VNIVERSITAT DE VALÈNCIA

Course Guide
44557 Civil proceedings: new technologies and challenges of the globalised era

COURSE DATA

Data Subject	
Code	44557
Name	Civil proceedings: new technologies and challenges of the globalised era
Cycle	Master's degree
ECTS Credits	3.0
Academic year	2022 - 2023

Study (s)

Degree	Center	Acad. year	Period
2217 - M.U. en Derecho, empresa y justicia 17-V.2	Faculty of Law	1	First term

Subject-matter

Degree	Subject-matter	Character
2217 - M.U. en Derecho, empresa y justicia 17-V.2	10 - Proceso civil: nuevas tecnologías y retos de la era globalizada	Obligatory

Coordination

Name	Department
BARONA VILAR, SILVIA	45 - Administrative and Procedural Law
DE LUIS GARCIA, ELENA	45 - Administrative and Procedural Law

SUMMARY

The subject “Civil proceedings: new technologies and challenges of the globalized era" seeks to contextualize some of the major challenges that have led to reform civil procedure codes, serving as a basis for analyzing those procedural institutions most affected by the transformation of the pattern of Justice.

It will also seek to draw civil procedural landscape, affected by the movement of Glocalization -fusion of the concepts of globalization and location- based on the integration of local economies in a global market economy that needs an adequate legal framework and harmonized.

This course aims therefore to raise those questions that, for novelty, efficiency or discussion can be discussed from the visions of those who come from different countries and with different codes. That is why this subject aims to provide within a brainstorming some issues that can generate a kind of think-tank, to collect contributions of interest in the discussion and allow likewise have enough material for evaluation.v

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

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

Other requirements

Preferably, legal knowledge from Law or Legal Sciences Degree, in accordance with the Master´s verifica.

OUTCOMES

2217 - M.U. en Derecho, empresa y justicia 17-V.2

- Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.
- Students should possess and understand foundational knowledge that enables original thinking and research in the field.
- Saber aplicar los conocimientos adquiridos durante el curso, a través de la resolución de problemas puntuales y multidisciplinares desde la óptica de la actividad comercial nacional e internacional y la seguridad jurídica.
- Identificar, analizar e interpretar los problemas jurídicos complejos conforme a criterios jurídicos y deontológicos, con el debido respecto a valores democráticos y a principios fundamentales, sin que tenga cabida la discriminación por razón de sexo, creencia o lugar de procedencia.
- Conocer y aplicar las técnicas de comunicación y expresión oral y corporal en los debates y discusiones planteadas respecto de problemas jurídicos actuales, participando de forma activa en la resolución de los mismos.
- Capacidad de trabajo en equipos multidisciplinares para la resolución de casos y situaciones jurídicas complejas nacionales e internacionales.
- Capacidad de implementación práctica de los conocimientos aprendidos en los debates y discusiones, así como ser capaces de dirigirlos e identificar y analizar las conclusiones más relevantes.

- Identificar y valorar los problemas jurídicos de interés en una sociedad globalizada en el ámbito de la actividad empresarial que requieren de una profundización en la investigación jurídica para ser afrontados de forma plural.
- Utilizar los conocimientos avanzados adquiridos aplicables a la realidad empresarial de forma solvente, tanto de forma individual como en equipo, desde una perspectiva pluridisciplinar.
- Saber identificar los posibles conflictos de interés en el seno de las empresas y operadores económicos en sus relaciones con otros agentes y, especialmente, con los consumidores, para conocer y desarrollar técnicas y mecanismos de tutela y protección de los derechos e intereses de las partes de la relación jurídica.
- Aplicar los conocimientos y técnicas adquiridos a entornos y situaciones interdisciplinares complejas para anticiparse a los problemas, valorando la creatividad y solvencia de las propuestas.
- Saber trabajar el liderazgo en equipos específicos e interdisciplinares.
- Adquirir y/o mejorar la capacidad y habilidad de coordinación, así como desarrollar destrezas interpersonales que faciliten el trabajo en grupo.
- Saber precisar, comparar y contrastar mediante razonamientos lógicos argumentos proporcionados por otros, bien en debates, bien cuando se trabaje en grupo, sobre la base del respeto mutuo.

LEARNING OUTCOMES

The different activities enable students to acquire not only the necessary theoretical knowledge, but also the skills for the practice, by deeping on the most relevant aspects and developing their capacity and skills for reflection, argumentation and reasoning about the matter. In particular, it encourages the development of comparative and critical analysis, as well as the student's ability to recognize in practice the informing principles of the current civil proceedings´ innovations involving the incorporation of Its even in the evidence phase in a trial.

DESCRIPTION OF CONTENTS

1. Where will be the civil process in the XXI Century? Principles of civil processes. Special reference to the principle of orality .

1.1. Basis and principles of civil procedure.
1.2. From the liberal civil procedure to the global civil procedure.
1.3. Changes of protagonists in the civil procedure of the 21st century.
1.4. Orality as basic principle of the proceeding.

2. Some questions about the objective and sunbjective scope of civil proceedings. Special reference to the class actions (collective redress), multiparty process, accumulations, consumers intervention, etc.

2.1. Object of the procedure. Elements. Possible accumulations.
2.2. Subjects of the procedure. New realities in the civil process of the 21st century.
2.3. Plurality of subjects. Multiparty procedures.
2.4. The appearance of class actions. ¿evolution or revolution?

3. Evidence. New technologies and new challenges.

3.1. The evolution of the concept of document and its interaction with technology.
3.2. Procedural Rules of Evidence using IT.

4. Interim protection. A modern and effective view of the precautionary measures

4.1. Precautionary protection, an example of due process.
4.2. Principles, basis and rules of venue.
4.3. Specific and generic precautionary measures.
4.4. Special reference to the role played by the judge in relation to them.
4.5. Proceeding.

5. Legal remedies and enforcement. Current status and new challenges.

5.1. Appeals and civil procedure: new realities.
5.2. Types of appeals.
5.3. The enforcement procedure. Principles and objective and subjective elements.
5.4. Lack of enforcement.
5.5. Electronic auction.

WORKLOAD

ACTIVITY	Hours	% To be attended
Theory classes	19,50	100
Seminars	6,00	100
Classroom practices	4,50	100
TOTAL	30,00	

TEACHING METHODOLOGY

- Master class

- Preparation and assistance to specialized seminars, workshops and similar activities

- Elaboration and presentation of individual and / or collective papers

EVALUATION

1. Assessment of the participation of the students in debates and whorkshops, as well as resolving any other planned activities, being assesed not only the number of interventions but also the quality of them. 20.0%

2. Assessment of the attendance and participation in seminars and other activities, being assessed not only the amount of interventions but also the quality of them. 15.0%

3. Tutorials assessment, in which the preparation of the students to the workshop and the knowledge acquired will be analised. 25.0%

4. Oral presentation assessment to be carried out each student. 40.0%

REFERENCES

Basic

- BARONA VILAR, S., Medidas cautelares en el arbitraje, Madrid, Civitas, 2006.

-BARONA VILAR, S. (Dir.), Justicia integral y access to justice. Crisis y evolución en el nuevo paradigma de justicia, Pamplona, Civitas, 2016.

-BARONA VILAR, S., Algoritmización de la justicia y el Derecho, Valencia, Tirant lo Blanch, 2020.

-BUENO DE MATA, F., Prueba electrónica y proceso 2.0, Valencia, Tirant lo Blanch, 2014.

-GÓMEZ COLOMER / BARONA VILAR / ESPARZA LEIBA / ETXEBARRIA GURIDI / MARTÍNEZ

GARCÍA / PLANCHADELL GARGALLO, Proceso civil, Valencia, Tirant lo Blanch, 2021

-PLANCHADELL GARGALLO, A., Las acciones colectivas en el ordenamiento jurídico español, Valencia, Tirant lo Blanch,2014.

Additional

- BARONA VILAR, S., "Retrato de la justicia civil en el Siglo XXI: ¿Caos o una nueva estrella fugaz?, Revista Boliviana de Derecho, 2018, 1.

-BARONA VILAR, S., "Justicia civil postcoronavirus, de la crisis a algunas de las reformas que se avizoran", Actualidad Jurídica Iberoamericana, Mayo 2020.