

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

Course Unit: 9242519 – Civil procedural law I

Year 2

Semester 4

ISCED Code: 380

ECTS: 7,00

Type of Course Unit: Compulsory Delivery Mode: Face-to-face

Language of Instruction: Portuguese

COURSE COORDINATOR: José Francisco de Aragão Baixinho Cravo

HOURS OF WORK

TOTAL HOURS	Contact Hours							Hours in autonomous work	
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance		Other
175		60	30				0		85

Prerequisites (if applicable): Not applicable

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that the students at the end of the u.c. can: Address the introductory themes of civil procedural law, with particular highlight: for (1) the notion and characteristics of Civil Procedural Law, for (2) access to law and courts, for (3) the structuring principles of civil procedure, for (4) judicial organization, for (5) the typology of actions and forms of proceedings, for (6) the institute of procedural nullities, for (7) the instance, for (8) the procedural presuppositions and for (9) precautionary procedures, both common and specified.

CONTENTS

1. Civil Procedural Law: notion, characteristics, sources and historical evolution.
2. Access to law and courts.
3. The Structuring Principles of Civil Procedural Law.
4. The Judicial Organization.
5. The typology of actions: Declarative Action and Executive Action. The process forms.
6. Procedural nullities.
7. The instance.
8. Procedural Assumptions
 - 8.1. the Procedural Assumptions relating to the Parties;
 - 8.2. procedural presuppositions relating to the Court;
 - 8.3. procedural presuppositions relating to the subject-matter of the case;
 - 8.4. The lack of Procedural Presuppositions, their consequences.
9. Precautionary Procedures.

DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES

1. Civil Procedural Law: notion, characteristics, sources and historical evolution - objectives 1 and 2.
2. Access to law and courts - Objective 2.
3. The Structuring Principles of Civil Procedural Law - Objective 3.

4. The Judicial Organisation - Objective 1, 4 and 7.
5. The typology of actions: Declarative Action and Executive Action. Process forms - objectives 1, 3, 4, 5 and 7.
6. Procedural nullities - objectives 3, 6, 7 and 8.
7. The instance - objectives 2, 5, 6, 7 and 8.
8. Procedural Assumptions - Objectives 2, 3, 4, 5, 6, 7, 8 and 9.
 - 8.1. the Procedural Assumptions relating to the Parties;
 - 8.2. procedural presuppositions relating to the Court;
 - 8.3. procedural presuppositions relating to the subject-matter of the case;
 - 8.4. The lack of Procedural Presuppositions, their consequences.
9. Precautionary Procedures - Objective 9.

TEACHING METHODOLOGIES

The teaching will be based on face-to-face and synchronous classes during the week; the exhibition of oral, written and multimedia materials; in the presentation and discussion of specific cases and jurisprudential decisions relating to the subjects taught, in the classroom and with the participation of students; in the simulation of activities relating essentially to the practice of civil procedure.

DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES

The teaching will be based on face-to-face and synchronous classes during the week; in the exhibition of articles using oral, written and multimedia - objectives 1 to 9; in the presentation and discussion of specific cases and jurisprudential decisions relating to the subjects taught, in the classroom and with the participation of the students - objectives 1 to 9; in the simulation of activities relating essentially to the practice of civil procedure - objectives 1 to 9.

EVALUATION METHODS

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

- 1) Continuous evaluation: it is comprised by two moments of written evaluation and one oral exam, as defined by the Functioning Guide. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is final.
- 2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.
- 3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

MAIN BIBLIOGRAPHY

- Ferreira de Almeida, Francisco Manuel Lucas, Direito Processual Civil Vol. I, Coimbra, Almedina Editora, 3.^a Ed., 2019.
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- Pimenta, Paulo, Processo Civil Declarativo, Coimbra, Almedina Editora, 3.^a Ed., 2020.
- Pais de Amaral, Jorge Augusto, Direito Processual Civil, Coimbra, Almedina Editora, 15.^a Ed., 2019.
- Gonçalves, Marco Carvalho, Providências Cautelares, Coimbra, Almedina Editora, 4.^a Ed., 2019.
- Rodrigues, Fernando Pereira, Noções Fundamentais de Processo Civil, Coimbra, Almedina Editora, 2.^a Ed., 2019.
- Cura, António Alberto Vieira, Curso de Organização Judiciária, Gestlegal, 2018.
- Freitas, José Lebre de, Introdução ao Processo Civil, Gestlegal, 4.^a Ed., 2017.
- Freitas, José Lebre de, A Ação Declarativa Comum - À Luz do Código de Processo Civil de 2013, Gestlegal, 4.^a Ed., 2017.

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