UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Civil Litigation and Appeals

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

LAW

3. Cycle

1st

4. Course Unit

Civil Litigation and Appeals (02324)

5. Scientific Area

6. Curricular Year

3rd

7. Type of Curricular Unit / Semester

1st Semester

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8. Class type and workload (work time)

Theoretical classes:	30,00
Practical classes:	15,00
Theoretical-Practical Classes	
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Dr. ANTÓNIO JULIO DA FONSECA SANTOS CUNHA

12. Assistants

Dr. JOSE CARLOS GARCIA DOS SANTOS

13. Teaching Language

Portuguese

14. General Objectives

To teach the legal discipline of Enforcement Proceedings and appeals: the legal requirements for Enforcement Proceedings, and for the Appeals; what acts and how to practice them in the procedure.

15. Specific Objectives

Knowledge:
- The requirements of executive action and appeals
- The discipline of the main acts in Enforcement Proceedingsthe and Appeals.
- Dominant jurisprudential guidelines.
- Aspects of praxis law courts

16. Skills to be acquired

Technical knowledge necessary to practice law in the civil law courts (lawyer/Barrister,judge)

Critical and reflective thinking in the understanding and practice of Law: law in action.

17. Teaching Methodology

Methodology, when possible, active, aiming to make students protagonists in the process of knowledge construction, not limited to memorizing or uncritically representing the subject taught.
Use of simulation (o proceedings situations) with student intervention.
Resolution of concrete cases (case method)
Encouraging investigation and case law. Conducting argumentative debates.

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18. Course Unit Program

I-FIRST PART
Enforcement Proceedings

Title I
Enforcement Proceedings; in general
1. Civil Actions; Types of actions; Purpose of executive actions: payment of a specific amount; delivery of a specific object; performance or non-performance of an act.
2. Creditor's rights
3. Legal requirements for Enforcement Proceedings.
  3.1 Enforceable title
  3.2 The claim to be enforced must be certain, due and of a fixed amount.
  3.3 Competence courts
  3.4 Representation by lawyer
4. The judge
5. Enforcement agent

Title II
Enforcement Proceedings
1. The proceedings for payment of a specific amount (which can be ordinary, summary)
  1.1 Preliminary phase
  1.2 Opposition to enforcement
  1.3 Seizure
  1.4 Creditors summon and claims. General rules
  1.5 Payment to Creditors Judicial Sale
  1.6 Termination of the enforcement proceedings

2. The proceedings for delivery of a specific object; for performance or non-performance of an act; General traits

SECOND PART
APPEALS

1. Complaints and Appeals;
2. Sentence errors/mistakes
3. Legal and doctrinal classification of appeals.
4. Legal requirements for appeals.
5. The jurisdiction of appeals
  5.1 Jurisdiction Court
  5.2 The parties: Standing/possibility to appeal
  5.3 The object.
6. Preliminary phase of appeals: Request; appeal allegations, preliminary order;
7. "Apelação": Object; effects; Procedure.
8. "Revista" : Object; Effect, Procedure.

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9. "Recursos extraordinários" . General traits

19. Assessment Methods

The following aspects will be considered especially relevant, in accordance with the Regulation in force:
- Attendance
- Written works
- Participation in classes, in the resolution of proposed practical cases
- Written test results

20. Didactic Resources

PowerPoint
Moodle
Online databases (Court decisions)

21. Sustainability Objectives

General 1 - Ensure equal access to education. 2 - Substantially increase the number of young people and adults with relevant qualifications. 3 - Ensure equal opportunities in university education. 4 - Promoting the gradual dematerialization of the teaching/learning process.
Specific 1 - Promote the rule of law. 2 - Contribute to responsible decision-making.

22. Keywords

Enforcement Proceedings
Seizure
Appeals
Complaints

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23. Main Bibliography

Author(s): José Lebre de Freitas
Title: A Acção Executiva (À luz do Código de Processo civil de 2013)
Edition: 7ª Year: 2017
Local: Coimbra
Publisher: GestLegal

Author(s): J.O. Cardona Ferreira
Title: Guia dos Recursos em Processo Civil (Declarativo)
Edition: 6ª Year: 2014
Local: Coimbra
Publisher: Coimbra Editora

Author(s): Marco Carvalho Gonçalves
Title: Lições de Processo Civil Executivo
Edition: 2 Year: 2018
Local: Lisboa
Publisher: Almedina

24. Complementary Bibliography

Author(s): Pinto Furtado
Title: Recursos em Processo Civil (de acordo com o CPC de 2013
Edition: 1ª Year: 2013
Local: Lisboa
Publisher: Quid juris

Author(s): António Abrantes Geraldes
Title: Recursos no Novo Código de Processo Civil
Edition: 5 ª Year: 2013
Local: Lisboa
Publisher: Almedina

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Título / Title	Course Unit Program 'DIREITO PROCESSUAL CIVIL EXECUTIVO E RECURSOS': Academic Year 2023/2024
Autor / Author	Dr. ANTÓNIO JULIO DA FONSECA SANTOS CUNHA
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