

12th Scientific Seminar of the Department of Civil Procedure of the John Paul II Catholic University of Lublin, Milan, 22 June 2024

XII Seminarium Naukowe Katedry Postępowania Cywilnego Katolickiego Uniwersytetu Lubelskiego Jana Pawła II, Mediolan, 22 czerwca 2024 r.

XII Научный семинар Кафедры гражданского процесса Люблинского католического университета Иоанна Павла II, Милан, 22 июня 2024 г.

XII науковий семінар Кафедри цивільного процесу Люблінського католицького університету Івана Павла II, м. Милан, 22 червня 2024 року

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The Scientific Seminar of the Department of Civil Procedure of the John Paul II Catholic University of Lublin took place on 22 June 2024. This was the twelfth edition of this annual meeting. Following last year's event in Vienna, this year's seminar was also held abroad – this time at the University of Milan (Università degli Studi di Milano) in northern Italy. It was attended by the Head of the Department of Civil Procedure, Prof. Dr. habil. Joanna Misztal-Konecka, together with academic researchers and doctoral students from the department.

This year's edition was international not only because of the location of the event in Italy but also because of the participation of Prof. Albert Henke, who is affiliated with the host university and conducts research, among other things, in Italian civil procedure. Together with Prof. Dr. habil. Joanna Misztal-Konecka, he opened the seminar. The participants were warmly welcomed to the University of Milan, leading to fruitful discussions. Each speaker presented an absorbing topic in the civil procedure framework during the seminar. The papers often had a theoretical and practical dimension, as the seminar participants were also practising judges, officers of justice, judicial assistants, lawyers or legal advisers.

The seminar was divided into two panels, which were moderated by Prof. Dr. habil. Joanna Misztal-Konecka, who invited individual speakers to the floor and introduced the topics of each paper. Ten papers were presented. The first were devoted to recently introduced or planned amendments to the Code of Civil Procedure.¹

¹ Act of 17 November 1964 on the Code of Civil Procedure, consolidated text: Journal of Laws [Dziennik Ustaw] 2024 item 1237 as amended.

The first speaker was Dr. Kinga Drózdź-Chmiel with the paper, “Possession of an email address by a professional attorney – some remarks *de lege lata* and *de lege ferenda*.” She focused not only on legislative solutions in this respect but also referred to the practical problems and challenges related to the electronic delivery of correspondence to professional attorneys, taking into account the ethical requirements binding on members of professional self-governments of professional attorneys. The second speaker was Dr. Paulina Woś. Her presentation was entitled “March changes in civil procedure made by the Act of 7 July 2023 (Journal of Laws of 2023, item 1860).” The paper focused on the most significant changes affecting the model of civil procedure. The speaker referred in particular to the provisions introducing open hearings held using technical devices that allow them to be conducted remotely, as well as the norms regulating the composition of courts of both first and second instance. In turn, Dr. Sylwia Lisowska-Krakowiak presented the paper, “The impact of the amendment of Art. 139¹ (2) of the CCP, in force since 1 July 2023, on the plaintiff’s procedural situation.” She discussed the consequences of the amendment of Article 139¹ (2) of the CCP. The speaker also referred to the practical issues of making, on the initiative of the plaintiff, service of the first correspondence in the case on the defendant by a bailiff, including the efficiency of the institution in question, as well as possible actions to be taken if the bailiff’s service proves ineffective.

The next two papers, on the other hand, concerned real estate. Dr. Paweł Wrzaszcz delivered one entitled “Conduct of legal transactions concerning a parking space as a right related to the separate ownership of a dwelling.” He focused on answering whether legal transactions “concerning a parking space alone are allowed, given that, in principle, it is a right connected with real estate. The speaker raised the issue of the defectiveness of the current legislation on this matter. Subsequently, Dr. Emil Kowalik presented the paper “Transformation of an entrepreneur into a capital company and the form of a real estate transfer.” The speaker discussed the problem of transferring an entrepreneur’s real estate ownership during its transformation into a commercial company, which occurs in the practice of legal transactions. This includes issues related to disclosing this in the land and mortgage register. This presentation concluded the first panel and was immediately followed by a fruitful discussion.

The second part of the seminar began with M.A. Katarzyna Woch’s paper entitled “Action to exempt a seized object from enforcement in criminal enforcement proceedings.” The speaker presented the mutual relations between civil and criminal proceedings at the enforcement stage. She referred to the possibility of rebutting the presumption of Article 45 (3) of the Penal Code² before a civil court. Then

² Act of 6 June 1997 on the Penal Code, consolidated text: Journal of Laws 2024 item 1228 as amended.

Dr. Dominika Wójcik discussed the paper entitled “Securing evidence vs securing means of evidence in intellectual property proceedings.” The presentation raised the issue of the institution of securing the nature of the evidence in separate proceedings in intellectual property cases and discussed the aim of the legal construction in question. It was also juxtaposed with securing evidence in a civil trial. The next speaker, Katarzyna Kajmowicz, M.A., delivered a paper “Evaluating the admissibility of further procedural material in proceedings before the court of second instance.” The presentation dealt with the submission of evidence to a court of appeal, taking into account the applicable regulations and the jurisprudence in this respect. The second panel was closed with M.A. Anna Hacıuk’s paper “Opinion of a science institute or a science and research institute in civil proceedings.” The paper pointed out the cases when it is justified to admit and take such evidence and compared it with submitting an expert’s opinion alone.

Next, Prof. Dr. habil. Joanna Misztal-Konecka presented the paper “The legal character of Supreme Court resolutions.” The presentation juxtaposed Supreme Court resolutions with decisions issued by courts, including common courts, in civil proceedings, taking into account their subject matter and characteristics. The issue of classifying resolutions as judgments was also addressed. After the speech by the Head of the Department of Civil Procedure, a discussion began. During this time, each speaker had the opportunity to elaborate on the issue presented by answering questions from the other seminar participants. An undeniable advantage of this part of the meeting was that the speakers also drew the topics of their speeches from their professional practice, which gave the seminar not only a theoretical and scientific but also a practical one related to the discussion of challenges faced by law practitioners regarding the matters presented by the speakers.

At the end, the seminar was summarised by Prof. Dr. habil. Joanna Misztal-Konecka. The annual scientific seminars of the Department of Civil Procedure of the John Paul II Catholic University of Lublin held abroad have already become a tradition. They provide an opportunity for their participants to share their observations on topics that interest them and are focused on civil procedure issues. In addition, the fact that they have already been held abroad twice is shaping a new tradition of holding meetings at universities in other countries, which provides a stimulus to gain international experience. This tradition is one that participants of past meetings are keen to continue.