LITIGATION I

1- SUBJECT DESCRIPTION

Litigation I deals with the general aspects of civil procedure, one of the core subjects of any law degree.

The course takes a decidedly transnational approach. There are different procedural traditions and ultimately each country has its own set of procedural rules; however, in most countries the scholars – and, to a lesser extent, the practitioners – speak a similar “language” and use similar categories.

Amongst the different procedural traditions – French, Austro-German, Anglo-American –, the Austro-German tradition became at some point in the 20th century the most influential. The notions and terms coined within that tradition will be used as the main point of reference for the course. Comparative references to specific jurisdictions will supplement this transnational approach.

2- OBJECTIVES AND SKILLS

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 “general part” of civil procedure: how are civil courts organized; what are the general principles underlying all civil process; what kind of actions can be exercised; what the typical structure is of an ordinary civil procedure; how are judgments enforced.

Likewise, the students will acquire the skills necessary to critically analyze, synthesize, present, and reason on contents related to civil procedure.
3- CONTENT

PART I


1. European traditions in civil procedure.
2. Judicial organization and structure: the court system.
3. The actors of civil justice: judges, lawyers, et al.
5. Fundamental principles of civil justice.
6. Case study.

PART II

8. Ordinary proceedings in first instance: complaint, defense, counterclaim.
12. Ordinary proceedings in first instance: judgment and other case dispositions.
13. Case study.

PART III

15. Case study.

PART IV

17. Case study.

PART V


PART VI

20. Civil justice in international matters.
   Exam.
22. Online forum 1(a): general review.
23. Online forum 1(b): general review.
PART VII

27. Videoconference: US civil litigation.
29. Online forum 3(b): US civil litigation.

4- METHODOLOGY AND ECTS WEIGHTING

4.1. TEACHING METHODOLOGY

Litigation I is a course designed to provide a strong intellectual framework for future lawyers that help them understand the deeper, common structure of continental civil procedure, together with comparative references.

Learning will be based on three main methods:

1. Lectures, in which the students will be provided with the overall view of a specific aspect of civil procedure. The students will have to prepare each session with assigned readings, which will be defined in due time.
2. Independent work, which will be written by students, mainly with a comparative approach. Those students most interested in a particular aspect will be given the opportunity to carry on their research with the help of the professor.
3. Case studies, in which cases, texts or topics will be presented and discussed, individually or in groups.

4.2. LEARNING METHODOLOGY / ECTS WEIGHTING

6 ECTS = approximately 180 hours of dedication for an average student

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<thead>
<tr>
<th></th>
<th>Hours devoted</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>Lectures and videoconferences (preparation and attendance)</td>
<td>19 sessions of 1.5 hours each, multiplied with factor 2.1 for preparation = 60 hours</td>
<td>2</td>
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<tr>
<td>Case studies (preparation and attendance)</td>
<td>5 sessions of 1.5 hours each, multiplied with factor 4 for preparation = 30 hours</td>
<td>1</td>
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<tr>
<td>Exam (preparation and attendance)</td>
<td>1 session of 3 hours, multiplied with factor 30 for preparation = 90 hours</td>
<td>3</td>
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<tr>
<td>Online fora (participation)</td>
<td>3 weekly fora, multiplied with factor 10 for preparation = 30 hours</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>180 hours</td>
<td>6</td>
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5- EVALUATION SYSTEM

5.1. GENERAL OBSERVATIONS

Each student has four attempts over two consecutive academic years to pass this course.

Class attendance is compulsory. Absence from more than 30% of the classes will result in a grade of 0.0 for the subject. In addition, students not fulfilling the attendance requirement will automatically lose the first extraordinary attempt to pass the course.

Students must do the readings and the assigned tasks for each class. Class preparation and class participation are essential to pass the course.

5.2. EVALUATION AND WEIGHTING CRITERIA

The grade will be generally determined based on the following criteria:

1. Attendance, attitude, class and online participation, written assignments: 50%
2. Final exam: 50%

The overall grade will be subject to adjustment as considered appropriate by the professor in order to more accurately mirror the performance of the student. In particular, either poor participation in the course or poor performance in the final exam may suffice to fail the whole course, subject to the professor’s assessment.

5.3. GRADING IN EXTRAORDINARY EXAM PERIOD

If a student’s course grade is below 5.0, the student is required to take the retake exam to pass the course.

A student who has missed over 30% of the class meetings will not be allowed to take the retake exam, and will only have two attempts left to pass the course during the following year.

The maximum grade that students can obtain in the retake exam period is 8.0. If the student has participated in the continuous evaluation process, the grade achieved on continuous evaluation will be taken into account, and the extraordinary exam in July may have a lower weight in the overall grade, subject to the instructor’s assessment to mirror the student’s performance.

The exam will cover everything that students have learned, including lectures, readings, case discussions and group exercises.

Students facing their 3rd or 4th call must contact the professor during the first two weeks of the course.