UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Civil Procedure - A-L

2122-3-A5810230-A581023001-AL

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.

9 CFU INTEGRATION

Ordinary proceedings.

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

Until the end of the coronavirus outbreak (COVID-19), lessons will be available also on-line.

Assessment methods

Oral exam.

Until the end of the coronavirus outbreak (COVID-19), exams will be made through **Webex** paltform via the e-learning campus website, where a special link will be provided for students and any other attendees.

It is important recalling that:

1) enrolling via Segreterieonline is still required, preferably within **5 days** before the exam date;

2) joining the e-learning page 2020/2021 of the course is mandatory to access the exam link;

3) any other technical infos will be published in the 2020/2021 e-learning page of the course;

4) students are invited to check their internet connection before the exam.

Textbooks and Reading Materials

1. DANOVI SALVANESCHI, *Diritto processuale civile. I principi*, Giuffrè, Milano, 2021 (alternatively Mandrioli Carratta, vol. I, or Liebman, Manuale)

2. TARZIA DANOVI SALVANESCHI, *Lineamenti del processo civile di cognizione*, Giuffrè, Milano, last ed. (alternatively Mandrioli Carratta, vol. II)

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

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

9 CFU INTEGRATION HANDBOOK

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

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