

Subject card

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| Subject name and code | Drafting contracts and pleadings in civil matters - auditorium classes, PG_00137934 | | | | | | |
| Field of study | Law | | | | | | |
| Date of commencement of studies | October 2024 | Academic year of realisation of subject | | | 2028/2029 | | |
| Education level | uniform Master's studies | Subject group | | | Optional subject group | | |
| Mode of study | full-time studies | Mode of delivery | | | at the university | | |
| Year of study | 5 | Language of instruction | | | Polish | | |
| Semester of study | 9 | ECTS credits | | | 3.0 | | |
| Learning profile | academic | Assessment form | | | credit | | |
| Conducting unit | Faculty of Law and Administration -> Rector | | | | | | |
| Name and surname of lecturer (lecturers) | Subject supervisor | | dr Paulina Wszyńska-Ślufińska | | | | |
| | Teachers | | | | | | |
| Lesson types | Lesson type | Lecture | Tutorial | Laboratory | Project | Seminar | SUM |
| | Number of study hours | 0.0 | 30.0 | 0.0 | 0.0 | 0.0 | 30 |
| | E-learning hours included: 0.0 | | | | | | |
| Learning activity and number of study hours | Learning activity | Participation in didactic classes included in study plan | | Participation in consultation hours | | Self-study | SUM |
| | Number of study hours | 30 | | 0.0 | | 45.0 | 75 |
| Subject objectives | to acquaint students with the construction of a contract and the drafting of basic contractual clauses, taking into account the rules of interpretation and the appropriate protection of the interests of the parties in; to familiarize students with the manner of pursuing claims by civil law entities, in particular by presenting the general principles of creating pleadings in civil cases; to present the formal and construction requirements of selected civil pleadings; to familiarize students with the ways of constructing and justifying claims and motions | | | | | | |

| Learning outcomes | Course outcome | Subject outcome | Method of verification |
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| | [PRAWOJ5_KO03] He/she is prepared for active participation in groups, organizations and institutions connected with law, is also able to communicate with specialists and non-specialists in the field of law | is ready to actively participate in groups, organizations and institutions that carry out professional activities related to law, at the same time he is able to communicate with people who are and are not specialists in the field of law | [SK1] oral statement/conversation/discussion |
| | [PRAWOJ5_WG06] He/she has systematic knowledge about the man as the subject establishing social structures and principles of their operation and about the man as the individual operating in these structures | Has a structured knowledge of man as an entity that constitutes social structures and the principles of their functioning, as well as of man as an individual functioning in these structures | [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report |
| | [PRAWOJ5_WG01] The graduate demonstrates deepened and systematic knowledge about the character of legal science, its place in the system of sciences and mutual relations. | has in-depth and structured knowledge of the nature of legal sciences, their place in the system of sciences and their relationship to other sciences, particularly in the context of drafting business contracts and civil pleadings | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_UO11] He/she can work well in a team and can coordinate the team's work when solving legal problems, interpreting legal acts, and preparing written or oral opinions on a matter. | is able to cooperate in a team and is able to coordinate the work of the team when solving legal problems, interpreting legal acts, preparing a written or oral position on a case | [SU1] oral statement/conversation/discussion [SU3] text preparation/written work [SU5] implementation of a problem task |
| | [PRAWOJ5_UW01] He/she has advanced skills in observation and interpretation of social phenomena, analyzes their connections with various areas, activity of legal science and the related disciplines | has in-depth skills of observation and interpretation of social phenomena, analyzes their connections with various areas of the branches of law and related sciences, which he uses when pursuing claims in court and constructing civil pleadings and contracts | [SU1] oral statement/conversation/discussion [SU2] presentation/project/paper/report [SU3] text preparation/written work [SU4] test/exam - oral or written |
| | [PRAWOJ5_KR05] He/she prepares responsibly to his/her work; can determine priorities in work and plan work appropriately | responsibly prepares for his work, is able to prioritize his work and plan his work accordingly | [SK1] oral statement/conversation/discussion [SK2] presentation/project/paper/report [SK3] text preparation/written work [SK4] test/exam - oral or written |
| | [PRAWOJ5_WG02] He/she knows wide terminology and concepts in the scope of law and connected disciplines | knows the terminology and concepts of law and related fields to an extended degree, especially in the context of drafting contracts and civil pleadings; is able to properly qualify the contract, determine how the parties are represented, protect the interests of the parties to the contract by using appropriate contract clauses, and prepare a draft contract. | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_WG04] He/she knows the system of Polish law, mutual connections within the system and connections of Polish law with the European Union law and international law | knows the system of Polish law, the interrelationships within this system and the interrelation of Polish law with the law of the European Union and international law, particularly in the aspect of constructing civil pleadings; | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW3] text preparation/written work [SW5] implementation of a problem task |
| | [PRAWOJ5_WK10] He/she understands and knows the basic concepts and principles of industrial property protection and copyright law, as well as understands the need for proper protection of intellectual property and managing its resources | knows and understands the basic concepts and principles of industrial property protection and copyright law, and understands the need for due protection of intellectual property and management of its resources, which he uses, in particular, when creating a contract | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW3] text preparation/written work [SW5] implementation of a problem task |

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| [PRAWOJ5_WG03] He/she demonstrates deepened knowledge about the political system in Poland, about individual authorities with particular consideration of legislative authority and the judiciary, | Has in-depth knowledge of the system of judicial power in Poland, in particular in particular with regard to the court's assessment of the formal requirements of pleadings litigation; has in-depth and structured knowledge of the processes of change in the systems of government and the various organs of government, as well as the consequences of these changes, in particular concerning the changes in the pursuit of claims in civil cases and the assessment of the requirements for pleadings in civil cases and their evaluation by the court; | [SW1] oral statement/ conversation/discussion |
| [PRAWOJ5_UW07] He/she has the skills in understanding and analyzing social phenomena and utilizing this analysis in his/her professional work. | Has a developed ability to understand and analyze social phenomena and use this analysis in professional work | [SU1] oral statement/conversation/ discussion |
| [PRAWOJ5_WG09] He/she demonstrates deepened and systematic knowledge about the processes of changes of political systems and of individual authorities, as well as the consequences of these changes | Has in-depth and structured knowledge of the processes of change in systems of government and its various organs of power, as well as the consequences of these changes | [SW4] test/exam - oral or written [SW1] oral statement/ conversation/discussion [SW2] presentation/project/paper/ report |
| [PRAWOJ5_UK08] The graduate has wide skills to prepare written works connected with the work of a lawyer in Polish and foreign language | has an in-depth ability to prepare various written works in Polish and in a foreign language related to his/her professional work, in particular the construction of pleadings and contracts | [SU1] oral statement/conversation/ discussion [SU2] presentation/project/paper/ report [SU3] text preparation/written work [SU4] test/exam - oral or written [SU6] demonstration of practical skills |
| [PRAWOJ5_UK09] He/she demonstrates wide skills in preparing speeches in the field of law in Polish and foreign language | has an in-depth ability to prepare oral presentations, in Polish and a foreign language, in the field of law and related sciences | [SU1] oral statement/conversation/ discussion [SU8] observation of student's independent or team work |
| [PRAWOJ5_WG05] The graduate demonstrates systematic knowledge about the types of legal relations and the governing regularities | has a structured knowledge of the types of legal relations and the regularities that govern them | [SW4] test/exam - oral or written [SW1] oral statement/ conversation/discussion [SW3] text preparation/written work |
| [PRAWOJ5_WK13] He/she has advanced knowledge of the functioning of professional self-governments in legal professions, is familiar with the principles of judges' and prosecutors' professions, and has knowledge of the organization of the judiciary in Poland. | has in-depth knowledge of the functioning of the self-governing bodies of the legal professions, knows the principles of the exercise of the professions of judge and prosecutor, has knowledge of the organization of the judiciary in Poland, in particular, in terms of the activities of the court in assessing the formal requirements of pleadings and the activities of attorneys in the construction of pleadings in civil cases in connection with the assertion of claims before the cwyil court by civil law entities. | [SW1] oral statement/ conversation/discussion |
| [PRAWOJ5_KO04] The graduate is ready to prepare own projects connected with the creation, application and interpretation of legal regulations, including projects co-financed by the European Union's funds | is ready to undertake the preparation of their own social projects, taking into account legal, economic and political aspects, including the preparation and implementation of projects co-financed by the European Union, in particular thanks to the knowledge of the principles of creating pleadings in civil cases; | [SK1] oral statement/conversation/ discussion [SK2] presentation/project/paper/ report [SK3] text preparation/written work [SK4] test/exam - oral or written |
| [PRAWOJ5_UW04] He/she efficiently observes and analyzes moral, ethical and legal dilemmas in professional work | efficiently uses legal as well as professional principles and norms in undertaken professional activities | [SU1] oral statement/conversation/ discussion |

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| [PRAWOJ5_UW05] He/she can observe and analyze moral, ethical and legal dilemmas in professional work | is able to perceive, analyze and has the ability to diagnose moral as well as legal dilemmas in professional work | [SU1] oral statement/conversation/discussion [SU4] test/exam - oral or written |
| [PRAWOJ5_UW03] The graduate demonstrates deepened skills of using complex theoretical points of view to analyze, interpret and plan strategies of legal activities; solves concrete problems connected with the creation, application and interpretation of legal regulations, anticipates the course of their solution and predicts the effects of planned activities | Can use complex theoretical approaches to analyze, interpret, and design strategies for legal action in civil pleadings; | [SU1] oral statement/conversation/discussion |
| [PRAWOJ5_KR06] He/she behaves in ethical and professional way, follows the principles of ethics | Has a belief in the importance of behaving in an ethical and professional manner, acts in accordance with ethical principles in particular when pursuing claims in civil cases and preparing and creating contracts and pleadings in civil cases; | [SK1] oral statement/conversation/discussion [SK2] presentation/project/paper/report [SK4] test/exam - oral or written |
| [PRAWOJ5_WK11] The graduate has deepened knowledge of the principles of creating and developing basic forms of individual entrepreneurship. | Has in-depth knowledge of the principles of creation and development of basic forms of individual entrepreneurship, in particular in connection with the possible construction in pleadings of claims in civil cases, as well as the protection of interests through the correct construction of the contract | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW5] implementation of a problem task |
| [PRAWOJ5_UW02] The graduate utilizes theoretical knowledge in legal science and the connected academic disciplines to analyze and interpret complex legal issues | is able to use and integrate theoretical knowledge from the field of law and related scientific disciplines in order to analyze and interpret complex legal problems | [SU1] oral statement/conversation/discussion [SU2] presentation/project/paper/report [SU4] test/exam - oral or written |
| [PRAWOJ5_KK02] He/she is aware of the necessity to widen professional competences and qualifications, to improve skills, is able to indicate the direction of own development and education independently in widened and deepened way | Is aware of the need to expand professional competence and qualifications, as well as improve skills, is able to independently determine the directions of their own development and education in an extended and in-depth degree | [SK1] oral statement/conversation/discussion [SK2] presentation/project/paper/report [SK3] text preparation/written work [SK4] test/exam - oral or written [SK5] implementation of a problem task |
| [PRAWOJ5_UU12] He/she acquires knowledge efficiently and develops his/her professional skills using various sources (in native and foreign language) and modern technologies | Is able to efficiently acquire knowledge and develop his professional skills, using a variety of sources (in native and foreign languages) and modern technologies in connection with the pursuit of claims in court and the preparation of pleadings in civil cases. | [SU1] oral statement/conversation/discussion |
| [PRAWOJ5_WG08] He/she has deepened knowledge of sources of Polish law, its changes and processes of law formation | has an in-depth knowledge of the sources of Polish law, its changes and the process of formation on the requirements of civil pleadings and the drafting of business contracts | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW2] presentation/project/paper/report [SW5] implementation of a problem task |
| [PRAWOJ5_WG07] The graduate knows methods and tools, including techniques of data and information acquisition, as well as research methods appropriate for the field of study and the related disciplines | Knows the methods and tools, including techniques for obtaining data and information, and research methods, appropriate to legal sciences and other related disciplines, including disciplines in other scientific fields, in particular those necessary for the preparation of a contract and a pleading | [SW1] oral statement/conversation/discussion |
| [PRAWOJ5_WK12] He/she has knowledge of health and safety in public administration institutions | Has knowledge of health and safety at work in public administration institutions | [SW4] test/exam - oral or written [SW1] oral statement/conversation/discussion [SW5] implementation of a problem task |

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| | [PRAWOJ5_UW06] The graduate is able to assess the usefulness of typical procedures and good practice in the implementation of tasks connected with various spheres connected with law and related fields | is able to evaluate the usefulness of typical procedures and good practices for the implementation of complex tasks related to various spheres related to law and related fields | [SU1] oral statement/conversation/discussion [SU2] presentation/project/paper/report [SU3] text preparation/written work [SU4] test/exam - oral or written |
| | [PRAWOJ5_KK01] The graduate is deeply aware of the level of his/her knowledge and skills, and also understands the need of lifelong learning | Has a deepened awareness of the level of his knowledge and skills, and understands the need for lifelong learning | [SK1] oral statement/conversation/discussion [SK2] presentation/project/paper/report |
| | [PRAWOJ5_KR07] The graduate is ready to take up professional challenges, takes up efforts and is persistent in the implementation of individual and group activities in the creation, application or interpretation of legal regulations and related sciences | is ready to take on professional challenges | [SK1] oral statement/conversation/discussion [SK2] presentation/project/paper/report [SK4] test/exam - oral or written [SK5] implementation of a problem task |
| Subject contents | <p>I. Legal basis of constructions common to all contracts, i.e. code, non-code and mixed contracts - preparation of a contract to secure the interests of the parties. Discussion and writing workshop on the following issues: - Limits of obligation; - Essentialia negotii; - representation; - Basic clauses: contractual clauses on the interpretation of the contract, contractual provisions on the creation, modification or termination of the contractual legal relationship, clauses indicating the place and time of conclusion of the contract, clauses on the form of subsequent legal actions, clauses granting the right to withdraw (contractual right of withdrawal and withdrawal, lex commissoria), contractual deadlines, clauses on termination of the contract, interest clauses, deposit clause, advance payment clause, contractual penalty clause, clause on the local jurisdiction of the court (prorogatio fori), arbitration clause, clauses on the application of the Civil Code; - transfer of copyright. - Contractual clauses: clauses on assignment of claims, clauses on valorization, clauses leading to the extension of the contractual relationship obligation, clauses securing due performance of the contract (bank guarantee, letter of credit, insurance guarantee, (guarantee) bond, guarantee of payment for construction work, suretyship, cumulative accession to debt, non-cash payment clause, currency clauses, clauses of substitute performance of obligations, clauses on modification of the term of performance vs. the problem of limitation of claims, - clauses concerning contractual liability (modification of liability - pactum de non petendo, other sanction, scope of circumstances burdening the debtor, change of other prerequisites), contractual clauses excluding or limiting the concurrence of claims for damages (Article 443 of the Civil Code), - other contractual provisions (choice of applicable law (choice of law clause), clauses that stiffen the choice of applicable law, jurisdictional clauses (prorogation and derogation clauses), - confidentiality clauses, contract language clauses, non-compete clause (in an agency contract, in other civil law contracts, during and after the termination of the employment relationship), "person responsible for the performance of the contract" clause - contractual clauses: clauses on assignment of receivables, clauses on valorization, clauses leading to the extension of the contractual relationship, clauses securing the due performance of the contract - Contractual liability clauses (modification of liability - pactum de non petendo, different sanction, scope of circumstances burdening the debtor, modification of other prerequisites), contractual clauses excluding or limiting the concurrence of claims for damages (Article 443 of the Civil Code), - other contractual provisions (choice of applicable law (choice of law clause), clauses that stiffen the choice of applicable law, jurisdictional clauses (prorogation and derogation), confidentiality clauses, contract language clauses, non-competition clause (in an agency contract, in other civil law contracts, during and after the termination of the employment relationship), "person responsible for the performance of the contract" clause - GDPR information clause. II. Pursuit of claims before the civil court by civil law subjects - practical aspects, in particular: - general systematics of civil pleadings. - Formal requirements of civil pleadings - the law, case law and doctrine. - construction requirements of selected civil pleadings in light of the current legislation, case law and legal science. - Construction of demands and motions in selected civil pleadings in light of the current legislation, case law, jurisprudence, science of law and practice. - Construction of selected appeals in light of the current legislation, case law and the science of law. - Construction and principles of creating justification of selected civil pleadings in light of the current legislation, case law, science of law and practice. law and practice. - The impact of the content of civil pleadings on the judgments rendered by the court.</p> | | |
| Prerequisites and co-requisites | | | |
| Assessment methods and criteria | Subject passing criteria | Passing threshold | Percentage of the final grade |
| | written exam with open-ended assignments - passing grade based on partial grades received during the semester - written exam (written statement/problem solving) | 51.0% | 100.0% |

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| Recommended reading | Basic literature | <p>1. A. Cempura, Metodyka sporządzania umow gospodarczych, Wolters Kluwers 2021</p> <p>2. R. Strugała, Wykładnia umow. Standardowe klauzule umowne. Komentarz praktyczny z przeglądem orzecznictwa. Wzory umow, C.H. Beck 2020</p> <p>Proponowana literatura:</p> <p>1. Aniakiewicz T., Flaga - Gieruszynska K., Karwecka K., Klich A., Postepowanie cywilne. Komentarz praktyczny dla sedyow i pełnomocnikow procesowych. Wzory pism sadowych i procesowych z przykładowymi stanami faktycznymi, linie orzecznicze, koszty sadowe, C.H. Beck, aktualne wydanie;</p> <p>2. Aniakiewicz T., Błerski Ł., Flaga - Gieruszynska K., Karwecka K., Klich A., Wzory pism procesowych w sprawach cywilnych i rejestrowych z objaśnieniami, Wolters Kluwer, aktualne wydanie;</p> <p>3. Bugajna - Sporczyk D., Pietrzkowski H., Zyznowski T., Pisma procesowe w sprawach cywilnych, gospodarczych i rejestrowych. Wzory i objaśnienia, Wolters Kluwer, aktualne wydanie;</p> <p>4. Cempura A., Kasolik A., Metodyka sporządzania pism procesowych w sprawach karnych, cywilnych, gospodarczych i administracyjnych, Wolters Kluwer, aktualne wydanie;</p> <p>5. Janowska K., Szczurowski T., Prawo cywilne. Praktyczne aspekty formułowania pism procesowych, Wolters Kluwer, aktualne wydanie;</p> <p>6. Pietrzykowski H., Czynnosc procesowe zawodowego pełnomocnika w sprawach cywilnych, Wolters Kluwer, aktualne wydanie;</p> <p>7. Zielinski A., Sporządzanie srodkow zaskarzenia w postepowaniu cywilnym. Komentarz praktyczny wraz z wzorami pism procesowych, C.H. Beck, aktualne wydanie;</p> <p>8. Roger Eastman, William Rose, Pleadings Without Tears: A Guide to Legal Drafting Under the Civil Procedure Rules, Oxford University Press, aktualne wydanie.</p> |
| | Supplementary literature | 1. W. Gonet, Pełnomocnictwo, prokura, reprezentacja umow w obrocie nieruchomosciami, Wolters Kluwers 2019 |
| | eResources addresses | |
| Example issues/ example questions/ tasks being completed | <p>Please read the following assumptions and then draft a sto- sional agreement.</p> <p>1. Legal advisors Jan Kowalski and Jozef Nowak are jointly practicing the profession of legal advisor within the framework of the partnership Kowalski, Nowak & partners.</p> <p>2. The partnership is to provide legal assistance to Pomorskie Budownictwo sp. z o.o. with its registered office in Gdynia, whose share capital is PLN 200,000.</p> <p>3. The legal assistance is to be comprehensive and include advice on entering into agreements with the company's contractors, preparation of draft agreements, representation before courts in the event of litigation between the company and other business entities, as well as before administrative authorities, but does not include criminal law cases.</p> <p>4. Pomorskie Budownictwo is keen to ensure that the monthly cost of providing legal assistance does not exceed PLN 100,000, but allows for the possibility of paying a further specified amount for performing certain activities.</p> <p>5. The agreement should provide for an arbitration clause.</p> | |
| Work placement | Not applicable | |

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