UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Civil Procedure - M-Z

2627-3-A5810230-A581023001-MZ

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 - 9 CFU INTEGRATION

It is required a more detailed knowledge of the structure of the ordinary civil process and the study of recourses against judgements only.

The manual (for 6-9 integrations) is the same (LUISO, Diritto processuale civile, vol.II, Giuffrè, Milano, ult.ed.). However, for the students who will attend the exam for 9 credits, it will be required a far more detailed preparation on the recourses against judgements.

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

Lessons will mainly be conducted in the classroom.
Once the basic principles have been acquired, student interaction will become essential.
Practical cases will be addressed by the Professor and/or the students themselves.
Additionally, twelve hours of the course will be dedicated to remote learning (A and B).

Assessment methods

Type of exam for all students:

Oral exam. The interview will focus on the topics included in manuals and, in particular, on the general principles, the ordinary process and recourse against judgement.

Other Informations:

Practical exercises on pleadings and statement of case are provided.

Textbooks and Reading Materials

1. LUISO, Diritto processuale civile, vol. I e II, Giuffrè, Milano, ult ed.

or

1. DANOVI-SALVANESCHI, Diritto processuale civile-I principi, ult. ed.

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

or

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

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

6 - 9 CFU INTEGRATION HANDBOOK

LUISO, Diritto processuale civile, vol. II, Giuffrè, Milano, last ed.

Sustainable Development Goals

PEACE, JUSTICE AND STRONG INSTITUTIONS