

Academic Year: (2020 / 2021)

Review date: 09-07-2020

Department assigned to the subject: International Law, Ecclesiastical Law and Philosophy of Law Department

Coordinating teacher: CAMPOY CERVERA, IGNACIO

Type: Electives ECTS Credits : 3.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

There is no concrete subject that have expected to be completed prior to the course.

OBJECTIVES

1. Students will know and assess the relationship between ethics and moral in the practice of legal professions.
2. Students will understand the different models of ethics in relation to professional activities.
3. Students will analyze and reason on decision making and problem solving from an ethical point of view.
4. Students will acquire the motivations for a social responsible behaviour.
5. Students will know how to face ethical issues related to legal professional activities, mainly those of the judges, lawyers and prosecutors.
6. Students will develop an ethical commitment with the implications derived from the professional activity.
7. Students will develop an ethical commitment to human rights and democratic values of the Social and Democratic Rule of Law.

The subject Ethics and deontology of legal professions is important in the formation of the graduate in Law, since it not only allows students to better knowledge of the meaning and implications of their future professional activity in the Social and Democratic Rule of Law, but also provides them with tools from which to critically analyze their own approaches and the professional activity to be performed, being able, according to them, to find solutions to the problems that this activity has to face. Thus, this subject, largely oriented to the practical activity, allows to develop skills and abilities that are not obtained in other disciplines and contribute to foster the critical spirit of the students; enabling students to know the meaning and scope of Ethics, Morals, values and constitutional principles and ethical standards that should govern professional performance, according to freedom, social function and the responsibility with which they must act.

DESCRIPTION OF CONTENTS: PROGRAMME

Lecture 1. Ethics and Moral. Metaethics and normative ethics. Ethics, Economics and Law.

Lecture 2. Fundamental rights and professional activity. The correlation between constitutional principles and values of the Social and Democratic Rule of Law to citizens, public powers and professionals.

Lecture 3. Concept and functions of professional deontology. Ethics and Professional Deontology. Self-regulation and hetero-regulation in professional activity.

Lecture 4. The professional deontology of the judges. On judicial ethics. The principles of judicial ethics of the General Council of the Judiciary.

Lecture 5. The professional deontology of lawyers. The social function of the Advocacy. The General Statute of the Advocacy. Relations with the client, the opposing party, the College and other professionals.

Lecture 6. The professional deontology of other legal professions. Meaning, function and ethics of the profession of Prosecutor. Meaning, function and ethics of the profession of Attorney.

LEARNING ACTIVITIES AND METHODOLOGY

1. Learning activities

- Theoretical classes.
- Practical classes.
- Tutorials.
- Student individual and/or in a group work.

2. Methodology

- Lectures by the teacher with support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.
- Viewing of audiovisual material and critical reading of provided texts by the teacher of the subject (press articles, reports, manuals and/or academic articles), either for further discussion in class, or to expand and consolidate the knowledge of the subject.
- Resolution, in writing and/or with oral presentations, of practical cases and themes raised by the teacher individually or in groups.
- Class discussion of the themes dealt with in practical classes.

ASSESSMENT SYSTEM

The final grade will be achieved as follows: 40% continuous evaluation; 60% final exam.

The teacher will indicate the criteria and modalities of both the continuous evaluation and the final exam.

Independently of the percentages ascribed to continuous assessment and the final exam, the students have to get a minimum mark of 3 points in the final exam (being 10 points the maximum mark) to pass the course.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- ASÍS ROIG, R. DE Los derechos y la argumentación judicial, Asamblea: Revista Parlamentaria de la Asamblea de Madrid, núm. 10, 2004
- ASÍS ROIG, R. DE Reflexiones sobre ética judicial, en Vaquer Caballería, Moreno Molina, M.A.M. y Descalzo González, A. (Coords.), Estudios de Derecho Público en homenaje a Luciano Parejo Alfonso, por Luciano José Parejo Alfonso (hom.), Vol. 1, 2018
- ATIENZA RODRÍGUEZ, M. Ética judicial: ¿por qué no un código deontológico para los jueces? , Jueces para la democracia, 2003
- BARRANCO AVILÉS, M.C. Juzgar y hacer ejecutar lo juzgado: sometimiento a la ley, independencia e imparcialidad en el marco del constitucionalismo, Teoría y derecho: Revista de Pensamiento Jurídico, núm. 7, 2010
- BLÁZQUEZ MARTÍN, D. Ética y deontología de las profesiones jurídicas, Derechos y Libertades, núm. 19, 2008
- CAMPOY CERVERA, I. Una revisión de la idea de dignidad humana y de los valores de libertad, igualdad y solidaridad en relación con la fundamentación de los derechos, Anuario de Filosofía del Derecho , 2004
- FERNÁNDEZ, E. Los jueces buenos y los buenos jueces. Algunas sencillas reflexiones y dudas sobre la ética judicial, Derechos y Libertades, núm. 19, 2008
- GRANDE YÁÑEZ, M. (con la colaboración de ALMOGUERA PÉREZ, J. y JIMÉNEZ GARCÍA J.) Ética de las profesiones jurídicas, Desclee De Brouwer, 2006
- MARTÍN PALLÍN, J. A. ¿Para qué servimos los jueces?, Catarata, 2010
- MENA, J. M. ¿Para qué servimos los fiscales?, Catarata, 2020
- PECES BARBA MARTÍNEZ, G. Los operadores jurídicos, Revista de la Facultad de Derecho de la Universidad Complutense de Madrid, núm. 72, 1987
- RODRÍGUEZ-TOUBES MUÑIZ, J. Deontología de las profesiones jurídicas y derechos humanos, Cuadernos Electrónicos de Filosofía del Derecho, núm. 20, 2010
- SALAS, MINOR E. ¿Es el Derecho una profesión inmoral? Un entremés para los cultores de la ética y de la deontología jurídica, DOXA, Cuadernos de Filosofía del Derecho, 30, 2007
- SUÁREZ LLANOS M^a. I. Deontología del Ministerio Fiscal. Descripción normativa y crítica. O de ¿para qué necesitan los fiscales ser morales?, Anuario de Filosofía del Derecho , 2008-2009
- VV. AA Ética de las profesiones jurídicas: estudios sobre deontología, 2 volúmenes, Universidad Católica San Antonio de Murcia, Cátedra de Ciencias Sociales, Morales y Políticas, 2003

ADDITIONAL BIBLIOGRAPHY

- APARISI MIRALLES, Á. Ética y deontología para juristas, EUNSA, 2006
- ASÍS ROIG, R. DE El juez y la motivación en el derecho, Dykinson, 2005
- ATIENZA, M. Reflexiones sobre ética judicial, Suprema Corte de Justicia de la Nación, México DF, 2008
- ATIENZA, M. Ética para fiscales, Jueces para la democracia, núm. 79, 2014
- BARRANCO AVILÉS, M.C. Derechos y decisiones interpretativas, Marcial Pons, 2004
- BUENO OCHOA, L. (Coord.) Ética e imparcialidad del Ministerio Fiscal, Dykinson, 2011
- CAMPOY CERVERA, I. Una revisión de la idea de dignidad humana y de los valores de libertad, igualdad y solidaridad en relación con la fundamentación de los derechos, Anuario de Filosofía del Derecho, tomo 21, 2004
- FERNÁNDEZ FERNÁNDEZ, J.L. y HORTAL ALONSO, A. (Comps.) Ética de las profesiones jurídicas, Universidad Pontificia de Comillas, 2001
- GARCÍA PASCUAL, C. (Coord.) El buen jurista. Deontología del Derecho, Tirant lo Blanc, 2013
- GARRIDO SUÁREZ, H. Confiabilidad y abogacía: principios deontológicos, Anuario de Filosofía del Derecho, núm. 28, 2012
- GRANDE YÁÑEZ, M. (Coord.) Independencia judicial: problemática ética, Dykinson, 2009
- GRANDE YÁÑEZ, M. (Coord.) Justicia y ética de la abogacía, Dykinson, 2007
- MARTÍNEZ VAL, J.Mª Ética de la abogacía, Bosch, 1996
- NINO, C. S. Introducción al análisis del Derecho, Ariel, 1991
- PECES-BARBA MARTÍNEZ, G. (Ed.) Ley y conciencia: moral legalizada y moral crítica en la aplicación del Derecho, Instituto de Derechos Humanos ¿Bartolomé de las Casas¿ de la Universidad Carlos III de Madrid-Boletín Oficial del Estado, 1993
- SANTANA RAMOS, E. Mª El rol del abogado ante la ética y el ejercicio profesional, Revista de la Facultad de Derecho, 2018
- SÁNCHEZ-STEWART, N. La profesión de Abogado, vol. 1: Deontología, Valores y Colegios de Abogados, Difusión Jurídica, 2008
- TORRE DÍAZ, F.J. DE LA Ética y Deontología jurídica, Dykinson, 2000
- TORRE DÍAZ, F.J. DE LA Deontología de abogados, jueces y fiscales. Reflexiones tras una década de docencia, Universidad Pontificia de Comillas, 2008
- VV.AA. Los Colegios profesionales. Administración corporativa, Consejo General del Poder Judicial, 2001
- VV.AA. Ética del juez y garantías procesales, Consejo General del Poder Judicial, 2005