

LEGAL SIMULATION

Degree in Legal Studies (Solicitors)

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Code: 16916

Main Scientific Area: Legal Practice

Lecturer: Luiz Fernando Guia de Carvalho

Language of Instruction: Portuguese

Regime: S2

Contact Hours: 105h Total Workload: 147h

ECTS: 9,0

Objectives

The UC's main and guiding objectives are to (I) reinforce acquired skills, (II) provide the first contact with practical life, whether judicial or extrajudicial, (III) consolidate professional attitudes and decisions and (IV) allow you to autonomy and obtaining new knowledge. The UC will have the following objectives: I — Improve written and oral speech; II — Develop the solicitor's skills before the courts, particularly with: a) Procedure costs regime; b) The preparation of applications and pleadings; c) Analysis of legal proceedings; d) The preparation and monitoring of processes, with judgment, in the first instance; III — Introduce the student to the extrajudicial powers of the solicitor, namely: a) the preparation of applications, statements, formal letters and contracts; b) Enable the student to practically resolve one or more complex legal cases simulated close to reality.

Learning Outcomes

1. Improvement of argumentation skills and mastery of argumentative speech, both oral and written.
2. Acquisition of initiative capacity and professional autonomy, development of critical sense, mental gymnastics and aptitude for individual and team work
3. Mastery of expository writing, drafting requests, exhibits, letters and contracts
4. Ability to apply, in practice, the knowledge and theoretical-practical skills acquired during the degree, whether in the judicial or extrajudicial aspects.
5. Practical summary mastery of drafting procedural pleadings, monitoring processes in civil matters, including the trial phase.
6. Practical knowledge of procedural costs;
7. Ability to practically resolve various legal issues outside the courts of the solicitor's jurisdiction in matters of title, registration matters, tax matters, corporate matters, among others.

Course Contents

Part I

Introductory notions of Rhetoric and Oratory

- Notion of Rhetoric
- The definition and its limits
- The parts of speech, their functions, extension and current practical interest
- The virtues of speech: clarity and vernacularity — care to be taken
- The disposition in the utterance
- From content to form
- Breathing and rhythm
- Introduction to Public Speaking
- Fear of public speaking
- Body position in oral communication
- The practice of oral and written communication

Part II

The solicitor and the courts

- Brief introduction to legal costs and critical analysis of the Procedural Costs Regulation
- Preparation of procedural documents and requests
- The form and content. Technique and analysis of articulation and written allegation
- The concrete drafting of pleadings in legal action and the reasoning behind them.

Part III

The judicial legal simulation: the mock trial

- Preparation of the pleadings of a simulated process
- The construction and practical processing of this process
- The judgment held in the final hearing

Part IV

Extrajudicial legal simulation

- Concrete resolution, in terms of individual and group practice, with preparation of the respective documentary

support and steps that the solicitor is responsible for carrying out, in complex practical case(s) within the scope of the solicitor's extrajudicial competence.

- The writing of

- Exhibitions

- Requirements

- Formal letters

- The drafting of private law contracts

- Essentials

- Form and substance

- The purchase-and-sale promise contract: care in its preparation-- Other private law contracts

Recommended Bibliography

Principal

- Manual de Retórica Direito, Maria Luísa Malato e Paulo Ferreira da Cunha, 2007

- A Injunção e as Conexas Ação e Execução, Salvador da Costa, Almedina, 8.ª edição, 2021

- As Custas Processuais — análise e Comentário, Salvador da Costa, Almedina, 7.ª edição, 2018

- Regulamento das Custas Processuais, José António Coelho Carreira, Almedina, 2.ª edição, 2018

- Prática Processual Civil, Edgar Valles, Almedina, 12.ª edição, 2020

- Atos Notariais dos Advogados e Solicitadores, Edgar Valles, Almedina, 8.ª edição, 2021

- Cobrança Judicial de Dívidas, Injunções e Respetivas Execuções, Edgar Valles, Almedina, 8.ª edição, 2018

- O Contrato-Promessa, Ângelo Abrunhosa; Vida Económica, 2.ª edição, 2009

Learning and Teaching Methods

An attempt was made to concretize in the syllabus of the curricular unit, in a clear and very direct way, the objectives that were set. Like this,

1. All Program Content, in general, aims to achieve the main and guiding objectives mentioned for the UC. More specifically:

2. The material developed in Part I of the Program Contents aims to implement the first of the objectives set for the UC, developing, within the time available, the essential points intended. Throughout the course, students are

expected to exercise the knowledge and material taught, being motivated to always put advanced content into practice, both orally and in writing.

3. The material developed in Part II and Part III of the Program Contents seeks to materialize the second objective set for the UC.

4. The material developed in Part III of the Program Contents seeks to embody the fourth objective set for the UC, previously framing the matter of costs in the Regulation with a brief reference to the substantiated part in the Civil Procedure Code.5. The material developed in Part IV of the Program Contents seeks to finally embody the fourth implementing objective set for the UC.

Assessment Methods

Teaching is in person and, for students who wish to pass through continuous assessment, attendance at classes is mandatory, and students who miss more than 3/4 of the scheduled number of classes will not be able to obtain approval at the UC. Throughout the semester, students and their respective groups will be subject to carrying out and evaluating various practical tests and assessment work to be included in a final report for each group that must be delivered on a date to be fixed. Failure to meet the deadline on time is equivalent to failure to deliver the final report. The final report must contain all elements resulting from the work and evaluations obtained by students throughout the UC. The individual final classification (CFI), in the context of continuous assessment, results from the sum of the scores obtained in individual assessment (AI) obtained in tests, participations and individual assignments and in collective assessment of the group (AG) to which the student belongs, all according to the unit weighting in Table 1 below. All elements of the AI and AG are mandatory in the context of continuous assessment, so the lack or non-compliance with them within the deadlines and moments that may be stipulated will result in failure to pass the UC through this route. Table 1

FINAL INDIVIDUAL CLASSIFICATION

INDIVIDUAL EVALUATION

GROUP COLECTIVE EVALUATION

ORAL EXPOSITION 1

ORAL EXPOSITION 2

PRES. IN COURT 1

PRES. IN COURT 2

2 WRITTEN TESTS

PRACTICAL CASE 1

PRACTICAL CASE 2

PRACTICAL CASE 3

PRACTICAL CASE 4

DEFENSE AND TRIAL

0,5

0,5

1,5

1,5

1,0 + 1,0

2,5

2,5

2,5

2,5

4,0

The individual final classification (CFI), in the final exam, is obtained through the sum of the scores obtained in the individual assessment (AI) obtained in tests, participations and individual assignments and the classification obtained by the student in a final exam to be held in examination period, all in accordance with the unitary weighting of value contained in Table 2 below. All CFI assessment elements contained in Table 2 are mandatory in terms of evaluation by final exam, meaning that the lack or non-compliance with them within the deadlines and moments that may be stipulated will determine failure to pass the UC through this route. Table 2

FINAL INDIVIDUAL CLASSIFICATION

PRACTICAL CASE 1

PRACTICAL CASE 2

PRACTICAL CASE 3

PRACTICAL CASE 4

EXAM

2,5

2,5

2,5

2,5

10,0

Approval in the UC, whether through continuous assessment or through a final exam, is achieved, together with the partial classifications in each of the assessment elements, by obtaining a total final classification of 9.50 values, which will be rounded to 10.0 on the agenda.