UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Diritto Processuale Civile

1819-3-A5810230

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 MOD. A

The main purpose of the course is to analyze the general rules governing civil proceedings and the structure of the ordinary civil process.
Jurisdiction indeed has a primary function in every legal system, laying on a delicate mechanism in which each governmental function has to comply with rules of responsibility and finds its balance in other governmental functions.

The first part of the course will be devoted to the general principles of the procedural law, the constitutional guarantees of the jurisdictional power, the different kind of lawsuits (ordinary, enforceable, precautional), with special reference to the ordinary proceedings and its acts, topics and issues.

The second part of the course deals with the civil proceeding in detail, analyzing the entire system of the ordinary proceeding, that is, the main procedural model in our legal system. In this way, the ordinary civil proceeding is examined through its whole tracks: from pleadings to the judicial decision.

CIVIL PROCEDURE MOD. B

The course goes on with the explanation of the system of recourses against judgements. It concerns the general principles of recourses, the first appeal, the proceeding before the Supreme Court (Corte di cassazione), the opposition of a third party and the s.c. exatrordinary appeals.

6 CFU INTEGRATION

Recourses against judgements only.

Detailed program

Detailed program of the course:

- Constitutional grounds of the adjudication process;
- Type of actions;
- Procedural preconditions;
- Jurisdiction;
- Venue;
- Claimant and defendant;
- Multiparty proceedings;
- Attorneys;
- Judges;
- Public prosecutor;
- Procedural documents and petitions;
- First instance proceeding;
- Evidence;
- Means of recourse against judgement;
- First appeal;
- Supreme Court proceeding;
- Revision;
- Third party opposition.

Prerequisites

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

Teaching methods

Class lessons

Assessment methods

Type of exam for all students:

Oral exam.

Other Informations:

Practical exercises on pleadings and statement of case are provided.

Textbooks and Reading Materials

1. LIEBMAN, *Principi di diritto processuale civile*, Giuffrè, Milano, last ed.

2. TARZIA-DANOVI, *Lineamenti del processo civile di cognizione*, Giuffrè, Milano, last ed.

3. DANOVI, *Il linguaggio del processo*, Giuffrè, Milano 2018.

Handbooks 1 and 2 can be replaced with:

MANDRIOLI, *Diritto processuale civile*, Giappichelli, Torino, last ed., voll. I e II.

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

<u>6 CFU INTEGRATION HANDBOOK</u>

TARZIA-DANOVI, *Lineamenti del processo civile di cognizione*, Giuffrè, Milano, last ed. (chapt. 5 only. pp. 323-485)