

Course Unit: 9242522 – Insolvency Law

Year 3 Semester 5 ISCED Code: 380 ECTS: 6,0

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

COURSE COORDINATOR: Hugo Cunha Lança

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	
150		45	30				0		75

Prerequisites (if applicable): Not applicable

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that the student, at the end of the u.c., is able to:

1. Master Insolvency Proceedings;
2. Distinguish between Insolvency Plan and Payment Plan;
3. Know the specifics of the Insolvency Process for natural persons;
4. Identify several company recovery processes;
5. Analyse, from the point of view of economic viability, the various programs for the recovery of business organisations.

CONTENTS

1. Introductory notions about insolvency proceedings.
2. The insolvency situation and respective subjects.
3. Insolvency bodies.
4. The debts of the insolvent estate and insolvency.
5. The processing of insolvency proceedings.
6. Insolvency attachments.
7. The liquidation phase and the respective payments to creditors.
8. The insolvency plan.
9. The regime for natural persons.
10. The payment plan.
11. Recovery processes for companies and individuals.
12. Company restructuring plans.

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

1. Introductory notions about insolvency proceedings - objective 1
2. The insolvency situation and respective subjects - objective 1

3. Insolvency bodies - objective 1
4. The debts of the insolvent estate and insolvency - objective 1
5. The processing of insolvency proceedings - objective 1
6. Insolvency attachments - objective 1
7. The liquidation phase and the respective payments to creditors - objective 1
8. The insolvency plan- objective 2
9. The regime for natural persons - objective 3
10. The payment plan - objective 2
11. Recovery processes for companies and individuals - objective 4
12. Company restructuring plans - objective 5

TEACHING METHODOLOGIES

- Expositive lectures (using a range of means: oral, written and with multimedia projection).
- Presentation and discussion of case studies in the classroom with the participation of students.
- Analysis of judicial decisions, through a guided debate with students.
- Simulation of activities.

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

- Expositive lectures (using a range of means: oral, written and with multimedia projection) - objective 1 to 4;
- Presentation and discussion of case studies in the classroom with the participation of students - objectives 1 to 4;
 - Analysis of judicial decisions, through a guided debate with students - objectives 1 to 4;
 - Simulation of activities - objectives 1 and 4.

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

- LEITÃO, Luís Menezes, Direito da Insolvência, 8ª edição, Coimbra, Almedina, 2018.
- EPIFÂNIO, Maria do Rosário, Manual de Direito da Insolvência, 6ª edição, Coimbra, Almedina, 2016.
- LEITÃO, Luís Menezes, Código da Insolvência e da Recuperação de Empresas Anotado, 10ª Edição, Coimbra, Almedina, 2018.
- MARTINS, Alexandre de Soveral, Um Curso de Direito da Insolvência, Coimbra, Almedina, 2017.

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