

CIVIL PROCEDURE I

Degree in Legal Studies (Solicitors)

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Code: 16908

Main Scientific Area: Legal Practice

Lecturer: Diana Isabel da Silva Leiras

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 60h Total Workload: 168h

ECTS: 6,0

Objectives

- Know the purpose, the nature, the characteristics and sources of Civil Procedure.
- Provide the knowledge of key concepts of Civil Procedure, as well as studying, in depth, the general principles of Civil Procedure.
- Analyse and apply detail, the classification of the actions on the subject, form and the interests at issue.
- Analyse and apply the proceeding for the parties, the court and the subject of the case.
- Building firmly on the foundations necessary for understanding the judicial system.
- Study of interim protection and protective jurisdiction.

Learning Outcomes

- 1 - Identify the general principles of the Civil Procedure and to recognize them through the process; be able to use them in the task of interpretation of procedural rules;
- 2 - Check skills that enable students to master the judicial organization and theory of a case.
- 3 - Enable students to understand the procedural declarative formalism, being able to identify the appropriate legal procedure that must hold before concrete situations.
- 4 - Recognize and classify the actions on the subject, form and the interests at issue.
- 5 - Learn to comply with the procedural prerequisites for the parties, the court and the subject of the case, before concrete situations.
- 6 - Enable the students to the future performance of legal functions, such as procedural actors, being able to identify the forms of process, whether the procedure and manner of remedying the lack of a case.
- 7 - Be able to identify and characterize the protective, knowing them before resorting to concrete situations.

Course Contents

I) Introduction

Definition. Characteristics. Sources and principles of the Civil Procedure Law

II) Classification of actiones

Classification on the subject, form and the interests at issue.

III) Procedural Premises

a) parties: personality and judicial capacity, legitimacy of the parties (singular and plural), legal aid mandatory, interest in acting

b) the court: jurisdiction and domestic jurisdiction because the hierarchy of matter, the land and the amount and form

c) the subject of the question: ineptitude of the application; pendens and res judicata. Of inadmissibility and possible supply.

IV) Provisional measures

Concept, procedure, general, species

Recommended Bibliography

FARIA, Paulo Ramos de, LOUREIRO, Ana Luísa, Primeiras Notas ao Novo Código de Processo Civil – Volumes I e II, 2.^a ed., Coimbra, Almedina, 2014.

FREITAS, José Lebre de,

- Introdução ao Processo Civil – Conceito e Princípios Gerais à Luz do Novo Código, 4.^a Edição, Coimbra, Gestlegal, 2017.

- A Ação Declarativa Comum – À Luz do Código de Processo Civil de 2013, 4.^a Edição, Coimbra, Gestlegal, 2017.

GONÇALVES, Marco Carvalho, Providências Cautelares, Coimbra, Almedina, 2019, 4.^a Edição – Reimpressão 2023.

MESQUITA, Lurdes Varregoso, Direito Processual Civil, Coimbra, Gestlegal, 2020.

PIMENTA, Paulo, Processo Civil Declarativo, Coimbra, Almedina, 2020, 3.^a Edição – Reimpressão 2023.

PIMENTA, Paulo, Correia, João, Castanheira, Sérgio, Introdução ao Estudo e à Aplicação do Código de Processo Civil de 2013, Coimbra, Almedina, 2013.

PIMENTA, Paulo, Correia, João, Castanheira, Sérgio, Introdução ao Estudo e à Aplicação do Código de Processo Civil de 2013, Coimbra, Almedina, 2013.

Learning and Teaching Methods

The syllabus of the course in Civil Procedure are defined and organized in order to meet the the proposed objectives of learning with the aim that students master and be able to act within the declarative process.

The contents of Parte I of the program on the introduction, will achieve the following objectives: identify the purpose, nature, characteristics and the sources of the Civil Procedure Law. Identify the general principles of the Civil Procedure can recognize them throughout the process; be able to use them the interpretation task of procedural rules.

In Parte II of the program, where is treated the classification of shares, are covered content that will provide the student: Apply in specific cases, the classification of actions as to the purpose, form and interests at issue. Understanding the declarative procedural formalism, being able to identify the appropriate legal procedure that must hold before concrete situations. Acting, simulated, as procedural actors, being able to identify the forms of the process.

In Parte III, relating to procedural assumptions, their syllabus allow students to seize the essential concepts and skills to be able to: Recognize the theory of procedural assumptions. Meet the procedural prerequisites for the parties, the court and the subject of the case, before concrete situations and identify procedural errors and apply appropriate consequences as addiction is curable or incurable. Acting, simulated, and procedural actors, being able to identify the regularity of the process and how to rectify the lack of procedural attempts.

The last part of the program, on injunctive relief, ensures objective: Identify and characterize the precautionary procedures, knowing before they resort to concrete situations.

Assessment Methods

The assessment methodologies, to be applied in both courses regimes (work and after-work), are as follows:

1. In the continuous and periodic assessment:

Through two written tests, both performed in person;

The first test with weighting of 40% in the final grade;

The second test with a weighting of 60% in the final grade;

The test dates will be announced by the Course Director on the e-learning platform/Moodle;

A minimum score of 8.0 is required for each test (whole number, without rounding);

Access to the 2nd test depends on obtaining the aforementioned minimum score;

The final classification is calculated by weighting the marks obtained in each of the tests, according to the respective weightings;

The student is approved if he obtains the medium of the marks obtained in each test (in accordance with their respective weightings) rating equal to or higher than 10.

2. Assessment by final exam is conducted through written exam with 100 % weighting. Students obtain approval rating equal to or higher than 10.

* Oral tests will not be performed.

