

60736 - Analytical and Expressive Skills for Professional Practice

Información del Plan Docente

Academic Year	2018/19
Subject	60736 - Analytical and Expressive Skills for Professional Practice
Faculty / School	102 - Facultad de Derecho
Degree	522 - Master's in Legal Practice
ECTS	3.0
Year	1
Semester	First semester
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)

4.Methodology, learning tasks, syllabus and resources

4.1.Methodological overview

The methodology centres on the study of several suppositions, representative of the principal contents of the program, which demand the active participation of the student.

4.2.Learning tasks

The activities of learning consist principally of the resolution of problems, according to the model of the case, or the simulation of situations.

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4.3.Syllabus

The course will address the following topics:

Topic 1. Differences between the language and the structure of the different documents (judgments, contracts, demands, judgments, letters, instances, denounces, etc).

Topic 2. Correct and clear Information to the clients in order that they could take theirs decisions. (mails of confirmation of instructions and decisions).

Topic 3. Elaboration of orders.

Topic 4. Differences of communication with the client or lawyers .

Topic 5. Meetings with clients and lawyers: problems, advantages and disadvantages.

Topic 6. The concession of the permission to act in court and tribunals.

Topic 7. Civil servants

Topic 8. District attorney's office

Topic 9. Judges

Topic 10. Verbal and written communication. Aptitude to close agreements. Level of commitment that can be reached.

Topic 11. Utilization of written communications with lawyers.

Topic 12. How to make an analysis of the facts. Conversation with the client.

Topic 13. Importance of the correct information. To verify always the facilitated for the client.

Topic 14. To try always to avoid the conflict or the judicialization of the matter.

Topic 15. Strategies to promote agreements. To look for alternative routes.

Topic 16. To value the consequences of the possible different actions for the different areas (civilian, tax, social, penal...). Choice of the type of action and more favorable jurisdiction for the client. Application of the rules of objective and competence rules in the procedural laws.

Topic 17. Search of complementary information To be able to discriminate against the important of the incidental questions.

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Topic 18. Preparation of the proof. Which is the necessary? Well-known fact, diabolical proof, facts admitted expressly.

Topic 19. Legality of the proof and consequences of the illicit proof. Special reference to the expert proof and to the preclusive moment of the proof).

Topic 20. Oral interventions: allegations in the verbal judgment (civil, social, administrative) to make concrete the demand or to formulate an opposition (examination). Concretion, explanatory clarity, "instructa" of the proof or the picture that summarizes allegations.

Topic 21. Opposition to extension of the demand out of the legal hypothesis... Unforeseen questions, preparation of the matter and of the possible troubled points that could arise suddenly. Possibility of asking for the suspension depending on which it is the question that is produced.

Topic 22. Proposition of proof, contribution of "instructa", motives of opposition to the offer, resources of opposition to the refusal. Succinct explanation of the scope of the attests. Object of the proof: what wants to be proved, what has to be proved. Special reference to the penal order, as one is accusing or defending. Choice of proofs, valuation of the convenience of each one. Interrogation of part: How the client must act, make clear what is going to happen, how the other parts are going to ask him, what thesis he/she must support, be concise, to ask the question, questions to repeat him with several subquestions... How to interrogate to the contrary.

Topic 23. Witnesses' interrogation. Experts: Choice of the expert of part. Possible designation of the judicial court of mutual agreement. How to ask the expert for explanations. To study the matter also in his technical aspects.

Topic 24. Judicial recognition. Final allegations: valuation of the proof against the summary of the the answer. To be concise and structured. To know which is the message that wants to be able to be transmitted to organize with logic the speech.

Topic 25. Form: to ask for the permission to begin. "Instructa" of proof. Public and private documentary proof. Exhibition of documents for third party not litigator. Interrogation of part, expert, and judicial recognition.

4.4.Course planning and calendar

The calls of the final examen (day, hour and classroom) will be published in the bulletin board of the Faculty of Law by a minimal anticipation of 20 days, according to the established for the Regulation of Procedure of Evaluation of the Learning (Acuerdo de 22 de diciembre de 2010 del Consejo de Gobierno de la Universidad de Zaragoza). On the other hand, the same day will have place the global final examen of the students who have not chosen the system of continuous assessment or have not overcome the subject for the last system. In addition, the date of the mentioned examen can be consulted, from the beginning of course, in <https://derecho.unizar.es/masterabogacia>.

4.5.Bibliography and recommended resources

TEXTBOOKS:

BB Acceso a la abogacía. 2014-2015 / [obra realizada por iniciativa y bajo la coordinación de Ediciones Francis Lefebvre ; dirección, M^a José López Álvarez] Madrid : Francis-Lefebvre, 2014
BB Martínez Zorrilla, David. Metodología jurídica y argumentación / David Martínez Zorrilla Madrid [etc.] : Marcial Pons,

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2010

BB Preguntas y Respuestas para Preparar el Examen de Acceso a la Abogacía. Cizur Menor (Navarra): Aranzadi, 2015. ISBN: 978-84-9098-160-3

LIST OF URLs:

CONSEJO DE LA ABOGACÍA EUROPEA. Carta de principios esenciales de la Abogacía Europea y Código deontológico de los abogados europeos [en línea]. [Consultado el 10 de junio de 2018]. Bruxelles: CCBE, s.a. Disponible en:

http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/10_11_10_Booklet_Cd3_1290438847.pdf

[http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/10_11_10_Booklet_Cd3_1290438847.pdf]

CONSEJO GENERAL DE LA ABOGACÍA. Código deontológico: adaptado al Estatuto General de la Abogacía Española, aprobado por Real Decreto 658/2001, de 22 de junio, aprobado en el Pleno de 27-IX-2002 y modificado en el Pleno de 10-XII-2002 [en línea]. [Consultado el 10 de junio de 2018]. Disponible en:

https://docs.google.com/viewerng/viewer?url=http://www.abogacia.es/wp-content/uploads/2012/06/codigo_deontologico1.pdf

[https://docs.google.com/viewerng/viewer?url=http://www.abogacia.es/wp-content/uploads/2012/06/codigo_deontologico1.pdf]

ECONOMIC REGULATIONS

Ley 22/2015, de 20 de julio, de Auditoría de Cuentas.

Ley 14/2013, de 27 de septiembre, de apoyo a los emprendedores y su internacionalización.

Real Decreto Legislativo 1/2010 por el que se aprueba el texto refundido de la Ley de Sociedades de Capital (TRLSC)

Real Decreto de 22 de agosto de 1885, por el que se publica el Código de Comercio

REAL DECRETO 1514/2007, de 16 de noviembre por el que se aprueba el Plan General de Contabilidad

REAL DECRETO 1515/2007, de 16 de noviembre por el que se aprueba el Plan General de Contabilidad de Pequeñas y Medianas Empresas y los criterios contables específicos para microempresas:

REAL DECRETO 1159/2010, de 17 de septiembre, por el que se aprueban las Normas para la Formulación de Cuentas Anuales Consolidadas

Resolutions and Consultations of the ICAC (Instituto de Contabilidad y Auditoría de Cuentas)