# Principles of Civil Procedural Law

## Prof. Raffaella Muroni

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to introduce students to the knowledge of civil procedural law and its general categories, in order to understand the structure of the system of judicial protection of rights, also through the systematic reading of the Civil Procedure Code.

***COURSE CONTENT***

Jurisdiction and proceedings: definition, limits, constitutional guarantees. Types of protection: cognizance, executive, precautionary, and summary. General theory of action and *res judicata*. The documents instituting the proceedings.

***READING LIST***

1. C. Consolo, *Spiegazioni di Diritto processuale civile,* vol. I, *Le tutele (di merito, sommarie ed esecutive) e il rapporto giuridico processuale*, Giappichelli, Turin, 2019, Sections I and II; Chapters 1, 5, 8, 9, 10 of Section III)

Also the following parts can be excluded, in addition to all the online parts:

Section I: relations between civil judge and public administration (pp. 55-59);

Section 2: summary convictions art. 186 bis, -ter, quarter (pp. 201-204) the uniform precautionary procedure (pp. 212-215); the nunciative and possessive procedures (pp. 239-264); the use of the enforceable title to third parties (pp. 277-279), the different forms of forced expropriation, immovable and movable assets held by third parties, undivided assets (pp. 306-317); the anomalous events of the executive procedure (pp. 319-331).

***TEACHING METHOD***

The course consists of classroom lectures.

***ASSESSMENT METHOD AND CRITERIA***

The exam takes place orally and aims to assess the achievement of the course objective illustrated above. Through questions relating to qualifying points of the various parts of the program, the level of overall knowledge acquired by the candidate is ascertained, his / her ability to critically address the topics addressed during the course and to relate the various parts of the program, which compete equally measure to the formulation of the final grade, expressed out of thirty.

The final mark results from an average of the outcomes of the answers given to individual questions. The students’ demostrating an organic vision and critical use of the topics addressed in class, along with good presentation skills and accuracy in the use of technical language are awarded excellent marks. Synthetic skills and an inarticulate analysis and/or a correct, but not always appropriate, use of the language will produce satisfactory assessments. Training gaps and/or inappropriate language - albeit in a context of minimal knowledge of the exam material – will be awarded a mere sufficiency. Training gaps (such as, ignoring some of the textbooks of the course), inappropriate language, lack of familiarity with the topics included in the programme and the relevant regulatory references can only be awarded as negative assessment.

***NOTES AND PREREQUISITES***

Students are expected to gain full understanding of the provisions of law included in the course textbooks and of their possible amendments. The understanding of the subject requires a good knowledge of civil law.

Given the complexity of the subject, attendance is highly recommended. The lecturer will make the essential slides of the topics covered in class available on the Blackboard platform, only to facilitate understanding of the subject.

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.