



UNIVERSITÀ  
DEGLI STUDI DI MILANO-BICOCCA

## SYLLABUS DEL CORSO

### Diritto Processuale Civile

1718-3-A5810230

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#### Learning objectives

The course provides students with the general rules governing civil procedure, taking into account both the grounds and the limits which belong to the adjudication process as well as the main features of the ordinary proceeding.

#### Contents

##### CIVIL PROCEDURE (A-L) MOD. A

The Civil Procedural Law Course has the main purpose to analyze the general rules of the Civil Procedural Law and the structure of the ordinary civil proceedings. Unquestionable is the importance of the studies on procedural matter (in Italian as well as in the worldwide legal systems). Only in a perfect Society (but illusory and utopian in itself) we did not need justice and proceedings; in point of fact, the jurisdictional protection has a primary function in the legal system, in so far as has the main purpose to obtain the observance of the will of law and to solve the litigations between each component of the Society. From this point of view, the Jurisdiction is probably the supreme governmental function, intimately related to sovereignty, living on a delicate mechanism, in which each governmental function has to be corrected by rules of responsibility and by interaction of other governmental functions. In the first part of the Course the arguments regard the analysis of the general principals of the procedural matter, the constitutional guarantees of the jurisdictional function, the different lawsuits (ordinary, enforceable, precautional), in particular the ordinary proceedings and the different acts and classifications and the most considerable procedural topics and issues. The second part of the Course regards the civil proceeding in detail, analyzing the entire evolution of the ordinary proceeding, considered the main procedural model and the first form of jurisdictional protection in the Italian legal system. In this way, the ordinary civil proceeding is examined through its whole path: from the very first approach to the Court to the possible appeal of the judgment.

##### CIVIL PROCEDURE (A-L) MOD. B

The first part of the course deals with the main topics discussed in the "Modulo A" lessons. The course goes on

with the explanation of the system of recourses against judgements. It concerns the general principles of recourses, the appeal, the proceeding before the Supreme Court (Corte di cassazione), "il giudizio di rinvio", the opposition of a third party.

#### CIVIL PROCEDURE (M-Z) MOD. A

Object of the course is the analysis of Civil Procedure's general rules and the structure of the ordinary civil proceedings.

#### CIVIL PROCEDURE (M-Z) MOD. B

The first part of the course deals with the main topics discussed in the "Modulo A" lessons. The course goes on with the explanation of the system of recourses against judgements. It concerns the general principles of recourses, the appeal, the proceeding before the Supreme Court (Corte di cassazione), "il giudizio di rinvio", the opposition of a third party.

### **Detailed program**

The program includes:

basic and fundamental principles of the italian civil process;

the structure of ordinary civil proceeding from the first approach to the Court to the possible appeal of the judgment

### **Prerequisites**

Deep knowledge of the italian Constitution and the italian civil code, in accordance with the prerequisites as provided by the Law Department

### **Teaching methods**

Class lessons.

### **Assessment methods**

Oral exam

### **Textbooks and Reading Materials**

A-L CLASS :

1. LIEBMAN, Principi di diritto processuale civile, Giuffrè, Milano, ult. ed.
2. TARZIA-DANOVI, Lineamenti del processo civile di cognizione, Giuffrè, Milano, ult. ed.
3. CONSOLO, Il processo di primo grado e le impugnazioni delle sentenze, Giappichelli, ultima edizione (only the recourses against judgements; NOT the challenge of the awards).

It is strongly recommended the use of an updated code of civil procedure.

M-Z CLASS :

At the student's choice:

- E. T. Liebman, Manuale di diritto processuale civile, Principi, Giuffrè, ult. ed.
- G. Tarzia, Lineamenti del processo di cognizione, Giuffrè, ult. ed.
- C. Consolo, Il processo di primo grado e le impugnazioni delle sentenze, Giappichelli, ult. ed. (only the recourses against judgements; NOT the challenge of the awards)

or:

- C. Mandrioli, Diritto processuale civile, Giappichelli, Torino, ult. ed, vol. I e vol. II
- C. Consolo, Il processo di primo grado e le impugnazioni delle sentenze, Giappichelli, ult. ed. (only the recourses against judgements; NOT the challenge of the awards).

FOR STUDENTS WHO HAVE TO STUDY THE "INTEGRATION"

CONSOLO, Il processo di primo grado e le impugnazioni delle sentenze, Giappichelli, ult. ed. (only the recourses against judgements; NOT the challenge of the awards).

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