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Introduction to Polish Civil Procedure – seminar

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**Introduction to Polish Civil Procedure - seminar
winter semester 2016/2017**

Office hours - Wednesday, 1.00 p.m., room 412

Course description: the course presents a general overview of Polish civil procedural law. Students are supposed to get knowledge about basic legal notions and institutions regulated by the Code of Civil Procedure as the main source of Polish statute law. Some part of the course also refers to the organization and structure of the Polish judicial system (in general). The main issues regarded during this course are eg. fundamental principles of civil procedure, persons and organs participating in the proceedings, civil actions, means of evidence, judgments and appellate measures.

Exam: Each student is obliged to prepare a paper (max. 7 pages, *Times New Roman* 12 pts, space 1,5) concerning an institution of Polish civil procedure comparing with similar institution existing in his own legal system (ERASMUS students). In the case of Polish students, the topic of the paper should concern a detailed issue of Polish civil procedure. Getting a pass requires a short (max. 15-20 minutes) presentation based on this paper and discussion with the group during classes. The topic of the paper is chosen by students from prepared list and must be accepted by the lecturer. **The paper have to be prepared until the 14th December 2016.**

Attendance is mandatory. You have a right to 3 absences during the semester but the attendance list is not verified every week.

Draft

1. INTRODUCTORY INFORMATION

- sources of Polish civil procedure - Code of Civil Procedure of 1964
- historical background of Polish Civil Procedure
- constitutional aspects of Civil Procedure
- modes of proceedings in civil cases

2. FUNDAMENTAL PRINCIPLES OF CIVIL PROCEDURE

- principle of substantive truth;
- principle of the parties' autonomy
- principle of adversarial proceedings
- principle of the equality of parties
- principle of directness and orally conducted proceedings;

3. COURT AS AN ORGAN PARTICIPATING IN THE CIVIL PROCEEDINGS

- courts of general jurisdiction and the Supreme Court;
- competence of the court (*ratione materiae* competence, territorial competence);
- composition of the court and court clerks;

4. PARTIES, PARTICIPANTS AND REPRESENTATIVES TO THE PROCEEDINGS

- parties to the proceedings and their qualifications (capacities)
- third party (intervener)
- public prosecutor
- joint participation
- power of attorney *ad litem*

5. CIVIL ACTION

- types of civil actions
- filing of a claim (statement of claim)
- hearing of the case (selected issues)
- judgments

6. EVIDENTIAL PROCEEDINGS

- the object of proof
- evidentiary measures (documents, witnesses, expert opinions, visual inspections, hearing of the parties)
- evaluation of evidence

7. APPELLATE MEASURES

- ordinary and extraordinary appellate measures
- ordinary appeal and interlocutory appeal
- cassation complaint
- reopening of proceedings

8. EXECUTION PROCEEDINGS

- enforcement bodies and enforcement order
- parties to execution proceedings
- types and methods of execution

9. INTERNATIONAL CIVIL PROCEDURE

- the scope of regulation;
- international jurisdiction of Polish courts
- recognition and enforceability of foreign judgments