

The background of the page features a large, faint, circular seal of the University of Valencia. The seal contains the text "DEI GRA REX ARAGONVM • ALEXANDER PP VI VALENTINVS" around the perimeter and a central shield with a crown on top.

DEGREE IN LAW

**ACADEMIC GUIDE
ANNEX**

CIVIL PROCEDURAL LAW

Group AR

**Patricia Llopis Nadal, Ph.D.
Assistant Professor**

1.- DATA

| | |
|----------------------------|---|
| Name of the subject | CIVIL PROCEDURAL LAW |
| Character | Compulsory |
| Degree | Law |
| Course/semester | Annual |
| Department | Administrative and Procedural Law |
| Professor | Patricia Llopis Nadal Patricia.llopis@uv.es Office: 3C11 |
| Tutorial hours | Tuesday: 15:30 – 18:30 |

1. PROGRAM

The following table contains the program of the subject, specifying the order of the lectures and the correspondence with the official guide's contents.

| LESSONS | OFFICIAL GUIDE CONTENT |
|--|---|
| Lesson 1. Introduction. Principles of the process | Lesson 1.- Introduction to the matter Private interests, jurisdiction and principles |
| Lesson 2. Jurisdiction and competence | Lesson 6.- Courts and jurisdiction Objective, territorial and functional competences. Conflicts of jurisdiction. Case allocation |
| Lesson 3. Object of the process | Lesson 7.- Object of the declaratory proceedings Pretence and resistance. Petitem. Joinder of actions. Joinder of proceedings |
| Lesson 4. Classification of the proceedings. Judicial expenses and fees | Lesson 4.- Types of legal protection Declaratory, enforcement and precautionary proceedings Lesson 14.- Types of proceedings Declarative proceedings. Plenary proceedings and summary proceedings. Determination of the suitable proceeding. Procedural treatment. Normal development of the traditional proceedings. Unusual development of the proceedings. Lesson 15.- Expenses and judicial fees |
| Lesson 5. Capacity and legitimacy of the parties | Lesson 5.- Parties in civil proceedings Quality of the parties. Requirements. Capacity to participate. Capacity to act. Capacity to be nominated and eligibility. Legitimacy. Plurality of parties. Third party intervention |
| Lesson 6. Preliminary enquiries | Lesson 8.- Preliminary enquiries. Conciliation |
| Lesson 7. Main pleadings of the parties. Procedural acts of the parties | Lesson 9.- Main pleadings. Lawsuit and requirements. Admission and effect. Lis pendes. Defendant conducts. Statement of defense. Proceeding inabsentia. Counterclaim. Other pleadings |
| Lesson 8. Precautionary measures | Lesson 19.- Precautionary legal protection. Precautionary measures. Proceedings |
| Lesson 9. Evidence | Lesson 10.- Evidence Concept of evidence. Sources of evidence. Procedure. Presumptions. Burden of proof. Assessment of the evidence. Types of evidence. |

| | |
|--|---|
| Lesson 10. Ordinary proceedings | |
| Lesson 11. Oral proceedings | |
| Lesson 12. Normal ending of the proceedings | <p>Lesson 11.- Sentence/Judgment Concept. Requirements and congruence. Explanation, amendment and complement of judgments</p> <p>Lesson13.- Res judicata and legal challenge Formal and material res judicata. Effects of res judicata. The legal challenge of the res judicata. Review of final judgments and in absentia. Nullity proceeding because of a judgment that violates fundamental rights</p> |
| Lesson13. Unusual ending of the proceedings | Lesson 11.- Other means of ending the proceedings |
| Lesson 14. Ordinary appeals | Lesson 12.- Appeals Ordinary appeals. Extraordinary appeals. Procedure and effects |
| Lesson 15. Extraordinary appeals | Lesson 12.- Appeals Ordinary appeals. Extraordinary appeals. Procedure and effects |
| Lesson 16. Enforcement proceedings | <p>Lesson 16.- Enforcement proceedings Concept. Constitutional limits and basis. Principles. Enforceable titles. The parties role in the enforcement proceedings. Competent Court. Enforceable claim. Writ of execution. The opposition of the execution</p> <p>Lesson 17.- Monetary enforcement Concept. Cases. Proceeding</p> <p>Lesson 18.- Non-monetary enforcement Concept. Cases. Proceeding</p> |
| Lesson 17. Special proceedings | Lesson 20.- Special proceedings Order for payment procedure. Bills of exchange. Bankruptcy process. Estates division. Non-disposal proceedings |
| Lesson 18. Means of dispute resolution: arbitration and mediation | <p>Lesson 2.- Means of dispute resolution Conciliation, mediation, arbitration</p> <p>Lesson 3.- Voluntary jurisdiction/non-contentious jurisdiction</p> |

2. SCHEDULE:

| SEMESTER LECTURER | WEEK | TUESDAY = 2H → LESSON | THURSDAY = 1H → LESSON |
|---|-------------|----------------------------------|-----------------------------------|
| 1° Prof. Patricia Llopis Nadal | W1 | Presentation | L1 |
| | W2 | L2 | L2 |
| | W3 | L2 | L3 |
| | W4 | L3 | L4 |
| | W5 | L4 | L4 |
| | W6 | L5 | L5 |
| | W7 | L5 | L6 |
| | W8 | L6 | L7 |
| | W9 | L7 | L7 |
| | W10 | L8 | L8 |
| | W11 | L9 | L9 |
| | W12 | L9 | L10 |
| | W13 | L10 | L11 |
| | W14 | L12 | L12 |
| | W15 | L13 | L13 |
| 2° Prof. Assistant Lecturer | W16 | L14 | |
| | W17 | L14 | |
| | W18 | L15 | |
| | W19 | L16 | |
| | W20 | L16 | |
| | W21 | L16 | |
| | W22 | L18 | |
| 2° Prof. Patricia Llopis Nadal | W23 | No lecture | |
| | W24 | Role-play | |
| | W25 | Role-play | |
| | W26 | L17 | |
| | W27 | Case study in depth | |
| | W28 | Case study in depth | |
| | W29 | Role-play | |
| | W30 | Role-play | |

3. EVALUATION

The final mark will consist of:

- Up to a 70 %, the points obtained in the exam or exams aimed to assess the theoretical and practical knowledge.
- Up to a 30 %, the points obtained by doing the activities planned as matter of continuous assessment.

Important: 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.

On the one hand, the 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 - 50% of the final mark.
- In addition, for those who have passed the partial exam, one final exam with the contents that were not matter of the partial exam - 20% of the final mark.
- One final exam with all the contents that should be assessed by exams in the course if the partial exam had not been passed or done - 70% of the final mark.

On the other hand, the CONTINUOUS assessment will be:

- Questionnaire (case study) = individual task concerning the procedural aspects of the Moot Court - 10% of the value of the final mark.
- Moot Court (case study) = workshop in groups during the second semester - 20% of the value of the final mark.
- It will include: the drafting of a statement of claim, a statement of defense and the public presentation of oral pleadings.

The explanation and case for continuous assessment will be detailed in a separate document and provided through “aula virtual” at the beginning of the second semester.

4. LITERATURE.

General and pertinent literature in order **to follow and complete the lectures** (if possible, always take into account the latest release of the work):

- MONTERO AROCA, J., GÓMEZ COLOMER, J.L., BARONA VILAR, S., CALDERÓN CUADRADO, M^a. P., Derecho Jurisdiccional II, Proceso Civil, Ed. Tirant lo Blanch.

- ORTELLS RAMOS, ET AL., Derecho Procesal Civil, Ed. Aranzadi-Thomson Reuters.