UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Civil Procedure - A-L

2627-3-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.

At the end of the course, the student should have acquired:

- Knowledge and understanding of the fundamental principles of civil procedural law and the various components of the ordinary procedure;
- Ability to apply the concepts learned to the analysis and resolution of the numerous procedural issues that arise in practice;
- Autonomy of judgment in identifying and interpreting the various dispositions that govern the civil process;
- Communication skills in presenting and discussing the general principles and the different procedural phases;
- Ability for independent learning, also through the consultation of regulatory, doctrinal, and jurisprudential sources.

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, taking into account the recent reforms of l. n. 206/2021 e d.lgs. n. 149/2022.

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, taking into account the recent reforms of l. n. 206/2021 e d.lgs. n. 149/2022.

9 CFU INTEGRATION

Ordinary proceedings.and appeals

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 with moments of interactive discussion on practical cases:
32 lessons of 2 hrs. in class
4 lessons of 2 hrs. online

Assessment methods

Oral exam where the legal skills acquired in the field of civil procedure will be assessed.
Interview on the topics covered in class and on the exam handbook.
Assessment of the ability to express, understand, and apply concepts, autonomy of judgment, and command of language.

Textbooks and Reading Materials

Danovi Salvaneschi, Diritto processuale civile. I principi - Tarzia Danovi Salvaneschi, Lineamenti del processo civile di cognizione, ult. ed.

or

Merlin, Elementi di diritto processuale civile, I-II, ult. ed.

or

Luiso, Diritto processuale civile, I-II, ult. ed.

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It is mandatory the use of an updated code of civil procedure.

Sustainable Development Goals

DECENT WORK AND ECONOMIC GROWTH | PEACE, JUSTICE AND STRONG INSTITUTIONS