

60731 - Administrative Litigation Practice

Información del Plan Docente

Academic Year	2018/19
Subject	60731 - Administrative Litigation Practice
Faculty / School	102 - Facultad de Derecho
Degree	522 - Master's in Legal Practice
ECTS	6.0
Year	1
Semester	Annual
Subject Type	Compulsory
Module	---

1.General information

1.1.Aims of the course

1.2.Context and importance of this course in the degree

1.3.Recommendations to take this course

2.Learning goals

2.1.Competences

2.2.Learning goals

2.3.Importance of learning goals

3.Assessment (1st and 2nd call)

3.1.Assessment tasks (description of tasks, marking system and assessment criteria)

The student must demonstrate that he/she has achieved the expected learning outcomes through the following assessment activities:

The continuous assessment system is based on the following criteria (first call):

1.- Resolution and drafting of compulsory practical cases (administrative or procedural documents, such as the drafting of allegations, appeals, reports, opinions, court reports, etc.), whose value will be 70% of the final grade. All cases must be delivered by the deadline indicated (in electronic format), which will be indicated by the teacher well in advance, depending on the complexity and dedication foreseen for the completion of the work entrusted.

In the first semester, five case studies will be evaluated and in the second semester, three case studies.

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2.- Participation in classes and oral presentations and other programmed activities, whose value will be 30% of the final grade.

The final grade will be the result of the arithmetic mean of the grades obtained in each semester, according to the percentages indicated.

Students who have not opted for the system of continuous assessment or have not passed the subject in this system may take an overall test in the second call (September). This evidence will consist of a forensic brief in relation to a real practical case and a theoretical test, which will consist of the development of one of the two proposed questions. The theoretical test will represent 50% of the final test and the practical case will represent another 50%, both parts having to be approved.

4. Methodology, learning tasks, syllabus and resources

4.1. Methodological overview

The learning process that has been designed for this subject is based on the following:

To familiarize the student with the procedural strategy and the drafting and argumentation in the defense of *Administrative Law* issues. The substantive content of this discipline makes it necessary to determine the applicable regulations according to the sector in question, whether it be traffic penalties, contractual amendments, liability for property, the actions of regulatory bodies or hunting problems in an Autonomous Region.

Along with the procedural rules, specific substantive rules will be handled, with the intention of familiarizing the student with the actual practice. For this reason, the classes should at least be provided with the *Administrative Laws*, although the most convenient thing is the online management of legal sources, whose knowledge and management is taken for granted.

A professional Master's degree requires a level of "maturity" in the attitude and skills of constructing abstract legal thinking, which presupposes the student's critical capacity and ability to work.

The teaching planning system recommends the division into two phases of this subject, and this is reflected in the timetable. For this reason, there is no teaching of subjects, but rather different knowledge and practices will be alternated according to the semesters and teachers in charge, and the student must in any case acquire the necessary knowledge provided for in the syllabus.

4.2. Learning tasks

The learning activities consist of the approach of real practical cases, through which the students will be able to exercise themselves in the identification of legal problems and in the elaboration of the corresponding writings.

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During the first semester, practical aspects of administrative justice will be taught, especially by professors of the Faculty. In particular, "limited" practical issues will be worked on and basic writings will be written. Specific administrative files will be analysed and special attention will be paid to special subjects such as civil service or public procurement.

In the second half of the year, the lawyers appointed by the REICAZ will teach, who will develop cases of a global nature, with the intention of developing, by carrying out the proposed work, the complete action of a lawyer in a real file.

4.3.Syllabus

Lesson 1. The implication of the enforceability of the administrative act: typology of administrative remedies. Appeal for reconsideration, appeal for reconsideration. Extraordinary appeal for review. The administrative record hearing. The extension of the file. The formulation of allegations. Evidence in the administrative procedure. Precautionary suspension by administrative appeal. The special public procurement remedy.

Lesson 2. Typology of administrative actions subject to contentious-administrative control. The parties in the contentious-administrative proceedings. The lodging of the contentious-administrative appeal. The accumulation of contentious-administrative appeals. Statement of claim and statement of defence in ordinary proceedings. The previous allegations. The determination of the amount of the contentious-administrative procedure. The complaint from the administrative file: analysis and extension.

Lesson 3. Precautionary protection in contentious-administrative proceedings and in administrative appeals.

Lesson 4. The regime of evidence in contentious-administrative proceedings. Proposition and practice. Specific and supplementary rules of the LEC. The concluding brief. The final stages.

Lesson 5. The abbreviated procedure. The appeal for damages. The question of illegality. The Defence Process of the Market Unit.

Lesson 6. Forms of termination of the contentious-administrative procedure. Withdrawal, trespassing, extra-judicial satisfaction. The sentence: content. Completion in administrative appeals.

Lesson 7. Types of resources. Appeal for reconsideration, appeal for appeal. Appeal, appeal in cassation. Appeal in Cassation for the unification of the doctrine. Appeal in the interests of the law. Appeal for Review.

Lesson 8. Enforcement and execution of judgements and the rules governing costs of proceedings.

Lesson 9. Review in Tax Law as a result of the lodging of an appeal. Administrative means: the appeal for reconsideration and economic-administrative claims. Judicial review.

4.4.Course planning and calendar

The course is annual and is taught in the period established in the academic calendar published each year by the Rectorate.

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Timetables can be consulted at:

https://derecho.unizar.es/sites/derecho.unizar.es/files/archivos/horarios/horarios_mua.pdf

At the beginning of the course, the order of intervention of the teachers of the subject and the subjects to be taught will be communicated, as well as the calendar of evaluable activities that form part of the continuous assessment.

4.5. Bibliography and recommended resources