Forced execution and special civil proceedings

Academic Year: (2022 / 2023) **Review date: 04-05-2022**

Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: ZAFRA ESPINOSA DE LOS MONTEROS, MARIA

Type: Electives ECTS Credits : 3.0

Year : 6 Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Spanish Judicial System
Introduction to Civil Law and Law of Persons
Law of Obligations and Damages
Civil Procedure

OBJECTIVES

Knowledge of special processes regulated by the Civil Procedure Act which allows him to practice in future and common areas such as family law, juvenile proceedings, judgments of eviction, the payment procedures, trials and executive exchange and execution of sentence and the execution of other titles such as the execution of mortgages, is studied along with other procedures such as those that refer to the ability of people, the judgments of possession and children.

The result will be handling the skills necessary to appear before the courts of our country in the procedures outlined above and the possibility of effective defense of the interests that have ordered the parties. Their study also allow the understanding of the material for the preparation of objections to the high state bodies such as the judiciary and prosecutor, the secretariat, the state law, procedural management, etc.

DESCRIPTION OF CONTENTS: PROGRAMME

I. Introduction
Definition of Special Procedure
Nature and Features
II. Capacity and Afiliation Procedure
III. Procedure of Matrimony and Minors
IV. Summary Procedure in Defense of Real Property Rights
V. Eviction Procedure
VI. Special Procedures of Contracts inscribed in the Sales by Instalment Register for Movable Estate
VII. Executive Trial and Collection Proceedings
VIII. Small Debts Procedure
IX: Procedure for Legal División of Estate
X: Monetary Execution
XI. Mortage and Specific Executions

LEARNING ACTIVITIES AND METHODOLOGY

The subject ¿Forced Execution and Special Civil Procedures¿ consists of 7 weeks semester with 3 hours of classes in presence each week. As a general rule, of 1,5 hour theoretical class and 1,5 hour practical class weekly are planned. This scheme can suffer some changes depending o the dynamic and development of the sessions.
A. THEORETICAL CLASES
Theoretical classes are given for all students of the subject a once and are dedicated to the presentation of general concepts of the program. It is a guiding thread of different contents included in the program and gives overview of the subject.
B. PRACTICAL CLASSES ¿ COMPLEMENTARY ACTIVITIES
Practical classes - complementary activities are developed in small groups of students and indicate essential and the most difficult issues through the work in teams (3-5 persons) or individual tasks. These classes adapt to the needs and peculiarities of every topic.
Among different activities (without the prejudice to changes that can occur as a result of the development of the course) are foreseen:
- Exercise on Positive Law application to the reality.

- Case-law analysis and comments.
- Elaboration and presentation of certain topics.
- Assistance to real trials.
- Discussions and debates on controversial issues.
- Presentation of videos of different judicial procedures included into the program.
- Comprehensive analysis of the coercive procedure in every of its stages including legal problems and procedural actions.
- Determination of competences assigned to the court clerk and other court staff.

ASSESSMENT SYSTEM

60% of the value of continuous assessment is distributed as follows:

10% attendance and participation in classes and training activities
20% Presentation and evaluation of case studies
30% Presentation and evaluation of group work

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

BASIC BIBLIOGRAPHY

- ARNAIZ SERRANO; LÓPEZ JIMÉNEZ; MARTÍNEZ SOTO; ALCOCEBA GIL Esquemas de Derecho Procesal. Tomo II, Tirant Lo Blanch, 2020
- ASENCIO MELLADO DERECHO PROCESAL CIVIL. PARTE SEGUNDA, TIRANT LO BLANCH, 2012
- CORTÉS DOMÍNGUEZ y MORENO CATENA DERECHO PROCESAL CIVIL. PARTE ESPECIAL, TIRANT LO BLANCH, VALENCIA, 2019
- CORTÉS DOMÍNGUEZ y MORENO CATENA DERECHO PROCESAL CIVIL. PARTE ESPECIAL, TIRANT LO BLANCH, VALENCIA, 2020
- CORTÉS DOMÍNGUEZ, MORENO CATENA (DIR) La Leu de Enjuiciamiento Civil. Aplicación práctica, Tecnos, 2002
- DE LA OLVIA SANTOS, DIÉZ PICAZO, VEGAS TORRES, EJECUCIÓN Y PROCESOS ESPECIALES, Ramón Areces, 2012
- PILLADO GONZÁLEZ, E La intervención de terceros en los procesos civiles especiales, Tirant lo Blanch, 2014
- ZAFRA ESPINOSA DE LOS MONTEROS, ROCÍO Nadie pierde: la guarda y custodia compartida. Aspectos jurídico-procesales., Dykinson , 2018
- ZAFRA ESPINOSA DE LOS MONTEROS, ROCÍO El coordinador de parentalidad. Nexo de unión entre progenitores, Revista Mediación, 2019.

ADDITIONAL BIBLIOGRAPHY

- BARONA VILAR, ESCRIBANO, MORENO CATENA y otros EL PROCESO CIVIL (8 VOLS.), VALENCIA, TIRANT LO BLANCH.
- ORTELLS RAMOS, BELLIDO, BONET, CÁMARA, CUCARELLA, SÁNCHEZ, MARTÍN Y MASCARELL Derecho Procesal civil, Cizur Menor, Edit. Aranzadi , (Última edición)
- ZAFRA ESPINOSA DE LOS MONTEROS El coordinador parental. nexo de unión entre los progenitores, Revista de Mediación, 2019.
- ZAFRA ESPINOSA DE LOS MONTEROS, ROCÍO Nadie pierde: la guarda y custodia compartida. Aspectos jurídico-procesales, Dykinson, 2018

BASIC ELECTRONIC RESOURCES

- CEJ . Juicios civiles declarativos y especiales: http://www.cej-mjusticia.es/cej_dode/doc_users/pdf/nueva_oficina_judicial/reformas_procesales/JUICIOS_CIVILES_DECLARATIVOS_Y_ESPECIALES-REFORMAS_PROCESALES_2009.pdf