AUTHORS
ABBREVIATIONS
PREFACE
CHAPTER I
PROCEDURAL LAW AND SOCIAL PEACE
PHD. María Leticia Fontestad Portalés
1. From self-tutelage to self-composition: conciliation and mediation 21
1.1. Mediation
1.2. Conciliation
2. Heterocomposition: jurisdiction and arbitration
2.1. Arbitration 27 2.2. Jurisdiction 28
3. Reintroduction of mediation in the spanish judicial system
CHAPTER II
PROCEDURAL LAW AND ITS SOURCES
Laura A. Flórez Álvarez
1. Procedural law: definition and content
2. Some clarifications about procedural law and substantive law. $\ldots 32$
3. The nature of procedural rules
4. Application of procedural rules in time and space
4.1. Procedural rules in time
4.2. Procedural rules in space
5. Sources of procedural law

5.1. The Constitution
5.2. The law
5.3. Custom
5.4. General principles of law
5.5. Case law
CHAPTER III
JURISDICTION
PhD. Milagros López Gil
1. Abstract
2. Constitutional perspective
2.1. Independence
2.2. Jurisdictional unity
2.3. Jurisdictional exclusivity
2.4. Principle to the ordinary judge predetermined by law
3. Administrative perspective: the governance of the judiciary49
4. Procedural perspective: the jurisdictional function
CHAPTER IV
THE ACTION
PhD. Salvador Guerrero Palomares
1. Introductory remarks. Theories about the concept of action
2. The action in civil proceedings and the right to a favourable jurisdictional
answer
2.1. Civil action
2.2. Civil action and the right to a process
2.3. Civil action and subjective rights
2.4. Civil action and the concept of "pretensión"
3. The action in criminal proceedings
4. The right to the effective protection of judges and courts (Art. 24.1 Spanish Constitution)
Spanish constitution,
CHAPTER V
THE PROCESS
PhD. María de las Nieves Jiménez López
1. The process as an instrument of the jurisdictional function
2. Process, procedure and trial

3. Typology of proceedings	6
3.1. Declaratory proceedings and enforcement proceedings	6
3.2. Proceedings with peculiarities and special proceedings	7
3.3. The small claims procedure technique	0
CHAPTER VI	
PRINCIPLES OF PROCEEDINGS	
PhD. Salvador Guerrero Palomares	
1. General notions about the principles of proceedings	3
1.1. The importance of the principles	3
1.2. The location of the principles	4
1.3. The notion of "principle" and its classifications	5
2. Principles which define our legal and procedural system	6
2.1. The rule of law	6
2.2. The fair trial	7
3. Principles of our proceedings	8
3.1. Legal-natural principles	8
3.1.1. Applicable to all proceedings	8
3.1.2. Applicable to civil proceedings only	0
3.1.3. Applicable to criminal proceedings only9	0
3.2. Legal-technical principles	3
3.2.1. Legal-technical principles in civil proceedings	4
3.2.2. Legal-technical principles in criminal proceedings	5
3.3 Forms	9
3.3.1. Oral and written form	9
3.3.2. Publicity	0
CHAPTER VII	
ORGANIZATION OF JUSTICE. SYSTEM OF COURTS	
PHD. YOLANDA DE LUCCHI LÓPEZ-TAPIA	
1. Types of courts	3
1.1. Civil courts	4
1.2. Criminal courts	7
1.3. Administrative courts	1
1.4. Labour courts	
1.5. Military courts	3
2. Customary courts	4

Constitutional Court	_
CHAPTER VIII	
CONFLICTS OF JURISDICTION AND COMPETENCE	
PhD. Yolanda De Lucchi López-Tapia	
1. Introduction	117
2. Conflicts of "jurisdiction" between administration and jurisdiction	118
3. Conflicts of jurisdiction between ordinary jurisdiction and military jurisdiction	on 119
4. Conflicts of competence (so-called competence disputes)	120
5. Conflicts of territorial competence (also known as questions of competence).	
CHAPTER IX	
STAFF IN THE SERVICE OF THE COURTS AND TRIBUNALS	
PhD. Francesc Pérez Tortosa	
1. Jurisdictional staff	124
1.1. Career judges and magistrates	
1.1.1. Admission	125
1.1.2. Promotion	127
1.2. Judges and magistrates who are not members of the judicial career \ldots	128
1.2.1. Justices of the peace	
1.2.2. Substitute judges and substitute magistrates	
1.2.3. Temporary judges	
2. Non-jurisdictional staff	
2.1. Attorneys of the Administration of Justice	
2.1.1. Admission	
2.1.2. Categories and promotion.	
2.1.3. Incompatibilities, abstention and recusal	
2.1.4. Functions	
2.2.1. General Bodies	
2.2.2. Special Bodies.	
2.3. Organisation and functioning of non-judicial staff: the Judicial Office .	
2.3.1. Organisation and runctioning of non-judicial start, the sudicial office .	
3. Persons and institutions cooperating with the administration of justice	
3.1. The Public Prosecutor's Office and the European Public Prosecutor's	
Office	।১/

3.1.2. The European Public Prosecutor's Office	. 141
3.2. Lawyers	. 142
3.2.1. The primary function of defending citizens' rights and freedoms .	. 143
3.2.2. Qualifying qualification to practise as a lawyer	. 143
3.3. Court solicitors	. 144
3.4. Social graduates	. 144
3.5. State and public administration lawyers	. 144
3.6. Judicial Police	. 145
3.6.1. Organisation and structure	. 146
3.6.2. Functional and Organisational Dependency	. 146
3.6.3. Functions	. 146
CHAPTER X	
FACTS AND PROCEDURAL ACTS	
PhD. Francesc Pérez Tortosa	
1. Concept and classification	147
1.1. Concept	
1.2. Classification	
1.2.1. Procedural acts according to their origin	
1.2.2. Procedural acts according to their origin	
2. Requirements for procedural acts	
2.1. Subjective requirements	
2.2.1. Location requirements.	
2.2.2. Time requirements	
2.2.3. Structural requirements	
3. Full nullity and annulment of procedural acts	
3.1. Full nullity of procedural acts.	
3.2. Annulment of procedural acts	
4. Procedural decisions.	
4.1. Concept	
4.2. Invariability, clarification, correction and addition of procedural decision	
4.3. Procedural decisions of judges and magistrates	
4.4. Procedural decisions by the attorneys of the Administration of Justice .	
5. Acts of communication by the jurisdictional body	
5.1. With other jurisdictional bodies	
5.2. With other public bodies	
5.3. With the parties and other subjects	. 158

CHAPTER XI LEGAL COSTS

PHD. PAULO RAMÓN SUÁREZ XAVIER

1. Concept of expenses and legal costs	
2. Legal costs in civil proceedings	
3. The different categories of legal costs	
3.1. Expenses and legal costs	
3.2. Contents of legal costs	
3.2.1. Attorney and solicitor fees	
3.2.2. Expert and other professional fees	
3.2.4. Costs of judicial proceedings	
3.2.5. Costs of appeals	
3.3. Condemnation in costs and criteria	
3.4. Taxation and appeal of costs.	
on the same special of social transfer and special states and special states are special	
CHAPTER XII	
THE RIGHT TO FREE LEGAL ASSISTANCE	
PHD. Paulo Ramón Suárez Xavier	
The right to free legal assistance as a constitutional law	167
1.1. Free legal assistance and effective legal protection	
1.2. Free legal assistance. A right for all?	
2. Concept and foundation	170
3. Requirements and content	
3.1. Requirements	
3.2. Content	172
4. Application procedure	173
5. Some peculiarities on the right to free legal aid in the criminal field	174
CHAPTER XIII METHODS OF CONFLICT RESOLUTION: SELF-COMPOSITION	
PHD. María de las Nieves Jiménez López	
1. Mediation	
1.1. Concept, nature and characteristics	
1.2. Mediation agreement: content, effectiveness and execution	
1.3. Procedural repercussions of mediation	181

2. Conciliation	
2.2. Value of what was agreed upon in conciliation	183
CHAPTER XIV	OOITION
APPROPRIATE METHODS OF CONFLICT RESOLUTION: HETEROCOMP	OSITION
Laura A. Flórez Álvarez	
Some considerations regarding heterocomposition	185
2. Arbitration as a heterocompository mechanism	186
2.1. Definition	
2.2. Legal Nature	
2.3. Characteristics	
3. Types of arbitration	
4. The arbitration agreement	
5. The arbitral award	194
CHAPTER XV	
VOLUNTARY JURISDICTION PROCEEDINGS	
PhD. María Leticia Fontestad Portalés	
1. Concept and nature	197
1.1. Concept	197
1.2. Nature	
2. Legal regulation	200
3. General provisions	
3.1. Competence	
3.1.1. Competence of the jurisdictional bodies	
3.1.2. Competence of the Court Clerk	
3.2. Parties	
3.4. General rules	
4. Common procedural rules	
5. Classification	
5.1. Voluntary Jurisdiction proceedings in civil matters	
5.2. Voluntary Jurisdiction proceedings in commercial matters	

CHAPTER XVI

THE PREPARATION OF THE PROCESS: ON PRELIMINARY PROCEEDINGS

PhD. María Leticia Fontestad Portalés

1.	Concept and scope	209
2.	Types of preliminary proceedings	210
3.	Procedure	212
	3.1. Jurisdiction	212
	3.2. Application and opposition	212
	3.3. Effects of the refusal to conduct the proceedings	213