

Subject card

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 2025		Academic year of realisation of subject		2029/2030		
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 Wyszynska-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		
	[PRAWOJ5_WK10] has an in-depth knowledge of the principles of ethical and appropriate communication in legal and legal language		has an in-depth understanding of the principles of ethical and appropriate communication in legal and legal language		[SW4] test/exam - oral or written [SW1] oral statement/ conversation/discussion		
	[PRAWOJ5_UW05] is able to perceive and analyse moral dilemmas, generate solutions and justify the positions adopted		can perceive and analyze moral dilemmas, generate their solutions and justify the position taken		[SU1] oral statement/conversation/ discussion [SU4] test/exam - oral or written		
	[PRAWOJ5_WK09] has an in-depth knowledge of legal institutions and constructions specific to various fields of law, including selected specific areas of law discussed in the course of study		Has in-depth knowledge of legal institutions and constructions characteristic of various fields of law, including selected specific areas of law discussed in the course of study		[SW4] test/exam - oral or written [SW1] oral statement/ conversation/discussion		
	[PRAWOJ5_WG05] identifies in depth the various forms of social life, including the rights and duties of individuals in different contexts, with particular reference to the phenomena of violation of the law and their consequences		identifies in depth the various forms of social life, including the rights and duties of individuals in different contexts, with particular attention to the phenomena of violations of the law and their consequences		[SW4] test/exam - oral or written [SW1] oral statement/ conversation/discussion		
	[PRAWOJ5_KO03] is ready to actively participate in entities carrying out professional activities related to law		Is ready to actively participate in entities that implement professional activities related to law		[SK1] oral statement/conversation/ discussion [SK4] test/exam - oral or written		

Subject contents	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. 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.- The impact of the content of civil pleadings on the judgments rendered by the court.		
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%

Recommended reading	Basic literature	1. A. Cempura, Metodyka sporządzania umów gospodarczych, Wolters Kluwers 2021 2. R. Strugała, Wykładnia umów. Standardowe klauzule umowne. Komentarz praktyczny z przeglądem orzecznictwa. Wzory umów, C.H. Beck 2020 Proponowana literatura: 1. Aniakiewicz T., Flaga - Gieruszynska K., Karwecka K., Klich A., Postępowanie cywilne. Komentarz praktyczny dla sędziów i pełnomocników procesowych. Wzory pism sądowych i procesowych z przykładowymi stanami faktycznymi, linie orzecznicze, koszty sądowe, C.H. Beck, aktualne wydanie; 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; 3. Bugajna - Sporczyk D., Pietrzkowski H., Żyżnowski T., Pisma procesowe w sprawach cywilnych, gospodarczych i rejestrowych. Wzory i objaśnienia, Wolters Kluwer, aktualne wydanie; 4. Cempura A., Kasolik A., Metodyka sporządzania pism procesowych w sprawach karnych, cywilnych, gospodarczych i administracyjnych, Wolters Kluwer, aktualne wydanie; 5. Janowska K., Szczurowski T., Prawo cywilne. Praktyczne aspekty formułowania pism procesowych, Wolters Kluwer, aktualne wydanie; 6. Pietrzkowski H., Czynności procesowe zawodowego pełnomocnika w sprawach cywilnych, Wolters Kluwer, aktualne wydanie; 7. Zielinski A., Sporządzanie środków zaskarżenia w postępowaniu cywilnym. Komentarz praktyczny wraz z wzorami pism procesowych, C.H. Beck, aktualne wydanie; 8. Roger Eastman, William Rose, Pleadings Without Tears: A Guide to Legal Drafting Under the Civil Procedure Rules, Oxford University Press, aktualne wydanie.
	Supplementary literature	1. W. Gonet, Pełnomocnictwo, prokura, reprezentacja umów w obrocie nieruchomościami, Wolters Kluwers 2019
	eResources addresses	
Example issues/ example questions/ tasks being completed	Please read the following assumptions and then draft a sto- sional agreement. 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. 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. 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. 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. 5. The agreement should provide for an arbitration clause.	
Work placement	Not applicable	

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