

CIVIL PROCEDURE II

Degree in Legal Studies (Solicitors)

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Code: 16909

Main Scientific Area: Legal Practice

Lecturer: Ana Catarina Almeida Loureiro

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 60h Total Workload: 108h

ECTS: 6,0

Objectives

Know the legal procedural relation and the instance's vicissitudes, in order to be able to identify its elements and guiding principles, as well as its causes of suspension and termination.

Identify the main procedural stages and their essential function.

Know and understand the procedural formalism, with special incidence in the procedural forms in which the solicitors have intervention, providing the domain of the civil procedural dynamics.

Know the procedural requirements of the declaratory process and drafting procedural documents.

Learning Outcomes

By the end of the course unit, the students should be able to:

Recognize the elements of the legal procedural relation, the instance and its vicissitudes;

Identify the instance's causes of initiation, suspension and termination and apply its legal regimen;

Identify and apply, in concrete cases, the procedural formalism and dominate the procedural acts of each stage of the common declarative process;

Identify the different procedures for special actions.

Course Contents

CHAPTER I - The Action

1. The stability and cooperation principles

2. The instance's initiative

3. The instance's suspension, interruption and termination

4. Instance's incidents

CHAPTER II - Declaratory procedural formalism

5. Phases of the common declarative process and its function

6. Formalism of the declarative process - initial phase

7. Intermediate stage: organisation of the proceedings

8. Final stage: final hearing and ruling

9. Appeals

10. Evidentiary instruction and law of evidence

11. Special actions

12. Simplified procedures

Recommended Bibliography

FREITAS, José Lebre de

-A acção declarativa comum, à luz do código de processo civil de 2013, 5.ª Edição, Gestlegal, 2023;

-Introdução ao processo civil. Conceito e princípios gerais à luz do código revisto, 5.ª Edição, Gestlegal, 2023;

GERALDES, Abrantes, PIMENTA, Paulo e SOUSA, Luís Filipe- Código de Processo Civil Anotado Vol. I- Parte Geral e Ação Declarativa, 3.ª Edição, Almedina, 2022.

PIMENTA, Paulo

- Processo Civil Declarativo, 3ª Edição - Reimpressão 2021, Almedina, 2020.

Learning and Teaching Methods

The syllabuses were defined taking into account the objectives that are intended to achieve in this UC, as well as the skills to be acquired by students.

With the knowledge acquired in Chapter I, students are able to manage the elements of the procedural legal relation, the principles and the causes of initiation, suspension and revocation of it, as well as incidents.

Once known the instance, which sets a common basis to all declarative process, the study, in Chapter II, will be directed to the declaratory proceedings. These contents are essential to the field of practical procedural actions, providing students with the knowledge they need to put the law in action.

Assessment Methods

1 - The periodic/continuous evaluation is carried out through three elements of evaluation, as indicated below:

- a) A practical case, with a weighting of 20% in the final grade and a minimum score of 8 out of 20;
- b) A written test, with a weighting of 35% in the final grade and a minimum score of 9 out of 20;
- c) A written test, with a weighting of 45% in the final grade and a minimum score of 8 out of 20.

The dates will be indicated by the Course Management.

In addition, students who take part in at least 3 (three) practical classes will receive a supplement of 1 (one) value at the end of the semester.

2- The evaluation by final exam is done through written exam with a 100% weighting. Students are considered to have passed with a final classification equal to or higher than 10 values.