

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

<b>Code</b>	35254
<b>Name</b>	Litigation and the theory of proof
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	4.5
<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	4	Second term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1303 - Degree in Law	48 - Litigation and the theory of proof	Optional

**Coordination**

<b>Name</b>	<b>Department</b>
BONET NAVARRO, JOSE	45 - Administrative and Procedural Law

**SUMMARY****English version is not available**

La asignatura “Litigación y Teoría de la Prueba” es una materia optativa que forma parte del itinerario de Litigación y que podrá cursarse en el cuarto curso del Grado en Derecho. Tiene asignados 4,5 créditos ECTS y se imparte con carácter semestral.

La asignatura tiene por objeto el estudio de los contenidos necesarios para conocer y valorar las distintas opciones de actuación en el proceso y su adecuada elección en aras de lograr el mejor resultado. Tras un análisis de las alternativas en la preparación del proceso civil y su repercusión económica, se aborda el estudio de la tutela cautelar como modalidad de tutela adecuada para garantizar los resultados del proceso de declaración y que puede ser instada al mismo tiempo – cuando no antes- de la iniciación de ese proceso; seguidamente, se emprende el estudio de la técnica probatoria y su directa influencia en la obtención de una sentencia favorable, y se cierra con el estudio de los medios para la impugnación de las resoluciones judiciales que no hayan sido favorables a los intereses de cada parte.



Como asignatura optativa ubicada en el cuarto curso del Grado en Derecho, arranca de los conocimientos adquiridos en la asignatura “Derecho Procesal II” y pretende completar la formación del estudiante con aquellos contenidos que, por exceder del volumen de trabajo, no pueden ser estudiados con suficiente exhaustividad en la asignatura obligatoria de Derecho Procesal II.

## **PREVIOUS KNOWLEDGE**

### **Relationship to other subjects of the same degree**

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

### **Other requirements**

Se recomienda haber cursado las asignaturas de Introducción al Derecho Procesal y Derecho Procesal II.

## **COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)**

### **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 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.
- Have negotiation and conciliation skills.

## **LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)**

**English version is not available**

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	45,00	100
Attendance at events and external activities	4,00	0
Development of group work	0,00	0
Development of individual work	3,00	0
Study and independent work	30,00	0
Readings supplementary material	3,00	0
Preparation of evaluation activities	3,00	0
Preparing lectures	8,00	0
Preparation of practical classes and problem	4,00	0
Resolution of case studies	12,50	0
<b>TOTAL</b>	<b>112,50</b>	

**TEACHING METHODOLOGY****English version is not available****EVALUATION****English version is not available****REFERENCES****Basic**

- BONET NAVARRO, J., Litigación y Teoría de la prueba, Tecnos, última edición.

**Additional**

- BONET NAVARRO, J., La prueba en el proceso civil. Cuestiones fundamentales, Grupo Difusión, Madrid, 2009, Disponible en: <http://derechoproc.blogspot.com.es/2012/09/portada-httpwww.html>
- ESPARZA LEIBAR. I., El dictamen de peritos en la Ley 1/2000 de Enjuiciamiento Civil, Tirant lo Blanch, Valencia, 2000.
- JIMÉNEZ CONDE, La nueva prueba de interrogatorio de las partes en el proceso civil, Ed. RALJM, Murcia 2006.
- MONTERO AROCA, J., (Director), La prueba. Cuadernos de Derecho Judicial, ed. CGPJ, Madrid, 2012.
- MONTERO AROCA, J., La prueba en el proceso civil, Madrid, 2012.



ORDOÑO ARTES, C., La prueba de reconocimiento judicial en el proceso civil español, Montecorvo, Madrid, 1987.

ORMAZÁBAL SÁNCHEZ, G., La prueba documental y los medios e instrumentos idóneos para reproducir imágenes o sonidos o archivar y conocer datos, La Ley, Madrid, 2000.

ORTELLS RAMOS, M., Las medidas cautelares, Editorial La Ley, Madrid, 2000

ORTELLS RAMOS, M., El embargo preventivo (Doctrina y jurisprudencia), Editorial Comares, Granada, 1998

RODRÍGUEZ TIRADO, El interrogatorio de testigos; Madrid, 2003.

SANCHIS CRESPO, C. La prueba por medios audiovisuales e instrumentos de archivo en la LEC 1/2000 (doctrina, jurisprudencia y formularios), colabora CHAVELI DONET, E.A., Tirant lo Blanch, Valencia, 2002.

- DE LA OLIVA SANTOS, A., (Y OTROS), Derecho Procesal Civil, ECERA, última edición.
- MONTERO AROCA, J., (Y OTROS), Derecho jurisdiccional, Tirant Lo Blanch, última edición.
- ORTELLS RAMOS, M. (Y OTROS), Derecho Procesal Civil, Aranzadi, última edición.

## **ADDENDUM COVID-19**

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

### **NO PRESENTIAL MODEL**

#### **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). The model for the tutorials will be specified at the beginning of the course in 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.

## **HYBRID TEACHING MODEL**

### **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.

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