

Academic Year: ( 2023 / 2024 )

Review date: 29-06-2023

Department assigned to the subject: Private Law Department

Coordinating teacher: CARRETERO MORALES, EMILIANO

Type: Compulsory ECTS Credits : 5.0

Year : 1 Semester : 1

**DESCRIPTION OF CONTENTS: PROGRAMME**

1. Introduction: Practice in the civil process: principles that inform the civil process. Ordinary declarative processes: Classes and characteristics. The small claims European order for payment process.
2. Friendly extrajudicial procedures: strategies against the conflict, evaluation of the costs of the conflict. The performance of the Lawyer and the Attorney General in the preparatory and/or avoidance acts of the process. 2.1) Mediation and other appropriate means of dispute resolution. 2.2) Relationship of the lawyer with the client and with other legal operators (other lawyers, solicitors, judges and prosecutors, registrars, notaries) 2.3) Voluntary jurisdiction: Characteristics. File classes. Competence. Appeal means. Intervention of the Procurement professional on a mandatory or optional basis
3. Acts prior to the process: the conciliation act and the preliminary proceedings. Litigation preparation: collection of evidence and documents. The principle of the acts themselves. Expiration and prescription. The allegation phase: claim and response. Action of the Lawyer and the Procurement professional in the initial phases of demand and response
4. The Prior Hearing. 4.1) content and development. 4.2) Means of proof. Strategies in the proposition and in the practice of proof
5. Act of trial and conclusions
6. Resources. The means of challenging in the civil process against procedural resolutions. Strategies before the execution of the sentence. extraordinary resources
7. Precautionary measures. The performance of the Lawyer and the professional of the Procurement in the precautionary protection
8. The execution process. 8.1) Provisional execution. 8.2) Forced execution. The monetary execution: Seizure of assets, judicial deposit. The intervention of the Attorney General in the investigation of the patrimony of the executed Non-monetary executions: Modalities. Requirements. Economic constraints and coercive fines. Execution at the expense of the executed. Conversion into monetary execution and its insurance. The Associations of Solicitors as depositories of embargoed movable property. Deposit Service: operational and functioning. 8.3) The way of enforcement. Load certification. Appraisal of assets. 8.4) The forced realization of movable and immovable property. Forms of forced realization, special reference to the judicial public auction, the realization agreement and the sale by person or specialized entity. The consideration of the Association of Solicitors as an entity specialized in the realization of goods. 8.5) Foreclosure: common foreclosure process and special foreclosure process. The performance of the Procurement professional in the processes that lead to the release. Execution of the pledge without displacement of possession. The use of new information technologies in the execution process

**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) As shown in the Master's General Schedule, a series of sessions for tutorials and recovery sessions are planned at the end of classes, in order to resolve any possible doubts that may have arisen

prior to taking the exam. 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 (assigments, laboratory, practicals...):</b>	40