitate professional practice in their relations with the citizens, with other professionals and with institutions.				X

Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6, R7, R8	40,00%	Objective tests and final examination in person.
R1, R2, R3, R4, R5, R6, R7, R8	40,00%	Theoretical and practical activities.
R1, R2, R3, R4, R5, R6, R7, R8	20,00%	Attendance and participation in class.

Observations

Observations

It will be necessary to obtain a 5 in the exam with micro-cases so that the grade obtained by the practice, attendance and participation in class can be applied, and thus obtain the final grade for the subject. In the 2nd call, the grade for the micro-case exam will be the final grade for the subject, without taking into account the grade for attendance and participation.

CRITERIA FOR GRANTING HONORABLE REGISTRATION:

According to article 22 of the Regulatory Regulations for the Evaluation and Grading of UCV Subjects, the mention of "Honors" may be awarded by the professor responsible for the subject to students who have obtained the grade of "Outstanding". The number of "Honors" mentions that can be awarded may not exceed five percent of the students included in the same official record, unless this is less than 20, in which case a single "Honors" may be granted. Honor".



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 Exposition of contents by the teacher, analysis of competencies, explanation and demonstration of capacities, skills and knowledge in the classroom. Specific instructions about group and individual work on each topic.
- M2 Group work sessions in groups supervised by the teacher. Study of legal cases, both true and fictitious, diagnostic analysis, problems, field study, computer room, visits, data search, libraries, network, Internet, etc. Significant construction of knowledge through student interaction and activity.
- M3 Application of interdisciplinary knowledge.
- M4 Personalized attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the objective of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M5 Set of oral and/or written tests used in the initial, formative or summative evaluation of the student.
- M6 Group preparation of readings, assumptions and problem solving to present, discuss or deliver in the classes or tutorial.
- M7 Student's study: Individual reading preparation, study of practical cases, jurisprudence. Writing of writings and papers to present or deliver in classes or tutorials.



IN-CLASS LEARNING

IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Face-to-face lessons. M1, M3	R1, R2, R3, R4, R5, R6, R7, R8	30,00	1,20
Practice class. M2, M3, M6	R1, R2, R3, R4, R5, R6, R7, R8	55,00	2,20
Seminar. M1, M3	R1, R2, R3, R4, R5, R6, R7, R8	10,00	0,40
Presentations of group work. M2, M3, M6	R1, R2, R3, R4, R5, R6, R7, R8	10,00	0,40
Tutorial. M4	R1, R2, R3, R4, R5, R6, R7, R8	5,00	0,20
Evaluation. M5, M7	R1, R2, R3, R4, R5, R6, R7, R8	2,50	0,10
TOTAL		112,50	4,50

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M2, M3, M6	R1, R2, R3, R4, R5, R6, R7, R8	36,50	1,46
Individual work. M3, M7	R1, R2, R3, R4, R5, R6, R7, R8	76,00	3,04
TOTAL		112,50	4,50



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block

Contents



BLOCK 1.- DEONTOLOGY PROFESSIONAL

Knowledge of the Lawyer's Code of Ethics and Attorney. The regulations that govern the Legal Profession and the Attorney General's Office. Freedom of expression in the practice of law and Try. Relations of Lawyers and Attorneys with the Courts. The principles that inspire the profession of the Lawyer and the Attorney. The actions of the Lawyer and of the Attorney General from the observance of the principles that The Law and the Attorney General's Office govern. Freedom. Independence. Examples. The incompatibilities. The professional secret. Practical cases. The new limitations. The correspondence between lawyers. I came. Respect and non-involvement as a rule in the relationship with the Lawyer of the opposite party. The relationships of the Lawyer with his customer. The trust. Relations with the adverse party. Particularities of the ex-officio client and the prisoner client. Fee. Provisions of funds. Treatment. Lithium fee. Intervention of the lawyer and the attorney in the different media. The advertising of the Lawyer and the Attorney. Deontology in the Office Shift and Free Justice. Practical content of the duties of the Attorney. Homework essential (GENERAL STATUTE AND STATUTE OF THE ICPV). Specific duties (GENERAL STATUTE AND STATUTE OF THE ICPV). Specific duties arising from the acceptance of power (art.26 LEC). Practical content of the professional duties of the Attorney. Rights of the attorneys (art 40 EGP). Practical content of the Attorney's rights. Deontological significance of the professional performance of the attorney. Principles of action in relation to the Administration of justice. Principles of action in the defense of the interests of the client/represented. Principles of action in relation with the other parts. Principles of action with your colleagues and other legal operators. Beginning action of the Attorney General with the College of Attorneys and their governing bodies.



BLOCK 2.- RIGHTS, OBLIGATIONS AND ORGANIZATION PROFESSIONAL

Requirements for joining the Bar Association and of Attorneys. The concept of Lawyer and Attorney. Explanation of the concept of Lawyer and Attorney. Distinction with other professions. Legal definitions and jurisprudential. The Colleges of Lawyers and Attorneys. Features. Superior Council of Bar Associations of the Valencian Community. The General Council of the Advocacy. The organization of the Legal Profession in Spain and in The EU. The Valencia Bar Association. Organization chart. The institutional organization of the Attorney General's Office: local, regional, national, European and international. The Lawyer's office. The opening of a law firm. Legal and organizational aspects. Facilities. Staff and auxiliaries. The corporate image of the professional office. The collective office. Organization and staff. Partners, associates, collaborators, interns and assistants. Statutes. Responsibility. Forms of association: civil society, commercial and community of property. Goodwill. EXERCISE OF PROCUREMENT: 1. Regulatory framework of the Try. 2. The procedural postulation in Law compared. 4. Current function of the Attorney General's Office. 5. Forms of professional practice and association. Forensic writing. Forensic oral presentation. Oratory Forensic. Requirements to be a good speaker. The language. Clear and precise expression. Corporal language. Qualities of the speaker. Forensic oratory a necessity. Speech in Forensic Oratory. Speech. Speech division. He audience. Speaker qualities. Corporal language. Data protection and information society in the Law offices. Knowledge of legal computer programs. Bases of legal data. Customer database management, legislation and jurisprudence. DIGITAL JUSTICE USE OF ICT BY ADMINISTRATION: THE TECHNOLOGICAL TOOLS AT THE SERVICE OF THE ADMINISTRATION. ACCESS-JUSTICE. THE PROCESS DIGITAL: PROCEDURAL SPECIALTIES. REFORMS IN THE LEC AND LOPJ MANAGEMENT ICT PROFESSIONAL BY THE ICT PROFESSIONAL PROCUREMENT AND ADVOCACY IN ADMINISTRATION OF JUSTICE.

BLOCK 3.- TAXATION AND PROVISION SOCIAL OF THE LAW AND THE PROCURE

Taxation and social security of the lawyer and attorney. The mutuality of the legal profession. Mutuality and Social Security, specialty of the Special Regime of Self-employed. Legal obligations and statutory.



BLOCK 4.- FREE JUSTICE AND OFFICE SHIFT

Requirements to obtain Free Justice, drafting documents requesting free justice, appeals against the denial of free justice, drafting written opposition to legal aid. Registration in the office shift, different types of shiftex officio. The guards. Documentation of the shift of office. That of the Bar Association in the Official Shift. The turnex officio and assistance to the detainee. Special shifts: concept and requirements for membership. Obligations professionals. The resignation in the field of appointments in office shift concept and competence for processing and decision. The unsustainability of the claim: concept and competence for its processing and decision. Disciplinary regime The remuneration of the shift office and assistance to the detainee. They will complete a guard report and a sheet for the quarterly remuneration of the issues rotated. Office Shift and Legal Assistance services free, special relevance within the field of Valencian Community: 1. Decree 175/2021 of 29 October 2. Decree 63/2021 of May 14 3. Decree 141/2021 of March 9

BLOCK 5.- RESPONSIBILITY DISCIPLINARY

Responsibility of the Lawyer and the Attorney, obligations of the Lawyer and the Attorney. Power disciplinary of schools. The disciplinary file. Processing. Drafting of allegations and resources.



Temporary organization of learning:

Block of content	Number of sessions	Hours
BLOCK 1.- DEONTOLOGY PROFESSIONAL	18,00	36,00
BLOCK 2.- RIGHTS, OBLIGATIONS AND ORGANIZATION PROFESSIONAL	16,00	32,00
BLOCK 3.- TAXATION AND PROVISION SOCIAL OF THE LAW AND THE PROCURE	7,00	14,00
BLOCK 4.- FREE JUSTICE AND OFFICE SHIFT	8,25	16,50
BLOCK 5.- RESPONSIBILITY DISCIPLINARY	7,00	14,00



References

TEXTOS JURÍDICOS Y DEONTOLÓGICOS:

- Ley 2/1974, de 13 de febrero, sobre Colegios Profesionales
- Código Deontológico. Aprobado por el Pleno del Consejo General de la Abogacía Española el 6 de marzo de 2019.
- Código Deontológico de los Procuradores de los Tribunales.
- Estatuto General de la Abogacía Española. Real Decreto 35/2021, de 2 de marzo.
- Estatuto General de los Procuradores de los Tribunales de España. Real Decreto 1281/2002, de 5 diciembre.
- Ley Valenciana de Colegios Profesionales. Ley 6/1997, de 4 de diciembre.
- Ley de Asistencia Jurídica Gratuita. Ley 1/1996 de 10 de enero.

BIBLIOGRAFÍA RECOMENDADA:

- APARISI, A. Y GUZMAN, J. "Concepto y Fundamento de la deontología" en Ética de las profesiones jurídicas. Estudios sobre Deontología, Universidad Católica San Antonio, Murcia, 2003, vol. I.
- BARRACA, J, "La vocación del Derecho" en AAVV., Ética de las profesiones jurídicas. Estudios de Deontología, Universidad Católica San Antonio, pp- 248-249.
- CALAMANDREI, P., Elogio de los Jueces escrito por un Abogado. Reus, Madrid, 2009.
- CHAVES GARCIA y VALLE PASCUAL, del: Abogados al borde de un ataque de ética, Aranzadi, 2014.
- MAGRANER, F. Tributación de Abogados y Procuradores. Tirant lo Blanch, 2008.
- PARTÍNEZ SELVA, JOSÉ MARÍA, "Manual de comunicación persuasiva para juristas", La Ley, 2008.
- PARDO GATO, J. R., La ciberseguridad como deber deontológico del abogado: el secreto profesional y la protección de datos. La Ley. 2019.
- SALAS, M.E. ¿Es el Derecho una profesión inmoral? Un entremés para cultores de la ética y de la deontología jurídicas", http://rua.ua.es/dspace/bitstream/10045/13154/1/DOXA_30_49.pdf
- SÁNCHEZ-STEWART, N. Abogados y prevención de blanqueo de capitales: manual básico. Ley 57. 2014.
- SEOANE, JA., "La doctrina clásica de la Lex Iniusta y la fórmula de Radbruch. Un ensayo de comparación", <http://ruc.udc.es/dspace/bitstream/2183/2163/1/AD-6-36.pdf>

OTRAS REFERENCIAS DE INTERÉS:

- Memento Práctico Francis Lefebvre: Acceso a la Abogacía y la Procura 2024
- Practicum Ejercicio de la Abogacía 2023. Aranzadi.
- Manual preguntas test examen acceso a la Abogacía y Procura. Francis Lefebvre 2024.