

Subject card

Subject name and code	Civil proceedings in commercial matters - lecture, PG_00146516						
Field of study	Law						
Date of commencement of studies	October 2021	Academic year of realisation of subject			2024/2025		
Education level	uniform Master's studies	Subject group			Optional subject group		
Mode of study	evening studies	Mode of delivery			at the university		
Year of study	4	Language of instruction			Polish		
Semester of study	8	ECTS credits			1.0		
Learning profile	academic	Assessment form			credit		
Conducting unit	Department of Civil Procedure -> Faculty of Law and Administration -> Rector						
Name and surname of lecturer (lecturers)	Subject supervisor		dr hab. Anna Machnikowska				
	Teachers						
Lesson types	Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
	Number of study hours	15.0	0.0	0.0	0.0	0.0	15
	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	15		0.0		10.0	25
Subject objectives	<p>Familiarization with in-depth knowledge about types of business cases and their dedicated judicial proceedings.</p> <p>Preparation for participation in judicial and extrajudicial business proceedings as a judge, representative, party, and for applying effective non-litigation solutions - including contract content and negotiations, to reduce litigation risks.</p> <p>Strengthening awareness of the practical application of knowledge about the relationships between substantive and procedural law and the choice of business strategy models and business practices in disputes involving entrepreneurs.</p>						

Learning outcomes	Course outcome	Subject outcome	Method of verification
	[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	Can present a draft of a procedural strategy for conducting a business dispute.	[SK5] 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.	Can collaboratively develop a draft opinion on procedural strategy in a business case.	[SU8] observation of student's independent or team work
	[PRAWOJ5_UU12] He/she acquires knowledge efficiently and develops his/her professional skills using various sources (in native and foreign language) and modern technologies	Can independently establish and verify information necessary for participation in business proceedings.	[SU5] implementation of a problem task
	[PRAWOJ5_UW05] He/she can observe and analyze moral, ethical and legal dilemmas in professional work	Is ready to take responsibility for actions aimed at amicably resolving disputes between entrepreneurs. Can independently establish and verify information necessary for participation in business proceedings.	[SU1] oral statement/conversation/discussion [SU6] demonstration of practical skills [SU8] observation of student's independent or team work
	[PRAWOJ5_KK01] The graduate is deeply aware of the level of his/her knowledge and skills, and also understands the need of lifelong learning	Is aware of frequent changes in procedural law norms and the need to update knowledge about these norms.	[SK5] implementation of a problem task
	[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	Engages in expanding interdisciplinary knowledge and its practical application for business proceedings.	[SK5] implementation of a problem task
	[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 legal ethics and the ethics of legal professions, as well as its significance in the legal protection system for entrepreneurs.	[SW5] implementation of a problem task
	[PRAWOJ5_WG08] He/she has deepened knowledge of sources of Polish law, its changes and processes of law formation	Has in-depth knowledge of the sources and directions of evolution of the law regulating the resolution of business disputes.	[SW1] oral statement/conversation/discussion
	[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	Engages in applying legal knowledge and skills in procedural law to the development of business strategies and best practices.	[SU5] implementation of a problem task
	[PRAWOJ5_UW04] He/she efficiently observes and analyzes moral, ethical and legal dilemmas in professional work	Knows the characteristics of court proceedings in business cases. Can prepare a draft document for court proceedings in business cases; Can prepare a draft contract that reduces procedural risks in business matters.	[SU5] implementation of a problem task
	[PRAWOJ5_UW07] He/she has the skills in understanding and analyzing social phenomena and utilizing this analysis in his/her professional work.	Identifies and understands the impact of social factors on the efficiency of proceedings in business cases.	[SU1] oral statement/conversation/discussion

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[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	Has knowledge about the impact of EU law on the national standard of procedural rights protection in civil cases involving entrepreneurs.	[SW1] oral statement/ conversation/discussion
[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	Can gather and verify information from various sources that is useful for participating in business proceedings.	[SW5] implementation of a problem task
[PRAWOJ5_WK12] He/she has knowledge of occupational health and safety in public administration institutions	Has knowledge of the operating principles of the President of the Office of Competition and Consumer Protection.	[SW1] 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 knowledge about the legal status of an entrepreneur.	[SW1] oral statement/ conversation/discussion
[PRAWOJ5_KR05] He/she prepares responsibly to his/her work; can determine priorities in work and plan work appropriately	Has knowledge about the duties and responsibilities of a legal representative in business proceedings; Has knowledge of procedural and pre-procedural strategies that reduce procedural risks and can utilize this knowledge;	[SK5] implementation of a problem task [SK8] observation of student's independent or team work
[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	Engages in applying legal knowledge and skills in procedural law to the development of business strategies and best practices.	[SK6] demonstration of practical skills [SK8] observation of student's independent or team work
[PRAWOJ5_KR06] He/she behaves in ethical and professional way, follows the principles of ethics	Is ready to take responsibility for actions aimed at amicably resolving disputes between entrepreneurs.	[SK6] demonstration of practical skills [SK8] observation of student's independent or team work
[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 relationships between substantive and procedural law concerning business matters and their impact on economic activities.	[SW5] implementation of a problem task
[PRAWOJ5_WG05] The graduate demonstrates systematic knowledge about the types of legal relations and the governing regularities	Has knowledge of the types of court proceedings in civil matters designated for various types of business cases.	[SW5] implementation of a problem task
[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 aware of the value of mediation in business matters.	[SK1] oral statement/conversation/ discussion
[PRAWOJ5_UW02] The graduate utilizes theoretical knowledge in legal science and the connected academic disciplines to analyze and interpret complex legal issues	Uses knowledge from the fields of economics and sociology when developing a procedural strategy for a business case.	[SU1] oral statement/conversation/ discussion
[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 prepare a draft document for court proceedings in business cases; Can prepare a draft contract that mitigates procedural risks in business matters;	[SU5] implementation of a problem task

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	[PRAWOJ5_UK09] He/she demonstrates wide skills in preparing speeches in the field of law in Polish and foreign language	Can present arguments for participation in business proceedings.	[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	Knows the constitutional status of commercial courts and their judges.	[SW1] oral statement/conversation/discussion
	[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 aware of the choice of various forms of protecting legal interests in business matters.	[SU5] 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	Has knowledge of proceedings in intellectual property protection cases.	[SW5] implementation of a problem task
	[PRAWOJ5_UK08] The graduate has wide skills to prepare written works connected with the work of a lawyer in Polish and foreign language	Is aware of the choice of various forms of protecting legal interests in business matters.	[SU5] implementation of a problem task
	[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 institutions involved in creating and enforcing procedural law used in handling business cases.	[SW1] oral statement/conversation/discussion
	[PRAWOJ5_WG02] He/she knows wide terminology and concepts in the scope of law and connected disciplines	Is familiar with the terminology of procedural law that regulates proceedings in business matters.	[SW5] implementation of a problem task
	[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 knowledge of the causal relationships between substantive law and procedural law concerning business matters.	[SW5] implementation of a problem task
Subject contents	<ul style="list-style-type: none"> • Types of business cases • Proceedings in business matters - procedural proceedings in business cases, registry proceedings, competition protection proceedings, regulatory proceedings, order for payment proceedings and European order for payment proceedings, intellectual property protection proceedings • Mediation and arbitration in business matters • Procedural risks in the course of business operations and methods to mitigate these risks - contracts • Procedural strategies in business cases 		
Prerequisites and co-requisites			
Assessment methods and criteria	Subject passing criteria	Passing threshold	Percentage of the final grade
	participation in the development of a procedural strategy as part of a team	51.0%	30.0%
	solving a problem task	51.0%	70.0%
Recommended reading	Basic literature	<ul style="list-style-type: none"> • Separate Proceedings, A. Machnikowska (ed.), Warsaw, CH Beck 2022; • Commercial Companies Code, ed. A. Opalski, latest edition; 	

	Supplementary literature	Mediation in Business Matters, ed. A. Torbus, 2015; M. Okla-Anuszezwska, Contracts in Business Matters, CH Beck, latest edition; Court Proceedings in Civil Matters Involving Entrepreneurs [in:] System of Commercial Law, latest edition.
Example issues/ example questions/ tasks being completed	eResources addresses	Development of a procedural strategy for a business dispute in the absence of documentary evidence related to the event forming the basis of the dispute, and the drafting of an evidence agreement for a potential future court dispute.
Work placement		Not applicable

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