

**COURSE DATA****Data Subject**

<b>Code</b>	35213
<b>Name</b>	Procedural Law II
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	7.5
<b>Academic year</b>	2020 - 2021

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. year</b>	<b>Period</b>
1303 - Degree in Law	Faculty of Law	3	Annual
1921 - D.D. in Business Management Administration-Law	Doubles Studies Faculty of Law - Faculty of Economics	3	Annual
1922 - D.D. in Law-Political and Public Administration Sciences	Faculty of Law	3	Annual
1923 - D.D. in Law-Criminology	Faculty of Law	3	Annual

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	12 - Procedural law	Obligatory
1921 - D.D. in Business Management Administration-Law	4 - Year 3 compulsory subjects	Obligatory
1922 - D.D. in Law-Political and Public Administration Sciences	4 - Year 3 compulsory subjects	Obligatory
1923 - D.D. in Law-Criminology	4 - Year 3 compulsory subjects	Obligatory

**Coordination**

<b>Name</b>	<b>Department</b>
MONTESINOS GARCIA, ANA	45 - Administrative and Procedural Law

**SUMMARY**



Through this course the student acquires the knowledge to defend the interests of private law of any natural or legal person, either by going to the custody of the jurisdictional bodies as other alternative ways to resolve business conflicts of this nature.

The general objectives should be achieved through this module by the student teaching are:

- a) Knowledge of the basic institutions that make up the civil proceedings for a declaration as an instrument of protection of private legal relations damaged, unknown or disputed.
- b) Knowledge of the procedures for routine and special declarative processes.
- c) Knowledge of the way existing and executive interim protection in our legal system.
- d) Knowledge of other institutions involved in civil proceedings that do not involve judicial power given by judges and magistrates such as arbitration and voluntary jurisdiction.

This course enables the student to know an essential branch of law for the exercise of any profession in the legal field, both to work on the Administration of Justice and the general public.

This course is taught in the third year of law degree. This means that already has knowledge of Civil, Commercial and Introduction to procedural law.

## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

Es recomendable tener superadas las asignaturas de Introducción al Derecho Procesal y todas las asignaturas sobre materias de Derecho Privado de los cursos primero y segundo.

## OUTCOMES

### 1303 - Degree in Law

- Know the content and application of each of the branches of the legal system.
- Understand the legal system as unitary and have an interdisciplinary perspective of legal problems.
- Be able to apply constitutional principles and values, the respect for human rights, with special attention to equality between men and women, sustainability and the culture of peace as working tools in the interpretation of the legal system.



- Understand the constitutional regulatory framework, the political institutions of the State and their functioning.
- Know the community and international regulatory framework, its institutions and their functioning.
- Be able to use legal sources (legal, jurisprudential and doctrinal).
- Be able to read and interpret legal texts.
- Be able to communicate correctly both orally and in writing in the field of law.
- Be able to analyse legal problems and synthesise their approach and resolution.
- Develop critical awareness for the analysis of the legal system and develop the legal dialectic.
- Acquire basic knowledge of legal arguments.
- Be able to use information and communication technology to obtain and select legal information.
- Have negotiation and conciliation skills.
- Understand the basic functions of the different legal professions.

## LEARNING OUTCOMES

- Understand the concept of civil protection and its forms.
  - Understand the phenomenon of civil process, characteristics and interests conflict
  - Determine the courts with civil jurisdiction and venue in Spain.
  - Identify the parts of civil process.
  - Identify and analyze the provisions common to all processes.
  - Identify and know how to apply the procedural aspects of ordinary and special civil protection.
  - To know and apply the rules on arbitration, mediation and conciliation.
- Get-technology skills.
- Learn to show a critical attitude towards reality and legal solutions.

## DESCRIPTION OF CONTENTS

### 1. Introduction to the course.

Private interests, adjudication and non-judicial disputes resolution means. Principles of the civil procedure.

### 2.



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**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	75,00	100
Attendance at events and external activities	5,00	0
Development of group work	9,00	0
Development of individual work	2,50	0
Study and independent work	40,00	0
Readings supplementary material	5,00	0
Preparation of evaluation activities	15,00	0
Preparing lectures	15,00	0
Preparation of practical classes and problem	15,00	0
Resolution of case studies	5,00	0
Resolution of online questionnaires	1,00	0
<b>TOTAL</b>	<b>187,50</b>	

**TEACHING METHODOLOGY**

Showroom theorists. The / The Professor / to expose and explain those key elements that should guide students in the study and understanding of the subject. The student, meanwhile, should actively engage in the learning process through reading, before the teacher's explanation / a, or class, depending on the organization of teaching time, of those materials, manuals, monographs or texts provided or indicated previously.

Activities implemented: will consist of the comment statements or news releases, case resolution, completion of questionnaires, analysis of procedural issues, etc.. through which the student must develop



the skills mentioned above. These activities may either be complementary to the exposure of knowledge by the / the teacher / a, or focus on specific agenda items of the subject that will not be subject to exposure by the teacher. These activities will be participatory and each teacher / to indicate, where appropriate, which will be evaluated. Through the same will be introduced and inure to the student in handling those materials and techniques of the discipline.

Activities outside the classroom:

Complementary activities such as seminars, tutorials collective visits to courts, etc., Is programmed in the context of the subject and will include specific activities of the subject or interdisciplinary or cross, and always in coordination with the groups of the same subject or other subjects. Where appropriate, the teacher should indicate whether they are being evaluated.

Directed activities: For both the theoretical exposure monitoring and the implementation of the activities implemented, the teacher / to indicate which readings, seeking rulings or case preparation, etc., Will the student. Although not the subject of work in the classroom, the teacher may also set within the volume of student work, other activities that serve to reinforce or review the knowledge acquired by the student.

Attendance at unscheduled tutoring: For questions on any topic or aspect of the subject and its method of work, students may attend at the scheduled time for each teacher, tutoring unscheduled fix every teacher.

## EVALUATION

The final mark will be the result of adding the points obtained in the exam or exams aimed to assess the theoretical and practical knowledge and the points obtained by doing the different activities planned as a matter of continuous assessment.

Specifically, the final mark will consist of:

- Up to a 30 %, the points obtained by doing the activities planned as matter of continuous assessment.
- Up to a 70 %, the points obtained in the exam or exams aimed to assess the theoretical and practical knowledge.
- The points obtained from the continuous assessment will not be added to the points obtained in the exams if the second ones do not reach, at least, a 50 % of the punctuation established for that kind of assessment, either adding the points obtained in the approved partial exam to the points obtained in the final exam or taking in account the points obtained in the final exam.

Activities planned as mater of continuous assessment and its evaluation

- The continuous assessment will assess the students work in some activities related to the subject-matter of the course, that will be planned in the annex to the academic guide beside the criteria to assess them.





- According to the Protocol for Degrees of the Faculty of Law of the University of Valencia, it is recommended to include, at least, three activities to be assessed consisting, among others, of discussing cases, answering question papers, doing summaries of some contents of the course and giving short speeches in the classroom.
- The professor in charge of the groups that participate in interdisciplinary workshops or planned complementary activities will indicate in the annex of the academic guide if that participation will be considered as a part of the continuous assessment.
- In the annex to the academic guide of every group will be determined if the lack or the negative evaluation of the activities subjected to continuous assessment will be recoverable. That will depend on the feature of the activity at issue.

Assessment of theoretical and practical knowledge will be the result of:

- One partial exam, that will take place according to the schedule of exams approved by the Faculty for the first semester. That exam will be qualifying regarding the contents of the course included in that exam if the points obtained reach, at least, the 50 % of the points assigned to the partial exam. That qualifying effect will be valid for both the first and the second call of the final exam.
- One final exam, that, depending on the result of the partial exam, will deal with the contents that were not matter of the partial exam or with all the contents that should be assessed by exams in the course.
- In the annex to the academic guide will be determine the points assigned to the partial and to the final exam in the assessment of the theoretical and practical knowledge.
- In the annex of the academic guide will be determine if some of the mentioned exams will be done orally.

## REFERENCES

### Basic

- - ARMENTA DEU, T., Lecciones de Derecho Procesal Civil, Ed. Marcial Pons, última edición.
- DE LA OLIVA SANTOS, A., Díez-Picazo Giménez, I., Vegas Torres, J., Curso de Derecho Procesal Civil, I y II, Ed. Centro de Estudios Ramón Areces, última edición.
- GARBERÍ LLOBREGAT, J., Derecho Procesal Civil, Ed. Bosch, última edición.
- GIMENO SENDRA, V., Derecho procesal civil, I (El proceso de declaración), II (Los procesos especiales), Ed. Castillo de Luna, Ediciones Jurídicas, última edición.
- MONTERO AROCA, J., GÓMEZ COLOMER, J.L., BARONA VILAR, S., CALDERÓN CUADRADO, M<sup>a</sup>. P., Derecho Jurisdiccional II, Proceso Civil, Ed. Tirant lo Blanch, última edición.
- MORENO CATENA, V., CORTÉS DOMÍNGUEZ, V., Derecho Procesal Civil. Parte General, Derecho Procesal Civil. Parte Especial, Ed. Tirant lo Blanch, última edición.
- NIEVA FENOLL, J., Derecho Procesal II. Proceso civil, Ed. Marcial Pons, última edición.
- ORTELLS RAMOS, M., BONET NAVARRO, J., MARTÍN PASTOR, J., MASCARELL NAVARRO, M.J., CÁMARA RUÍZ, J., JUAN SÁNCHEZ, R., BELLIDO PENADÉS, R., CUCARELLA GALIANA, L.,



ARMENGOT VILAPLANA, A., Derecho Procesal Civil, Ed. Aranzadi-Thomson Reuters, última edición.

- RAMOS MÉNDEZ, F., Enjuiciamiento Civil ¿Cómo gestionar los procesos civiles?, I y II, Ed. Atelier, última edición.

### **Additional**

- Bases de datos: las que son accesibles en bases de datos DERECHO de la Biblioteca de Ciencias Sociales Gregori Mayans, a las que las y los estudiantes de la Universitat de València pueden acceder libremente
- Webs útiles:  
[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/judicial\\_cooperation\\_in\\_civil\\_matters/index\\_es.htm](http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/index_es.htm)  
[http://ec.europa.eu/civiljustice/index\\_es.htm](http://ec.europa.eu/civiljustice/index_es.htm)  
<http://www.prontuario.org/>  
[http://www.poderjudicial.es/cgpj/es/Poder\\_Judicial](http://www.poderjudicial.es/cgpj/es/Poder_Judicial)
- Normas:  
Diario oficial de la Unión Europea: <http://eur-lex.europa.eu>  
BOE: <http://www.boe.es>
- Jurisprudencia:  
Tribunal Constitucional: <http://hj.tribunalconstitucional.es/>  
Tribunal de Justicia de la Unión Europea:  
[http://curia.europa.eu/jcms/jcms/j\\_6/pagina-principal](http://curia.europa.eu/jcms/jcms/j_6/pagina-principal)  
Tribunal Supremo y otros tribunales españoles (Cendoj): <http://www.poderjudicial.es/search/index.jsp>  
Tribunal Europeo de Derechos Humanos  
<http://www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm>

### **ADDENDUM COVID-19**

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

#### **1. Contents**

The contents initially included in the teaching guide are maintained.

#### **2. Workload and time schedule**





There are no changes in the volume of work for the subject.

The weight of the different activities that add the hours of dedication in ECTS credits marked in the original teaching guide is maintained.

This subject will be adapted to the HYBRID TEACHING MODEL established by the Faculty of Law, for which face-to-face theoretical and practical classes will be given in discontinuous weeks for students. To do this, the group will be divided into as many subgroups as necessary to comply with the recommendations and guidelines regarding capacity and interpersonal distance established at any given time.

The established subgroups will receive face-to-face teaching sequenced in alternating weeks (even or odd) or with other frequency, when it is necessary to divide the groups into three or more subgroups. This face-to-face teaching will be combined with non-face-to-face teaching.

This hybrid teaching model requires the full presence of teachers, who will teach in the classroom, at the time established for the subject, each week.

For students, in the week/s of non-attendance, the teaching will be synchronous, being able to carry out the follow-up of the students through VIDEOCONFERENCE by means of the devices that the classroom has (cameras and / or microphones) or making use of the portable devices available to teachers. If I could not broadcast the class synchronously by videoconference, I could record it and upload the link to Virtual Classroom, so that the group of students who do not have to attend the classroom can see it remotely at any time the week.

Following the instructions of the Resolution of the Rector, of 28 January 2021, according to which the non-contact teaching will be carried out primarily in this modality of synchronous non-face-to-face teaching given in the schedule set for the subject and the group. This modality encourages direct interaction with students.

The planning of the teaching will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

### **3. Teaching Methodology**

The teaching methodology will consist of theoretical-practical classes, which can be complemented with different types of materials and activities in the Virtual Classroom, and which will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

The tutorials will be done online (through the tools provided in the Virtual Classroom or by institutional mail) or face-to-face, always by prior appointment with the teacher. The model for the tutorials will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.



#### **4. Evaluation**

The evaluation criteria established in the teaching guide are maintained.

However, based on the recommendation to increase the weight of continuous assessment, the following restriction provided by the teaching guide is suspended: "The score obtained in the continuous assessment will only be added to the score obtained in the theoretical-practical knowledge assessment test, if at least 50% of the maximum established score is achieved in the latter". Consequently, the score obtained by continuous evaluation will be added to any score obtained in the completion of the final test.

The grade for continuous assessment is not modified (30%), because with the elimination of the aforementioned restriction, the incidence of the score obtained by it in the final grade increases significantly.

The continuous assessment activities and the final test will have to be specified by each teacher in the Annex to the Teaching Guide.

If the University facilities were closed on the dates set in the official calendar for the final exam, the face-to-face exam will be replaced by an online test.

#### **5. Bibliographic references**

The recommended bibliography is kept as it is accessible.

The main recommended manuals in all groups of the subject are available as e-books in the Social Sciences Library, so it is not necessary to replace them with other materials.

In any case, the teaching staff in charge of the different groups will specify in the Annex to the Teaching Guide and inform in writing in the Virtual Classroom that the manual they use is available as an e-book.