



## Teaching Guide

| Teaching Guide           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |            |                                                                                                                                               |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Identifying Data         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       | 2020/21    |                                                                                                                                               |
| 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                | Barrio Garcia, Gonzalo<br>Bello Janeiro, Domingo<br>Neira Pena, Ana<br>Parada Arcas, Pablo<br>Ron Latas, Ricardo Pedro<br>Vazquez Pena, Manuel Jose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |       | E-mail     | gonzalo.barrio@udc.es<br>domingo.bello@udc.es<br>ana.neira@udc.es<br>p.parada@udc.es<br>ricardo.ron@udc.es<br>manuel.jose.vazquez.pena@udc.es |
| Web                      | www.dereito.udc.es/gl/maxe                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |       |            |                                                                                                                                               |
| General description      | <p>Neste módulo trátase de ofrecer ao/á alumno/a unha visión dos diferentes xeitos de resolución dos conflitos xurídicos susceptibles de xurdir na práctica xurídico-empresarial. Os mecanismos de resolución de conflitos pódense clasificar en xurisdiccionais e extraxurisdiccionais. En canto aos primeiros, ofrecerase unha visión dos procesos civís máis específicos da actividade empresarial, así como dos procesos laborais máis salientábeis. Farase especial incidencia tamén na resolución dos conflitos fóra do ámbito xudicial, o que se vén chamando as Alternative Dispute Resolution, que veñen cobrando cada vez maior auxe, ao se presentaren como métodos eficientes de solución das controversias xurídicas, diante da endémica lentitude da xustiza estatal. Por último, parte da docencia ocuparase da resolución da crise empresarial a través dos mecanismos concursais e para-concursais.</p> <p>Procurarase que o/a estudante adquira unha visión xeral da materia que o/a capacite para acudir aos instrumentos procesuais ou extra-procesuais máis axeitados segundo o caso concreto, así como un coñecemento específico das institucións máis comúns na actividade empresarial. Estes obxectivos tentaranse cubrir dende a dupla perspectiva teórico/práctica, de xeito que, en primeiro lugar, se anfiancen e ampliñen os coñecementos que os/as estiatnes teñen xa adquirido no grao para, en segundo lugar, desenvolvan as competencias necesarias para aplicar os coñecementos teóricos ao caso concreto, a través dos talleres e prácticas a realizar.</p> |       |            |                                                                                                                                               |



|                         |                                                                                                                                                                                                                                                                     |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Contingency plan</b> | <p>1. Modifications to the contents</p> <p>There are no modifications</p>                                                                                                                                                                                           |
|                         | <p>2. Methodologies</p> <p>*Teaching methodologies that are maintained</p> <p>Supply of materials via moodle</p>                                                                                                                                                    |
|                         | <p>*Teaching methodologies that are modified</p> <p>Synchronous sessions will be taught through Teams</p>                                                                                                                                                           |
|                         | <p>3. Mechanisms for personalized attention to students</p> <p>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</p> <p>The evaluation will continue to consist of the delivery of works that will be delivered through moodle or by email</p> <p>*Evaluation observations:</p> <p>Attendance will refer to synchronous sessions via Teams</p> |
|                         | <p>5. Modifications to the bibliography or webgraphy</p> <p>There are no modifications</p>                                                                                                                                                                          |

| Study programme competences |                                                                                                                                                                                 |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code                        | Study programme competences                                                                                                                                                     |
| A1                          | Coñecer o conxunto normativo aplicable, lexislativo 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 elixir 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 transmitilos 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 |     |
| 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                      | Ordinary class hours | Student?s personal work hours | Total hours |
|--------------------------------|-----------------------------------|----------------------|-------------------------------|-------------|
| Oral presentation              | A5 B2 B3 B5 B9 B11<br>C1 C3 C4    | 10                   | 10                            | 20          |
| Case study                     | A1 A2 A3 B1 B4 B12<br>B13 B15 C7  | 0                    | 25                            | 25          |
| Problem solving                | B6 B7 B8 B14 C5 C6                | 5                    | 25                            | 30          |
| Seminar                        | B3 B9 B11 B13 C4<br>C5 C8         | 8                    | 15                            | 23          |
| Guest lecture / keynote speech | A1 A2 A3 A5 B3 B4<br>B9 B15 C8 C4 | 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                | ome 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<br>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.<br><br>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                      | 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<br>B9 B15 C8 C4 | Attendance and active participation in class                                                                                                                                                           | 20            |



|            |                                  |                                                                                                                                                                                                                                |    |
|------------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 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<br>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. | 30 |

## Assessment comments

With regard to students with recognition of part-time dedication and academic exemption from attendance, officially recognized, the evaluation will consist of the objective test consisting of the delivery of commissioned works, which will have a value of 100% both in the first and at the second opportunity.

Note that class attendance and active participation in it is 20% of the final grade. The rest of the grade (80%) will depend on the work commissioned by the teachers

## Sources of information

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Basic         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Complementary | <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

(\*)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.