DEGREE IN LAW

ACADEMIC GUIDE

ANNEX

PROCEDURAL LAW I (INTRODUCTION)

Group G
1. **Data**

<table>
<thead>
<tr>
<th>Name of the subject</th>
<th>PROCEDURAL LAW I (Introduction)</th>
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<tr>
<td>Character</td>
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<td>Degree</td>
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<td>Department</td>
<td>Administrative and Procedural Law</td>
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<tr>
<td>Professorat</td>
<td>Dra. Ana Isabel Blanco García</td>
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<td>Office:3D10</td>
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<td>Tutorías</td>
<td>Tuesday: 10:45 – 12:15 h</td>
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1. PROGRAM

BOOK I
INTRODUCCION

Lesson 1: Scientific evolution

Lesson 2: Dispute resolutions mechanisms

BOOK II
THE JUDICIARY POWER

Chapter I
The Jurisdiction

Lesson 3: Notion of jurisdiction and judicial bodies

Lesson 4: The political principles of the Judiciary Power
I. Unit: A) Classes of courts by the jurisdiction; B) Classes of courts by the organisation.- II.-Judiciary power and Autonomous Communities: A) “Administration of justice” and subrogatory clause; B) Field of competences of the Autonomous Communities; C) Judicial Districts; D) Exhaustion of the procedural instances. III. Exclusivity: A) State Monopoly; B) Judicial Monopoly; C) Negative meaning of the principle.- IV. Legal judge.- Meaning of legal judge: A) Concerning the ordinary judge predetermined by law; B) Fundamental right; C) The ordinary judge and the judicial competence; D) The prohibition of exceptional courts or ad hoc courts.

Lesson 5: The jurisdiccional personnel

Lesson 6: Jurisdiccional function
I. The guarantee of the rights of the individuals: theories.- II. Notion of plea and resistance: A) Concept of plea; B) Concept of resistance.- III. Irrevocable performance of the right of action. IV- Performance with lack of clear objectives. V The conflicts of jurisdiction.
Chapter II

The administrative organisation

Lesson 7: The government of the Judiciary Power
I. The autonomous government of the Judiciary Power.- II. The General Council of the Judiciary: A) Functions; B) Composition; C) Organisation.- III. The Government Chamber. V. The presidents of the courts and of the Provincial Courts.- VI. The presidents of Halls of Justice.- VII. The judges.- VIII. The chief judges and the boards of judges.- IX Court inspection.

Lesson 8: The organisation of Judges and Courts
I. The criteria of the judicial organisation.- II. Single Judges: A) Judge of the Peace or Magistrates’ Courts; B) Courts of First Instance and Examining Magistrate's Courts; C) Commercial Courts; D) Courts for Violence Against Women; E) Criminal Courts; F) Administrative Courts; G) Labour Courts; H) Prison Supervision Courts; I) Juvenile Courts.- III. Courts: A) Provincial Courts; B) High Courts of Justice; C) National High Court; D) Supreme Court.- IV. The organisin of the Courts, Chambers and Sections: A) Single-judges; B) Courts. V. The judicial Office

Lesson 9: Auxiliary staff and collaborating personnel
I. The non-jurisdictional personnel. II. The auxiliary staff- A) Judicial Clerk. B) Civil servants attached to the administration of justice and other personnel. C) The judicial police III. The collaborating personnel.- A) State Prosecutor’s Office. B) State Lawyers. IV. The defence and the technical representation. A) Lawyers B) Court attorneys. C) Labour counsellors

Chapter III

Jurisdiction and competition

Lesson 10: Extension and limits of the jurisdiction and competition
I. Jurisdiction concept.- II. Scope of the jurisdiction.- III. The rules of jurisdiction.- IV. The conflicts of jurisdiction.- V. Grounds of jurisdiction: A) Objective; B) Functional; C) Territorial; D) Procedural features.- VI. The conflicts of competence. VII.- Case allocation.

BOOK III

The action and judicial protection

Lesson 11: Action and the right to an effective judicial remedy
I. Background II. The action as a right to achieve a specific judicial remedy: A) Specific right; B) Field of the specific right.- III. The action as a right to an abstract judicial remedy: A) Doctrine; B) Action and plea.- IV. The fundamental right to obtain an effective judicial remedy: A) Features of the right; B) Essential content of the right in the civil procedure; C) Essential content in the criminal procedure. V. Free legal aid.
Lesson 12: Nature and classes of processes

Lesson 13: General principles of the proceedings
I. Duality of positions.- II. Adversarial principle and the principle of the right to be heard: A) Content of the principle; B) Fundamental right.- III. Equality principle: A) legal Equality; B) Practical Equality.

Lesson 14: Principles of the civil process
I. - The principle of opportunity and the economic system.- II. Dispositive principle.- III. The call «publicization» of the process.- IV. The material managements powers: A) The explanation of the facts; B) The determination of the applicable law; C) The documentation of evidence.- V. The procedural powers: A) On the procedural assumptions; B) On the procedural impulse.- VI. The principles related to the assessment of the evidence: A) legal Assessment; B) Free Assessment.

Lesson 15: The principles of the criminal process
I. The judicial guarantee in the application of the criminal law.- II. The accommodation of the process to the performance of the criminal law: A) The External differences: The State Prosecutor and the public preparatory activity. B) Oral and public trial.- III. “The one who examines can not judge”; IV. The principles related to the action: A) The holders of the right of action; B) The content of the criminal action; C) The nonexistence of criminal plea; D) Some specifications on the object of the process.-V. The principles on the evidence: A) The presumption of innocence; B) No obligation to declare; C) The burden of proof; D) The free assessment.

Lesson 16: Principles of the procedure
I. Form and formalism.- II. Oral and scripture.- III. The oral principle and its derived principles: A) Oral Form of the procedural acts; B) Immediacy; C) Concentration; D) Publicity.- IV. The principle of scripture and its derived principles: A) Written form of the procedural acts; B) Mediation; C) Dispersion and preclusión/termination; D) Secrecy.- V. Oral constitutionalisation.

Chapter II
The procedural acts

Lesson 17: General features
I. Concept of procedural act. II. Requirements of the procedural acts: A) Will; B) Place; C) Time; D) Form. D) Language.- III. Nullity and inefficiency of the procedural acts: A) Concepts of irregularity, nullity and inefficiency; B) Rules for the determination of nullity; C) Limits of the nullity: amendment and validation; D) Procedural treatment of the nullity.- IV. Classification of the acts.
Lesson 18: Procedural acts

I. Acts of the parts: A) Acts to obtain a judicial resolution; B) Acts to create a new legal situation.
II. Judge’s acts: A) Procedural Court order; B) Court order; C) Sentences; D) Oral Resolutions.
III. Judicial Clerk acts: A) Order to move forward the proceeding; B) Order.
IV. Explanation and amendment of the resolutions.
V. Notice acts: A) With the parties and other subjects: a) Classes; b) Notice procedure; c) Validity of the acts. B) With other bodies: A) Judicial assistance; B) Assistance to the justice.
VII. The acts of documentation.

Lesson 19: The jurisdiction and sources of procedural law

II. Statutes and customs.
III. Procedural Law vs. Substantive Law.
IV. Temporary effects and territorial scope of civil procedural rules.

3. EVALUATION

The evaluation will be CONTINUOUS, for what will be to the following criteria:
- Final proof that will consist in an examination written that will include theory and practical: 70% of the value of the final note.
To pass the subject will be necessary to pass this global proof.
- Realisation of tasks: 20% of the value of the final note
- Participation in the debates: 5% of the value of the final note
- Assistance to seminars and tasks: 5% of the value of the final note

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<th>CONTINUOUS EVALUATION</th>
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<td>GLOBAL PROOF</td>
<td>70%</td>
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4. Competences and skills that the student will acquire:

A. Understanding:

- The existence of different methods of solving legal conflicts.
- What is procedural law and what are its characteristics.
- What is jurisdiction and what are the functions of the jurisdiction.
- The meaning and implications of jurisdiction exclusivity.
- The model of the judiciary, institutions of government, their composition and powers.
- The Spanish judicial organization and the distribution of competences between courts.
- The status and functions of the employees of Justice Administration.
- The concept and function of other main characters of the judicial system: prosecutors, lawyers, etc.
- The essence of the due process and legal protections.
- When could a legal aid be applied.
- The process: concept, structure, types and principles.
- The procedural acts: concept, classes, characteristics and requirements.
- Cost of Justice: who and how has to paid them.
B. Capacity:
- Identify sources and define the content of the basic procedural laws.
- Define the scope and organization of the judiciary.
- Rebuilding the basic limits of the Spanish jurisdiction.
- Determine the appropriate body to hear the cases.
- Legal arguments and exposing the views orally or in writing.
- Identify, locate, and use different legal instruments.
- Working in groups, carry out and present a collective and coordinated work.

C. Attitude:
- Appreciate the importance of the Justice administration as a public service.
- Critically analysis of the institutions studied.
- Link the lessons studied as a whole organized and coherent.
- Compare and analyze in order to have a personal opinion.

5. Bibliography

The basic bibliography for the study and development of the subject is: