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# Seminar: Criminal Law Moot trials

## Prof. Matteo Caputo

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

The seminars, which take place in the form of procedural simulations, aim to introduce students to the dialectic of the criminal trial, offering them the opportunity to apply the concepts learnt during the lectures of Criminal law I, also from an interdisciplinary perspective, by carefully grasping the criminological and empirical-social implications underlying the topics covered. Students will have the task to analyse and discuss judicial cases with specific criminal interest, drawn from recent rulings of the Court of Cassation. At the end of the seminar cycle, students will be able to understand the practical-applicative implications of the institutes of the general part and to develop the knowledge and skills necessary for setting the "special part" rules; they will be able to adequately articulate the relevant legal arguments, also through their command of the lexicon. Relational and *teamworking* skills will also be enhanced, thanks to the large space devoted to collective reflection within the study groups.

***COURSE CONTENT***

The seminars will focus on an in-depth analysis of the constitutional principles and some institutes of the general theory of crime, selected from time to time according to the topicality or complexity of the themes, among the following macro-areas of interest: *(i)* typicality and prohibition of analogy; *(ii)* unlawfulness and causes of justification; *(iii)* wilful misconduct; *(iv)* fault; *(v)* attempt; *(vi)* concurrence of offenses.

***READING LIST***

Students who have attended the seminars are expected to prepare for the exam by studying the lecture notes and the following textbooks and additional study materials:

G. Marinucci-E. Dolcini-G.L. Gatta, *Manuale di diritto penale. General part,* Milan, Giuffrè, 2022 (or in any case the latest edition available at the beginning of the course), concerning the parts studied in the individual sessions, which will be indicated at the opening of the cycle - Buy from VP;

C. De Maglie, *La lingua del diritto penale, in Criminalia*, 2018 (available at the University library) and in disCrimen (online), 30 April 2019 (<https://discrimen.it/la-lingua-del-diritto-penale/>);

Sentences from which the judicial cases are drawn, which are published at the end of the seminar cycle on the Blackboard page of Prof. Caputo.

***TEACHING METHOD***

The teaching method is divided into a series of lessons and meetings, structured as follows:

an introductory lesson, during which the aims and methods of conducting the seminars are explained:

some preparatory meetings for an in-depth study of the assigned themes, carried out together with the assistant professors;

discussion of cases before the class, in the presence of a Magistrate of the Court of Milan (or neighbouring Courts).

The lessons are not “frontal” but rather “interactive”, with constant prompts for reflection and debate. The learning method used, aimed at encouraging the active participation of the students, consists in the distribution of students in groups of fifteen/twenty people each; each group is divided into prosecution and defence sub-groups in charge of drawing up a final report that summarises the respective arguments and that will be discussed in the final meeting before the Magistrate, in a simulation of the hearing phase of the criminal trial.

***ASSESSMENT METHOD AND CRITERIA***

Attendance is compulsory. Students’ preparation is assessed in an oral interview, with the awarding of 1 ECTS credit in case of a positive outcome. The assessment varies from *insufficient* to *excellent* based on the completeness and depth of the knowledge acquired, the students’ mastery of the fundamentals of the subject and their argumentative ability in relation to the cases, the accusation and defence arguments and the decision taken by the judge during the court discussion.

***NOTES AND PREREQUISITES***

To profitably attend the seminars, it is necessary to have internalised the foundations of constitutional law and to have already been introduced to the study of criminal law.

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.

**Seminar: Criminal Law Moot trials**

## Prof. Marta Bertolino

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

## The seminar “Moot trials - procedural simulations” intends to complement the “Criminal Law I” course to provide students with an opportunity to deal with the application problems raised by the institutes of Criminal law already in the second year. The practical approach of the seminar, structured around the in-depth study of some jurisprudential cases defined each year, allows students to get a more effective understanding of the substantive issues addressed during the core course.

The intended learning outcomes consist in developing the ability to apply the notions of the general part of Criminal Law to the peculiarities of the case treated, and at the same time in bringing the students closer to the inductive method, typical of legal reasoning, as well as strengthening their team work skills.

***COURSE CONTENT***

## The seminar is structured around the simulation of the final stage of a criminal trial. Students will be divided into groups, each of which will be assigned a case. They will be guided by the assistant professors of Criminal Law I in the elaboration of the procedural strategy and the drafting of the documents during preparatory meetings with a practical and interactive approach. Depending on the case assigned, the students will have to draw up memories in the role of public prosecutor or defender. Subsequently, students will have to present their papers in front of a judge of the Milan Court of Appeal, who will deliver a judgement with “contextual motivation”, by providing an explanation of the logical-legal reasoning followed for the resolution of the case.

***READING LIST***

Students will be provided with information on the sentences concerning the practical cases studied. The material will be made available to students on the *Blackboard* platform. Other information will be provided during the seminar.

***TEACHING METHOD***

Lectures and interactive lessons, during which maximum participation by students is expected to enhance the analysis and preparation of the case studied. The seminar also includes some teamwork in small groups aimed at writing the arguments of the prosecution and defence.

***ASSESSMENT METHOD AND CRITERIA***

Constant participation in the activities and passing the oral interview on the jurisprudential cases covered by the seminar will allow students to be awarded 1 ECTS credit. The interview will verify the students’ understanding and knowledge of the seminar contents, such as the arguments for the accusation and defence and the decision made by the judge on each practical case studied.

***NOTES AND PREREQUISITES***

The concurrent attendance of the Criminal Law I course or at least the individual study of the main institutes of the general part of Criminal Law is recommended.

The seminar, lasting approximately twenty hours, is held at the beginning of the second semester and the *online* registration is possible starting from mid-December, when the official presentation lesson for the seminar will take place.

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.