

## LITIGATION II

### **Bachelor of Laws LLB [2504110] SEP-2023 L2-NLL.3.M.A**

Area Dispute Resolution and Legal Practice

Number of sessions: 30

Academic year: 23-24

Degree course: THIRD

Number of credits: 6.0

Semester: 1<sup>o</sup>

Category: COMPULSORY

Language: English

Professor: **ELENA PINEROS POLO**

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Dr. Elena Pineros is an Adjunct Professor at IE Law School. Her areas of interest and research are civil and criminal procedure, as well as arbitration and international tribunals. She currently is a Lecturer at Rey Juan Carlos University in Madrid. She lectures Arbitration, Civil Procedure, Criminal Procedure, International Courts and Tribunals, and International Litigation. She collaborates as an external research fellow in the Manchester International Law Centre of the University of Manchester (UK). Likewise, she teaches LLM courses for the Bar Association in Madrid, and for the University of Manchester. She holds a PhD in Procedural Law from Rey Juan Carlos University. The thesis theme was about the right of action in Bankruptcy proceedings. Her dissertation was awarded with the Extraordinary Award of the Rey Juan Carlos University Law Faculty.

She has published several papers in the most important scientific journals related to criminal law and procedure, bankruptcy and international law. She is also co-author of several books on different procedural law topics.

Professor Pineros is available for consulting by appointment, to be organized by e-mail.

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### **SUBJECT DESCRIPTION**

Litigation II completes the overview of civil procedure offered in Litigation I and then moves to analyze criminal procedure.

As regards civil procedure, Litigation II starts with the enforcement of judgments, and then goes on to provide an overview of special civil proceedings, including the most significant procedural aspects of insolvency proceedings.

As regards criminal procedure, the course addresses criminal proceedings in all their stages, from investigation through sentence. The course analyzes the roles played by the different actors of

criminal justice (police, prosecutors, attorneys, judges, etc.) and how they affect the ways in which criminal matters are resolved.

The course takes a decidedly comparative stance: different procedural traditions, principles, and rules are considered, with particular emphasis on the Spanish, German, and USA systems, with constant references to EU legislation.

## LEARNING OBJECTIVES

This course aims at helping the students to develop the skills required to understand and effectively use the main notions and categories which make up the “special part” of civil procedure: enforcement of judgments, special and summary proceedings, insolvency proceedings.

Likewise, the students will acquire the skills necessary to understand the most significant and practical elements of criminal procedure, one of the core elements of any law degree.

## TEACHING METHODOLOGY

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	33.33 %	50.0 hours
Discussions	6.67 %	10.0 hours
Exercises in class, Asynchronous sessions, Field Work	13.33 %	20.0 hours
Group work	13.33 %	20.0 hours
Individual studying	33.33 %	50.0 hours
TOTAL	100.0 %	150.0 hours

## PROGRAM

### SESSIONS 1 - 2 (LIVE IN-PERSON)

Enforcement of judgments I

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Enforcement of judgments II

### SESSIONS 3 - 4 (LIVE IN-PERSON)

International Arbitration

Special and Summary proceedings I

### SESSIONS 5 - 6 (LIVE IN-PERSON)

Special and Summary proceedings II

Special and Summary proceedings III

**SESSIONS 7 - 8 (LIVE IN-PERSON)**

Special and Summary proceedings IV

Actors of criminal justice

**SESSIONS 9 - 10 (LIVE IN-PERSON)**

Actors of criminal justice II

Criminal courts and organization

**SESSIONS 11 - 12 (LIVE IN-PERSON)**

Criminal courts and organization II

Criminal jurisdiction and competence

**SESSIONS 13 - 14 (LIVE IN-PERSON)**

Fundamental principles of criminal procedure

Phases of criminal procedure I

**SESSIONS 15 - 16 (LIVE IN-PERSON)**

Phases of criminal procedure II

The criminal investigation I

**SESSIONS 17 - 18 (LIVE IN-PERSON)**

The criminal investigation II

The criminal investigation III

**SESSIONS 19 - 20 (LIVE IN-PERSON)**

Provisional measures in criminal procedure I

Provisional measures in criminal procedure II

**SESSIONS 21 - 22 (LIVE IN-PERSON)**

Avoiding the trial

Evidence I

**SESSIONS 23 - 24 (LIVE IN-PERSON)**

Evidence II

Evidence III

**SESSIONS 25 - 26 (LIVE IN-PERSON)**

The Jury

The trial

**SESSIONS 27 - 28 (LIVE IN-PERSON)**

The judgment

Means of review

**SESSION 29 (LIVE IN-PERSON)**

Enforcement. Prison law

**SESSION 30 (LIVE IN-PERSON)**

EXAM

## EVALUATION CRITERIA

The grade is generally determined based on the following criteria:

1. Contribution to the class (purposeful attendance, active participation, presentations, online forum): 20%
2. Individual work (assignments, quizzes, hearings): 20%
3. Group work: 20%
4. Exam: 40%

A grade of less than 4.0 in the exam suffices to fail the whole course.

criteria	percentage	Learning Objectives	Comments
Final Exam	40 %		
Intermediate tests	0 %		
Individual work	20 %		
Individual presentation	0 %		
Group Work	20 %		
Other	0 %		
Group Presentation	0 %		
Class Participation	20 %		

## RE-SIT / RE-TAKE POLICY

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, who are banned from this possibility).

Grading for retakes will be subject to the following rules:

The retake will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be considered.

The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

The third attempt will require the student to complete:

- a written assignment (40%)
- a final exam (60%)

This is also applicable to students who do not have required attendance, e.g. due to sickness.

Dates and location of the retakes will be posted in advance and will not be changed.

## BIBLIOGRAPHY

### Compulsory

- Thaman, S. (2008). *Comparative Criminal Procedure: A Casebook Approach*. 2nd edition. Carolina Academic Press. ISBN 9781594605000 (Printed)

### Recommended

- De la Oliva Santos, A. (dir.). (2011). *European Civil Procedure*. Aranzadi. ISBN 9788499030173 (Printed)
- Lawson Mack, r.. (2008). *Comparative Criminal Procedure: History, Processes*

*and Case Studies*. Hein. ISBN 9780837734521 (Printed)

- Murray, P. L., Stürner, R. H.. (2004). *German Civil Justice*. Carolina Academic Press. ISBN 9781594600036 (Printed)

- Banacloche Palao, J., Cubillo López, I. J.. (2018). *Aspectos fundamentales de Derecho Procesal Civil*. 4ª edición. Wolters Kluwer. ISBN 9788490207413 (Printed)

To learn more

- Banacloche Palao, J., Zarzalejos Nieto, J.,. (2018). *Aspectos fundamentales de Derecho Procesal Penal*. 4ª ed.. Wolters Kluwer. ISBN 9788490207390 (Printed)

To learn more

## **BEHAVIOR RULES**

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

## **ATTENDANCE POLICY**

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

## **ETHICAL POLICY**

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.