

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

Course Unit: 9242524 – Civil procedural law II

Year 3

Semester 5

ISCED Code: 380

ECTS: 6,00

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	
150		45	30				0		75

Prerequisites (if applicable): Civil procedural law I

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that the students at the end of the u.c. domine (1) the fundamental rules of the declarative action, from their overview, knowing the various stages of the process, and then knowing in particular (2) the articulated, passing through (3) initial management of the process and sanitation, by (4) previous audience and by the questions of (5) themes of proof and instruction, as well as by (6) final audience. It is also intended that the students know (7) the structure of the judgment and its content, (8) how to challenge judicial decisions and the rules relating to appeals against judicial decisions given in declarative proceedings. It is also intended that the students know the forms of process and what the (9) special processes and, in particular, the processing of inventory, divorce without consent, the division of common thing, the largest accompanied and the review of estrangeira sentence. As well as if they are to know the procedure of (10) injunction procedure.

CONTENTS

1. The procedure and phases of the common declarative process: Introductory overview.
2. The pleadings.
3. The initial management of the process and intermediate phase of the proceedings.
4. The preliminary audience and the questions relating to it.
5. In particular: The themes of the proof. The investigation of the case, burden of proof and evidence.
6. The final audience.
7. The Sentence.
8. The challenge of judicial decisions. In particular: Resources (their species and effects).
9. Special Processes.
 - 9.1. Inventory.
 - 9.2. Divorce without the consent of the other spouse.
 - 9.3. The division of common thing.
 - 9.4. The largest accompanied.
 - 9.5. The review of a foreign judgment.
10. The injunction procedure.

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

1. The procedure and phases of the common declaratory process: Introductory overview - objectives 1 to 8.
2. Pleadings - objections 1 and 2.
3. Initial process management and intermediate stage of the process - objectives 1, 3, 4, 5 and 6.
4. The preliminary audience and the questions relating to it - objectives 3, 4, 5, 6 and 7.
5. In particular: The themes of the proof. The investigation of the case, the burden of proof and evidence - objectives 3, 4, 5, 6 and 7.
6. The final audience - objectives 6, 7 and 8.
7. The Judgment - Objectives 6, 7 and 8.
8. The challenge of judicial decisions. In particular: Resources (their species and effects) - objectives 6, 7 and 8.
9. Special Processes - objectives 2, 3, 4, 5, 6, 7 and 9.
 - 9.1. Inventory.
 - 9.2. Divorce without the consent of the other spouse.
 - 9.3. The division of common thing.
 - 9.4. The largest accompanied.
 - 9.5. The review of a foreign judgment.
10. The injunction procedure.

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; the exhibition of articles using oral, written and multimedia - objectives 1 to 10; 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 10; in the simulation of activities relating essentially to the practice of civil procedure - objectives 1 to 10.

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

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- Ferreira, J.O.Cardona , Guia de Recursos em Processo Civil, Coimbra Editora, 6^a Ed, 2014.
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- Valles ,Edgar, Cobrança Judicial de Dívida , Injunções e Respectivas Execuções, Coimbra, Almedina editora, 8^a Ed,2018..

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