



## Teaching Guide

Teaching Guide				
Identifying Data			2021/22	
Subject (*)	Corporate Conflicts Solutions	Code	612943307	
Study programme	Mestrado Universitario en Asesoramento Xurídico Empresarial(plan 2016)			
Descriptors				
Cycle	Period	Year	Type	Credits
Official Master's Degree	1st four-month period	First	Obligatory	6
Language	SpanishGalician			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito PrivadoDereito Público			
Coordinador	Neira Pena, Ana	E-mail	ana.neira@udc.es	
Lecturers	Neira Pena, Ana	E-mail	ana.neira@udc.es	
Web	www.dereito.udc.es/gl/maxe			
General description	<p>This module aims to provide students with an overview of the different ways of resolving legal disputes that may arise in legal-business practice. Conflict resolution mechanisms can be classified into jurisdictional and extrajudicial. Regarding the former, an overview of the most specific civil processes of business activity will be offered, as well as the most notable work processes. Special emphasis will also be placed on resolving disputes outside the judiciary, what has been termed Alternative Means of Dispute Resolution, which are gaining momentum, as they are presented as efficient methods for resolving legal disputes, in the face of the endemic slowness of state justice. Finally, part of the teaching will deal with the resolution of business crisis through insolvency and para-insolvency mechanisms.</p> <p>The aim is for students to acquire an overview of the subject that will allow them to access the most appropriate procedural or extra-procedural instruments according to the specific case, as well as a specific knowledge of the most common institutions in business activity. These objectives will be covered from the double theoretical/practical perspective, so that, firstly, the knowledge that students have already acquired in the Degree is strengthened and expanded, and secondly, they develop the necessary skills to apply the theoretical knowledge to the specific case, through the workshops and practices to be carried out.</p>			
Contingency plan	<p>1. Modifications to the contents There are no modifications</p> <p>2. Methodologies *Teaching methodologies that are maintained Supply of materials via moodle</p> <p>*Teaching methodologies that are modified Synchronous sessions will be taught through Teams</p> <p>3. Mechanisms for personalized attention to students The usual form of communication is via email. If necessary, synchronous tutorials will be arranged through Teams at the student's request.</p> <p>4. Modifications in the evaluation The evaluation will continue to consist of the delivery of works that will be delivered through moodle or by email</p> <p>*Evaluation observations: Attendance will refer to synchronous sessions via Teams</p> <p>5. Modifications to the bibliography or webgraphy There are no modifications</p>			



Study programme competences / results	
Code	Study programme competences / results
A1	Coñecer o conxunto normativo aplicable, legislativo e xurisprudencial, e a doutrina aplicables ao mundo da empresa
A2	Identificar, saber interpretar e facer fronte ás diferentes problemáticas xurídico-económicas que afecten á empresa
A3	Coñecer, manexar, elaborar e interpretar os principais documentos de tipo xurídico-económico relacionados co mundo empresarial.
A5	Elaborar, comunicar e defender con soltura textos xurídicos, como dictames e informes, memorias ou traballos de investigación
B1	Capacidade para planificar e levar a cabo tarefas xurídicas complexas de modo autónomo
B2	Capacidade para coordinar e desenvolver tarefas de asesoramento técnico (xurídico/xurídico empresarial) no seo dun grupo de traballo
B3	Capacidade para estruturar ordenadamente os feitos e as disposicións xurídicas relevantes dun caso
B4	Capacidade para identificar cuestións xurídicas relevantes partindo dun conxunto complexo de feitos non estruturado xurídicamente
B5	Capacidade para identificar e aplicar todas as fontes xurídicas relevantes nunha cuestión concreta
B6	Habilidade/Capacidade para a toma de decisións
B7	Capacidade para encontrar solucións novas ou imaxinativas no plantexamento dun problema
B8	Capacidade para analizar os problemas xurídicos dende unha pluralidade de enfoques e eleixir o máis idóneo no caso concreto.
B9	Capacidade para expoñer o coñecemento cun dominio axeitado das habilidades orais e escritas propias do asesoramento xurídico(-empresarial)
B10	Capacidade para estruturar e redactar con fluidez textos xurídicos elaborados, empregando a terminoloxía técnica apropiada.
B11	Capacidade para estruturar os argumentos e transmitirlos oralmente con competencia técnica e habilidade oratoria
B12	Capacidade para ler e interpretar traballos complexos relacionados co ámbito xurídico
B13	Capacidade para sintetizar os argumentos xurídicos de forma precisa
B14	Capacidade para traballar en equipos interdisciplinares como experto en dereito e contribuir efectivamente ás súas tarefas
B15	Capacidade para asesorar sobre as posibles resolucións dun caso
C1	Expresarse correctamente, tanto de forma oral coma escrita, nas linguas oficiais da comunidade autónoma
C3	Utilizar as ferramentas básicas das tecnoloxías da información e as comunicacións (TIC) necesarias para o exercicio da súa profesión e para a aprendizaxe ao longo da súa vida.
C4	Desenvolverse para o exercicio dunha cidadanía aberta, culta, crítica, comprometida, democrática e solidaria, capaz de analizar a realidade, diagnosticar problemas, formular e implantar solucións baseadas no coñecemento e orientadas ao ben común
C5	Entender a importancia da cultura emprendedora e coñecer os medios ao alcance das persoas emprendedoras
C6	Valorar criticamente o coñecemento, a tecnoloxía e a información dispoñible para resolver os problemas cos que deben enfrontarse
C7	Asumir como profesional e cidadán a importancia da aprendizaxe ao longo da vida.
C8	Valorar a importancia que ten a investigación, a innovación e o desenvolvemento tecnolóxico no avance socioeconómico e cultural da sociedade.

Learning outcomes	
Learning outcomes	Study programme competences / results



Know the ways to resolve typical conflicts of business and commercial activity and know how to choose the most suitable in a specific case of legal-commercial practice	AJ1	BJ1	CJ1
	AJ2	BJ2	CJ3
	AJ3	BJ3	CJ4
	AJ5	BJ4	CJ5
		BJ5	CJ6
		BJ6	CJ7
		BJ7	CJ8
		BJ8	
		BJ9	
		BJ10	
		BJ11	
		BJ12	
		BJ13	
		BJ14	
		BJ15	

Contents	
Topic	Sub-topic
The resolution of conflicts before the state jurisdiction. The most common processes in business activity	<ol style="list-style-type: none"> <li>1. General aspects of the civil procedural practice in the company and the execution process</li> <li>2. Protection of the credit and claim of debts</li> <li>3. Corporate processes and statutory agreements</li> </ol>
Conflict resolution in the workplace	<ol style="list-style-type: none"> <li>1. The previous conciliation in the labor process.</li> <li>2. The ordinary labor process and procedural modalities</li> <li>3. Means of challenge.</li> <li>4. The execution of sentences.</li> <li>5. The precautionary process.</li> </ol>
ADR (Alternative Dispute Resolution).	<ol style="list-style-type: none"> <li>1. The Arbitration. General features.</li> <li>2. Consumer arbitration.</li> <li>3. International arbitration.</li> <li>4. Administrative arbitration.</li> <li>5. Mediation and conciliation</li> </ol>
The resolution of the business crisis	<ol style="list-style-type: none"> <li>1. Pre-bankruptcy remedies for the business crisis.</li> <li>2. The bankruptcy process. General features</li> <li>3. The effects of the declaration of bankruptcy.</li> <li>4. Determination of the active and passive masses of the contest.</li> <li>5. The different ways to end the contest.</li> <li>6. The competition with an international element</li> </ol>

Planning				
Methodologies / tests	Competencies / Results	Teaching hours (in-person & virtual)	Student?s personal work hours	Total hours
Oral presentation	A5 B2 B3 B5 B9 B11 C1 C3 C4	10	10	20
Case study	A1 A2 A3 B1 B4 B12 B13 B15 C7	0	25	25
Problem solving	B6 B7 B8 B14 C5 C6	5	25	30
Seminar	B3 B9 B11 B13 C4 C5 C8	8	15	23



Guest lecture / keynote speech	A1 A2 A3 A5 B3 B4 B9 B15 C4 C8	16	0	16
Workbook	A1 A3 B3 B4 B10 C1	0	30	30
Personalized attention		6	0	6

(\*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Oral presentation	In face-to-face classes the theoretical-practical explanation of the most relevant or novel aspects of the subject will be developed.
Case study	The teachers of the different sessions will entrust to the students the case study or the development of works for the acquisition of the competences of the subject that will be part of the evaluation of the module.
Problem solving	One of the activities to be developed will involve solving real or fictitious problems through the autonomous work of the student, individually or in groups. These activities will also be evaluable.
Seminar	Monographic seminars will be held during the teaching period on especially relevant or current topics by external or invited teachers.
Guest lecture / keynote speech	Attendance and active participation in class
Workbook	Due to the part-time nature of the master, part of the student's task will be to carry out the readings commissioned by the teaching staff and carry out the activities associated with these readings.

Personalized attention	
Methodologies	Description
Workbook Case study	Teachers will assist students in scheduled or requested sessions, or via email, for assistance in carrying out activities related to reading or solving cases.  The module coordinator will be in charge of keeping track of attendance as well as calculating the final grades for the course in light of the partial grades provided by the teachers and will deal with claims regarding this final grade or other concerns of the students regarding the development of the subject

Assessment			
Methodologies	Competencies / Results	Description	Qualification
Problem solving	B6 B7 B8 B14 C5 C6	Some of the activities to be developed will involve solving real or fictitious problems through the autonomous work of the student, individually or in groups. These activities will also be evaluable	40
Guest lecture / keynote speech	A1 A2 A3 A5 B3 B4 B9 B15 C4 C8	Attendance and active participation in class	0
Workbook	A1 A3 B3 B4 B10 C1	Due to the part-time nature of the master's degree, part of the student's task will be to carry out the readings commissioned by the teaching staff and to carry out the activities associated with these readings.	10
Case study	A1 A2 A3 B1 B4 B12 B13 B15 C7	The teachers of the different sessions will entrust the students with the study of cases or the development of works for the acquisition of the own competences of the subject that will form part of the grade of the module.	50

Assessment comments
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Since in the academic year 2021/2022 there will be no classroom teaching due to the extinction of the degree, for those students who have not passed the subject the evaluation will consist of the objective test consisting of the delivery of work on problem solving, which will have a value of 100% in both the first and second opportunity.

Plagiarism or, in general, the fraudulent performance of the evaluation activities, once verified, will directly imply the grade of "0" in the subject in the corresponding opportunity.

## Sources of information

<b>Basic</b>	
<b>Complementary</b>	<p>..AA.VV.: La impugnación de acuerdos sociales y del consejo de administración : actuación en nombre de otro, Madrid, 2007..Cachón Cadenas/Picó Junoy: Ejecución civil: problemas actuales, 2009..Domínguez Ruiz, Reclamación de deudas transfronterizas, 2013..Flores Prada, I.: El procedimiento de apremio en la ejecución civil, Valencia, 2005..García Quiñones, J.C.: La conciliación judicial en el proceso laboral, Valencia, 2007..AA.VV.: Los sistemas de solución extrajudicial de conflictos laborales: situación actual y perspectivas de futuro, Madrid, 2006..AA.VV.: El proceso laboral con toda la doctrina del TC, Valencia, 2005..Orellana Cano, A.: La ejecución laboral, Madrid, 2005.. Patricia Jiménez: Manual de Derecho del Trabajo y de la Seguridad Social, 2014..Fernández Rozas, J.C.: La nueva Ley de Arbitraje, Madrid, 2007..AA.VV.: Comentarios a la Ley de Arbitraje, Madrid, 2006..Florensa i Tomás, C.E.: El arbitraje de consumo. Una dimensión del arbitraje de Derecho Privado, Valencia, 2004..AA.VV.: Práctica arbitral de consumo : selección de laudos comentados de la Junta Arbitral de Consumo de Cantabria, Madrid, 2007..Ramos Méndez, F.: Arbitraje y litigios transfronterizos en un foro global, Barcelona, 2005..Bustillo Bolado, R.O.: Convenios y contratos administrativos transacción, arbitraje y terminación convencional del procedimiento, Navarra, 2004..AA.VV.: Mediación y solución de conflictos : habilidades para una necesidad emergente, Madrid, 2007..AA.VV.: Estudios de Derecho Concursal, Santiago de Compostela, 2005.. Díaz Martínez: El proceso concursal adaptado a las reformas adaptado a las reformas introducidas por la Ley 14/2013, de 27 de septiembre, el Real Decreto-ley 11/2014, de 5 de septiembre y la Ley 17/2014, de 30 de septiembre, 2014..Fernández del Pozo, L.: Posibilidad y contenido de un derecho preconcursal auditoría y prevención de la crisis empresarial : (art. 209.1.b. LSA), Madrid, 2001..Pulgar Ezquerro, J.: La declaración del concurso de acreedores, Madrid, 2005..Peiteado Mariscal, P.: La declaración de concurso, Madrid, 2005..Pérez del Blanco, G.: Efectos procesales de la declaración del concurso, Madrid, 2007..García-Cruces González, J.A.: La calificación del Concurso, Navarra, 2004</p>

## Recommendations

**Subjects that it is recommended to have taken before**

**Subjects that are recommended to be taken simultaneously**

**Subjects that continue the syllabus**

## Other comments

Given that in the academic year 2021/2022 there will be no classroom teaching due to the extinction of the program, for those students who have not passed the subject, it is recommended to contact as soon as possible with the coordination of the module and with the teachers responsible in order to know the specific evaluation activities to be developed and the deadlines.

(\*The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.