

Academic Year: ( 2022 / 2023 )

Review date: 21-05-2022

Department assigned to the subject: Private Law Department

Coordinating teacher: CARRETERO MORALES, EMILIANO

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 2

## OBJECTIVES

Basic responsibility:

Be qualified to understand the basic knowledge or opportunity to be innovative in the development and/or application of ideas, commonly found in an investigation context.

Students must be able to apply the acquired knowledge and the solving of problems in new environments or not common within a wider range (or be multidisciplinary) related to their area of study. (CB7)

Students must be able to integrate their knowledge and face the complexity of formulating opinions based on certain information which, whether incomplete or limited, includes reflections on social and ethical responsibility related to the application of their knowledge and opinions. (CB8)

Students must be able to communicate their conclusions, knowledge and analysis supporting the same, to an audience, whether expertise or not, in a clear and unambiguous way. (CB9)

Students must have a learning ability which allows them to continue studying in a self-directed or autonomous way. (CB10)

General responsibility (CG N°):

Students shall be able to:

CG1. Recognize the importance of team work and show adaptation and integration capacity to different work groups, keeping fluent relations and communications, respecting other's ideas and solutions with an attitude of support and tolerance, sharing responsibilities and know how to give and receive instructions.

CG2. Accept the need of a constant self-learning and continuous training as a mechanism to easily adapt to judicial, technological and organization innovations.

CG5. Value hard and well done work when planning, organizing and carrying-out all activities, showing initiative, creativity and sense responsibility, keeping interest during the whole process, and feel personally satisfied with the results.

CG7. Evaluate personal and collective progress, identifying positive and negative things, and argue and provide alternatives to improve process and results.

CG9. Apply all acquired knowledge and have the capacity to solve problems.

CG10. Integrate knowledge, make judgment, communicate conclusions and the know-how and reasoning to support the same, to specialized and non-specialized audiences in a clear manner and without ambiguities.

## DESCRIPTION OF CONTENTS: PROGRAMME

1) Non judicial practice, alternative dispute resolution and amicable proceedings: 1.1) Alternative Dispute Resolution. Role of the lawyer. Formation of contract. Requirements of the contract. Preliminary contracts, preliminary deposits and other preliminary agreements. Drafting of contracts and other legal documents. 1.2) Negotiation. 2) Practice in the civil process: 2.1) Ordinary declarative processes. 2.2) Previous Hearing and means of proof. Strategies in the proposition and practice of the test. 2.3) Act of judgment and conclusions. 2.4) Resources. 2.5) Extraordinary appeals. 2.6) Precautionary measures. 2.7) Forced and provisional execution

## LEARNING ACTIVITIES AND METHODOLOGY

- I.  
The course is divided into five different blocks. Each block is taught by the professors and professionals that can be found in the timetable offered by the platform (Aula Global)
- II.  
There are two different parts within Práctica Civil I, one of them containing the most part of the subject:
1. In the first part is dedicated to the different tasks that a practicing lawyer must perform in his or her non judicial practice, giving legal advice, negotiating, and drawing strategies before an open conflict arises.
  2. The second part have different blocks follow the different phases of ordinary civil proceedings (lawsuit and response to the lawsuit; pre-hearing, proof and probation procedure, summons for final judgment; enforcement and enforcement procedures; precautionary measures and means of review.
- III.  
Tutorials: a) There is a final tutorial session, as can be seen in the mentioned timetable that can be found in Aula Global b) For personal tutorage, a message should be sent to [emiliano.carretero@uc3m.es](mailto:emiliano.carretero@uc3m.es)

## ASSESSMENT SYSTEM

- The subject grade is formed by a 40% of continuous evaluation and a 60% of the final exam.
1. Continuous evaluation will take into account both the work performed individually (test exams and oral participation in normal classes) and the team work (solving cases and writing legal documents). The teachers of every block in the syllabus will determine the way and percentage to be assigned to those different tasks.
  2. The final test contains 30 multiple choice questions with four alternatives. 4 Wrong answers discount a 1 of the value of a right answer. No legal texts will be allowed during the exam.

Extraordinary Summon:

- 60% depends on a test of 30 multiple choice questions. The marks obtained during the normal continuous evaluation form the rest of the grade.

If the continuous assessment system is not followed, which requires attendance at 90% of the sessions, the final mark in both ordinary and extraordinary sessions will be obtained on 60% of the final exam.

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