

FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	Lawyering Solutions: Problem-solving in complex interdisciplinary cases
Código	E000013117
Impartido en	M.U. en Acceso a la Abogacía y la Procura y Máster de Formación Permanente en Abogacía Internacional [Primer Curso] Máster en Formación Permanente en Abogacía Internacional [Primer Curso]
Créditos	2,0 ECTS
Carácter	Obligatoria
Departamento / Área	Área de Derecho Internacional Privado

Datos del profesorado	
Profesor	
Nombre	María José Lunas Díaz
Departamento / Área	Departamento de Derecho Privado
Correo electrónico	mlunas@icade.comillas.edu

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura

Competencias - Objetivos

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

Session 1 Overview of Lawyering Solutions: steps and activities	<p>Class Topic: Activities in class: (i) Presentation (ii) Pre-test & open discussion (iii) Case presentation and form of groups</p> <p>Recommended Reading or Websites: European Parliament (2021). Sources and scope of European Union law. Available https://www.europarl.europa.eu/factsheets/en/sheet/6/sources-and-scope-of-european-union-law https://e-justice.europa.eu/511/EN/taking_legal_action https://e-justice.europa.eu/37/EN/costs</p>
Session 2 Part I: Drafting a lawsuit (preliminary work)	<p>Class Topics: Drafting a lawsuit & Service of documents</p> <p>Activities in class: (i) Presentation of preliminary work on lawsuit (ii) service of documents practice</p> <p>Recommended Readings or Websites: Service of documents Regulation (2020/1784). https://eur-lex.europa.eu/legal-content/EN/TXT/uri=CELEX:32020R1784</p>



Part II: Service of documents	https://online-forms.e-justice.europa.eu/online-forms/serving-documents-forms_en https://e-justice.europa.eu/39433/EN/service_of_documents_official_transmission_of_legal_documents?clang https://e-justice.europa.eu/38580/EN/serving_documents_recast?SPAIN&member=1
Session 3 Lawsuit presentation	Class Topic: Law suit Activities in class: (i) Presentation of writings (ii) revision and correction on how to draft a lawsuit Recommended Readings and Websites: https://www.idaholegalaid.org/sites/idaholegalaid.org/files/Process%20of%20a%20Civil%20Lawsuit%20Generally.pdf https://lawshelf.com/videocoursesmoduleview/civil-procedure-how-to-draft-a-well-pleaded-complaint

2023-24

Name of the course: Lawyering Solutions: Problem-solving in complex interdisciplinary cases

Credits: 2 ECTS (20 hours of class time) Semester: Fall

Professor: María José Lunas Díaz Contact: mlunas@comillas.edu

Office hours outside of class: Upon request from students

Session 4 Answering the pleading	Class Topic: Answering to the pleading case Activities in class: (i) Instructions (ii) summary of reply to pleading and (iii) and tips for preparing preliminary hearing (iv) group work Recommended Readings and Websites: https://www.utcourts.gov/en/self-help/case-categories/family/answer.html https://lawshelf.com/videocoursesmoduleview/drafting-an-answer-to-a-civil-complaint
Session 5 Preliminary hearing	Class Topic: Preliminary hearing Activities in class: (i) Instructions and (ii) Role play. Recommended Readings and Websites: https://www.lopezhermoso-abogados.com/blog/2021/11/30/civil-and-commercial-litigation-in-spain-how-does-the-procedure-work https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/cases_pretrial/
Session 6 Taking of evidence	Class Topic: Taking of evidence Activities in class: (i) Presentation (ii) practice on taking evidence Recommended Readings or Websites: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1783&qid=1644510578884 https://online-forms.e-justice.europa.eu/online-forms/taking-of-evidence-forms_en



Session 7 Holding a trial	<p>Class Topic: Trial</p> <p>Activities in class: (i) Instructions and (ii) Role play.</p> <p>Recommended Readings:</p> <p>https://selfhelp.courts.ca.gov/civil-lawsuit/prepare-trial</p> <p>https://assets.osbplf.org/forms/practice_forms/Tips%20from%20the%20Bench.pdf</p> <p>https://www.civillawselfhelpcenter.org/self-help/lawsuits-for-money/trial-stage-your-day-in-court-preparing-for-a-trial</p>
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Session 8 Appeal and Recognition and enforcement	<p>Appeal and recognition: (i) writing an appeal and (ii) filing a suit of recognition and enforcement.</p> <p>Recommended Readings and Websites:</p> <p>https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/international-judicial-asst/EnforcementJudges.html</p>
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Laptops are permitted. The use of mobile phones is not permitted except in emergencies.

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

TEACHING METHODOLOGY

General methodology of the subject

Contact hours methodology : Activities

We will begin the first session with an open discussion on the answers to a questionnaire that will allow us to evaluate the level of students in substantive and procedural matters, litigation and issues of private international law. The objective is to help the student reflect and resolve the various decisions that will have to be made in professional life when advising a client or proposing international litigation strategy.

From that debate we will begin the practical work. Throughout the course we will work on a single case, which mixes various problems and disciplines, addressing the different phases that a judicial process can present.

Students will be provided with reflections and materials on the various phases to be worked on in each session and the student must implement them. Most of the work will be in groups and students must develop the ability to defend different positions in the legal conflict.

Class attendance is compulsory.

Outside class methodology : Activities



The student's work, alone or in a team, will consist of the preparation, drafting and defense of the different procedural milestones always starting from the theoretical knowledge that is assumed for the student of this Master. A high level of dedication and interest is expected during these weeks given that the focus of this subject is based on the interrelation of matters and the complexity of daily practice that lawyers face in their daily work.

A relevant part of the work should be elaborated by the teams during the week. The class sessions will be dedicated to presentation and discussion of the work done during the week.

Students are expected to make intensive use of the sources of knowledge and apply legislation, jurisprudence and doctrine properly and fluently. The identification of these materials is also part of the work required of the student.

The teacher's job is mainly to offer general guidelines, review the work done and improve the results of the students, always from a practical and not theoretical perspective, which however does not exclude theoretical explanations to solve the difficulties presented by the students.

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

EVALUATION AND CRITERIA- PROF. MARÍA JOSÉ LUNAS DIAZ

Evaluation Activities	Indicators	Evaluation weighting
Attendance	Regular attendance and active participation in class	10%
Outlines or previous summaries delivered during the course before the final writings and hearings	Students are expected to hand in four pieces of work (lawsuit summary, service of document, taking of evidence, enforcement of the rule). The 40% will be divided among the number of deliveries. Around 2-4 pages in length. A4-size paper, with 1.5 line spacing, and 11-point Times New Roman (on a Mac, Times) Deliveries will have to be submitted using the Moodle platform (Turnitin)	40%



<p>Evaluation:final writings and hearings</p>	<p>This part will be evaluated as a final exam and is designed to prove that the student properly understands the questions, topics and materials analyzed and studied in the course.</p> <p>The final writings and hearings will be evaluated as a final exam.</p> <p>The evaluation will take into account the creativity, depth and precision in the arguments, the use of applicable regulations and jurisprudence, as well as the structure and order of the works.</p> <p>The written claim will account for 15% of the grade, the written response to the claim will account for another 15% of the grade, 10% will go for the performance in the preliminary hearing and another 10% for the intervention in the simulation trial.</p> <p>Writings: Around 30-50 pages in length. A4- size paper, with 1.5 line spacing, and 11- point Times New Roman (on a Mac, Times)</p> <p>Deliveries will have to be submitted using the Moodleplatform (Turnitin)</p>	<p>50%</p>
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Calificaciones



Evaluation Activities	Indicators	Evaluation weighting
Attendance	Regular attendance and active participation in class	10%
Outlines or previous summaries delivered during the course before the final writings and hearings	<p>Students are expected to hand in four pieces of work (lawsuit summary, service of document, taking of evidence, enforcement of the rule). The 40% will be divided among the number of deliveries.</p> <p>Around 2-4 pages in length. A4-size paper, with 1.5 line spacing, and 11-point Times New Roman (on a Mac, Times)</p> <p>Deliveries will have to be submitted using the Moodle platform (Turnitin)</p>	40%

	<p>This part will be evaluated as a final exam and is designed to prove that the student properly understands the questions, topics and materials analyzed and studied in the course.</p> <p>The final writings and hearings will be evaluated as a final exam.</p> <p>The evaluation will take into account the creativity, depth and precision in the arguments, the use of applicable regulations and jurisprudence, as well as the structure and order of the works.</p> <p>The written claim will account for 15% of the grade, the written response to the claim will account for another 15% of the grade, 10% will go for the performance in the preliminary hearing and another 10% for the intervention in the simulation trial.</p> <p>Writings: Around 30-50 pages in length. A4-size paper, with 1.5 line spacing, and 11-point Times New Roman (on a Mac, Times)</p> <p>Deliveries will have to be submitted using the Moodle platform (Turnitin)</p>	
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Evaluation: final writings and hearings

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BIBLIOGRAFÍA Y RECURSOS