INTRODUCTION TO PRIVATE LAW - CIVIL LAW

BACHELOR IN POLITICS, LAW AND ECONOMICS
Professor: ALVARO FERNANDEZ DE LA MORA HERNANDEZ
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Academic year: 18-19
Degree course: SECOND
Semester: 1º
Category: BASIC
Number of credits: 6.0
Language: English

PREREQUISITES

SUBJECT DESCRIPTION
This subject is based on a program designed to provide law students with the necessary tools to fully understand the mechanisms of the legal system.

The aim of the “Introduction to Private Law” subject is to provide the student with an essential understanding of Private Law and an overview of what it entails, thereby providing the foundations and tools to be able to fully understand the mechanisms of the legal system, not only of the civil institutions that we will be looking at later on, but of all of the various modules that make up this qualification.

The course will provide a general knowledge of a number of introductory topics with broad application within the legal system. The student will learn about positive laws that are applied every day, such as the rights of the individual; legal personality; personality rights; legal capacity to act; legal persons; subjective laws: statute of limitations and expiry; legal negotiations.

OBJECTIVES AND SKILLS
The main objective of the course is that students will become familiar with the principles of private law.

The conceptual objectives of this course are:
- to learn the basics of private law;
- to study, analyze and discuss cases in all areas of the discipline of private law.

The professional skills of this course are:
- a critical analysis of factual and legal standards applicable to private law;
- the ability to argue with competence in the foundations of private law.
METHODOLOGY
Active participation in class, case presentations, group assignments and debates are a precondition for the success of the course. Students are expected to be the leading role in the class and encouraged to demonstrate a deeper knowledge of the course topics through an independent research activity.

Written exams covering theoretical and practical issues.
The paper will be based on a resolution of a case study on a specific topic covered during the course. The paper will consist of a 5 to 10-page (Times New Roman 12, 1, 5; footnotes: TNR 10) piece of original research, which will be briefly presented in class.
Computers will not be allowed in exams.

<table>
<thead>
<tr>
<th>Teaching methodology</th>
<th>Weighting</th>
<th>Estimated time a student should dedicate to prepare for and participate in</th>
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</thead>
<tbody>
<tr>
<td>Lectures</td>
<td>30.0 %</td>
<td>45 hours</td>
</tr>
<tr>
<td>Discussions</td>
<td>14.67 %</td>
<td>22 hours</td>
</tr>
<tr>
<td>Exercises</td>
<td>2.0 %</td>
<td>3 hours</td>
</tr>
<tr>
<td>Group work</td>
<td>6.67 %</td>
<td>10 hours</td>
</tr>
<tr>
<td>Other individual studying</td>
<td>46.67 %</td>
<td>70 hours</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100.0 %</td>
<td>150 hours</td>
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PROGRAM

SESSION 1
Introduction to the subject and methodology.

SESSION 2
Natural law and positive law. The idea of justice.

SESSION 3
The rule of law. Classifications of law: private and public law.

SESSIONS 4 - 5
Sources of private law: legislation, custom and general principles of law.

SESSION 6
Interpretation and application of the law:
1. Legal interpretation criteria.
3. Entry into force and repeal. Retroactivity.

SESSIONS 7 - 8
Rights: extension and content.
1. The concept of right.
2. General classification of individual rights.
3. Abuse of right.
4. Fraud of the law.
5. Prescription.
6. Fundamental rights.

SESSION 9
Group presentation.

SESSION 10
MID-TERM EXAM I

SESSIONS 11 - 14
Private Law subjects: Natural person.
Legal capacity and capacity to act.
1. Acquisition of the legal personality and its extinction.
2. Citizenship.
3. Limited capacity to act: minority of age, emancipation and incapacitation.
4. Representation

SECTIONS 15 - 17
Private Law subjects: Legal person.
1. The concept of legal person.
3. Commercial legal entities:
   - Limited Partnership, Limited Liability Partnership (LLP/SL) and Public Limited Company (PLC/SA).
   - Incorporation.
   - Corporate bodies: the General Meeting of Shareholders and the Management Body.

SESSION 18
MID-TERM EXAM II

SECTIONS 19 - 22
General theory of obligations.
1. The concept of obligation.
2. Subjects.
3. Object.
5. Performance.

SECTIONS 23 - 24
The legal transaction.

SECTIONS 25 - 26
The concept of estate and classification of properties.

SECTIONS 27 - 28
Final case study.

SESSION 29
Online: an approach to English law.

SESSION 30
FINAL EXAM.
BIBLIOGRAPHY
Title: Introduction to Law
Editors: Jaap Hage and Bram Akkermans
Publisher / Edition / Year: Springer, 2014

Title: Treatise on the Civil Law
Author: Marcel Planiol
Publisher / Edition / Year: William S. Hein & Company, 2005

Title: Institutions of Law
Author: Neil MacCormick
Publisher / Edition / Year: Oxford 2007

Title: An Introduction to Law
Author: Phil Harris
Publisher / Edition / Year: Cambridge University Press 2007

Title: The Civil law Tradition
Author: John Henry Merryman & Rogelio Pérez- Perdomo
Publisher / Edition / Year: Stanford University Press 2007

EVALUATION CRITERIA

Each student has 4 chances to pass any given course distributed in two consecutive academic years (regular period and retake period).

Students who do not comply with the 70% attendance rule will lose their 1st and 2nd chance, and go directly to the 3rd one (they will need to enrol again in this course next academic year).

Grading for retakes will be subject to the following rules:

- Students failing the course in the first regular period will have to do a retake (except those not complying with the attendance rules, which are banned from this possibility).
- Dates and location of the retakes will be posted in advance and will not be changed.
- The maximum grade that a student may obtain in any type of retake will be 8 out of 10.
- The retakes will consist on a comprehensive exam. The grade will depend only on the performance in this exam; continuous evaluation over the semester will not be taken into account. This exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8.
- 3rd call students must sit for the midterms and final exams.

**Please note that to pass this course the student shall obtain at least a 4.50 in every single item taken into account for the final grade, namely: exams -including the two intermediate tests and the final exam-, individual work, and class participation. Any student whose grade is below 4.5 in any of these criteria, or 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).
EVALUATION AND WEIGHTING CRITERIA

- Written exams: 60%.
  - Midterm exam I: 20%
  - Midterm Exam II: 20%
  - Final Exam: 20%
- Cases and Essays: 20%
- Class participation and presentations and group presentations: 20%. This involves preparation of classes prior each session, raise questions related to the topics and have an open participation in debates and discussions.

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<th>Criteria</th>
<th>Percentage</th>
<th>Comments</th>
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PROFESSOR BIO

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Alvaro Fernandez de la Mora is Teaching Associate in Company Law at the University of Sheffield (UK). Since 2015 he is also PhD in Law candidate at the University of Oxford, specialising in the overlap between Intellectual Property Laws and Human Rights. Before moving to the UK, he practiced for several years out of Hogan Lovells’ Madrid office, mostly in contentious matters involving intellectual property rights, both domestic and international. Prior to practice, he studied for a year at Harvard Law School, graduating with an LLM degree in 2012. Before that, he obtained his LLB degree from Universidad Pontificia Comillas de Madrid, in Spain. As part of his undergraduate studies, he studied at Boston University for one semester as an exchange student.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time**: Students arriving more than 5 minutes late will be marked as “Absent”.

   Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart**. It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture**: Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as “Absent”.

   Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation**. As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

   If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as “Absent”.


5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as “Absent”.

6. **No cellular phones:** IE University implements a “Phone-free Classroom” policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as “Absent.” IE University implements an “escalation policy”: The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.