

Syllabus: CIVIL PROCEDURAL LAW I

Law School

Universidad Complutense de Madrid

Brief description

The first Course on Civil Procedural Law is divided in two main parts. The first, “Introduction”, aim to initiate the students in the procedure as the ordinary way of dispute resolution (judicial proceedings) and in its three core concepts that answer the most important questions in relation to the judicial remedies: **who** is going to resolve them: Jurisdiction; **how** it is going to be conducted: Procedure; and what is going to be discussed: **Action**.

Once the general notions on procedural law are achieved, the second part of the course is focused on the Civil Procedure and, in particular, in the study of the main persons who intervene (Courts, claimants and defendants) and the object of proceedings.

Thematic contents

I. Introduction to the Procedural Law

1. The **Jurisdiction**.
 - a. The scope of the **jurisdictional function** in Spain.
 - b. The jurisdiction and the Spanish courts.
2. The **procedure** as an instrument of the jurisdictional function: core principles and forms.
3. Fundamental rights and guarantees in Procedural Law: the **action**.
4. Acts in Procedural Law.
5. Costs and Legal Aid.
6. Procedural Law and its sources.

II. Civil Procedural Law in Spain

1. General **overview** of the spanish civil procedure.
 - a. Ordinary proceedings: “juicio ordinario” and “juicio verbal”.
 - b. Enforcement proceedings.
2. The **subjects** in the civil procedure.
 - a. The Courts’ Jurisdiction.
 - b. The parts in the civil procedure.
3. The **object** of the civil procedure.

Evaluation and grading

The final grade will be determined according to the evaluation of the following activities:

- Exams (written or oral): 70% of the final grade.
- Active participation in classes or seminars: 30% of the final grade.

Basic material and textbooks

- Civil Procedural Act 1/2000 (available in: [http://www.mjusticia.gob.es/cs/Satellite/Portal/1292426983864?blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=attachment%3B+filename%3DCivil_Procedure_Act_\(Ley_de_Enjuiciamiento_Civil\).PDF](http://www.mjusticia.gob.es/cs/Satellite/Portal/1292426983864?blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadervalue1=attachment%3B+filename%3DCivil_Procedure_Act_(Ley_de_Enjuiciamiento_Civil).PDF)).
- Spanish Constitution (available in: http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf).
- De la Oliva Santos, Díez-Picazo Giménez y Vegas Torres, *Curso de Derecho Procesal Civil I. Parte General*, Ed. Cera, Madrid, 2013.
- Banacloche Palao y Cubillo López, *Aspectos fundamentales del proceso civil*, Ed. La Ley, Madrid, 2014.
- Castillo Rigabert, *Civil Procedure in Spain*, Ed. Wolters Kluwer, 2012.
- Glossary of procedural terms in the Professor's virtual campus.
- Materials given in the class.