



La naturaleza jurídica de las normas de reparto. Los letrados de la administración de justicia y la regulación legal de las cuestiones de reparto [

2024

text (article)

Analítica

The right to an ordinary judge predetermined by law is one of the fundamental rights of all Spanish citizens, or of any person in Spain. In this paper we will deal with an issue directly related to this fundamental right and its presupposition, the right to obtain effective judicial protection. Determining which court will hear a case and not another of the same jurisdiction, category, and judicial district. A matter somewhat neglected by legal operators; it is more important than one might think in the way the conflict is resolved. The distribution procedure is described as governmental by a large part of the doctrine and the whole of the case law. Should this be its legal nature? We, the Lawyers of the Administration of Justice, have minimal competences in this area, which are scarcely regulated in the LOPJ and the Regulation of ancillary aspects of court proceedings. It is considered advisable to increase the role of the Legal Assistants in matters of distribution, and the forthcoming organic reforms may be the appropriate occasion for this objective. This will prevent the contentious jurisdiction from being the only way out of the conflicts that arise in this area, with the sentence of costs always lurking as a dissuasive deterrent

The right to an ordinary judge predetermined by law is one of the fundamental rights of all Spanish citizens, or of any person in Spain. In this paper we will deal with an issue directly related to this fundamental right and its presupposition, the right to obtain effective judicial protection. Determining which court will hear a case and not another of the same jurisdiction, category, and judicial district. A matter somewhat neglected by legal operators; it is more important than one might think in the way the conflict is resolved. The distribution procedure is described as governmental by a large part of the doctrine and the whole of the case law. Should this be its legal nature? We, the Lawyers of the Administration of Justice, have minimal competences in this area, which are scarcely regulated in the LOPJ and the Regulation of ancillary aspects of court proceedings. It is considered advisable to increase the role of the Legal Assistants in matters of distribution, and the forthcoming organic reforms may be the appropriate occasion for this objective. This will prevent the contentious jurisdiction from being the only way out of the conflicts that arise in this area, with the sentence of costs always lurking as a dissuasive deterrent

Título: La naturaleza jurídica de las normas de reparto. Los letrados de la administración de justicia y la regulación legal de las cuestiones de reparto electronic resource].]

Editorial: 2024

Tipo Audiovisual: Tutela judicial Normas de reparto Asuntos gubernativos Letrados de la Administración de Justicia Costas Legal guardianship Rules of distribution Governmental cases Lawyers of the Administration of Justice Costs

Documento fuente: Claves Jurídicas, ISSN 3020-1608, N°. 13, 2024, pags. 2-27

Nota general: application/pdf

Restricciones de acceso: Open access content. Open access content star

Condiciones de uso y reproducción: LICENCIA DE USO: Los documentos a texto completo incluidos en Dialnet son de acceso libre y propiedad de sus autores y/o editores. Por tanto, cualquier acto de reproducción, distribución, comunicación pública y/o transformación total o parcial requiere el consentimiento expreso y escrito de aquéllos. Cualquier enlace al texto completo de estos documentos deberá hacerse a través de la URL oficial de éstos en Dialnet. Más información: <https://dialnet.unirioja.es/info/derechosOAI> | INTELLECTUAL PROPERTY RIGHTS STATEMENT: Full text documents hosted by Dialnet are protected by copyright and/or related rights. This digital object is accessible without charge, but its use is subject to the licensing conditions set by its authors or editors. Unless expressly stated otherwise in the licensing conditions, you are free to linking, browsing, printing and making a copy for your own personal purposes. All other acts of reproduction and communication to the public are subject to the licensing conditions expressed by editors and authors and require consent from them. Any link to this document should be made using its official URL in Dialnet. More info: <https://dialnet.unirioja.es/info/derechosOAI>

Lengua: Spanish

Enlace a fuente de información: Claves Jurídicas, ISSN 3020-1608, N°. 13, 2024, pags. 2-27

Baratz Innovación Documental

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- informa@baratz.es