General information		
Academic subject	**Fundamentals of procedural law**	
Degree course	SSG	
Academic Year	3rd	
European Credit Transfer and Accumulation System (ECTS)		9
SSD		GIUR-12/A Civil procedural law
Language	Italian	
Academic calendar (starting and ending date)	First semester from 1/10/2025 to 16/12/2025	
Attendance	Highly Recommended	

Professor/ Lecturer	
Name and Surname	Nicoletta Minafra
E-mail	nicoletta.minafra@uniba.it
Telephone	0805717821
Department and address	Department of Law – *C.so Italia, 23 2nd floor on the left, room 6*.
Tutoring (time and day)	Friday 10.00-13.00, by appointment in other days

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Syllabus	
Learning Objectives	The course aims to illustrate and delve into the general principles of civil procedural law and the positive discipline of the first instance ordinary proceeding. It provides the elements to learn and critically evaluate the institutions through which judicial protection of rights is achieved, as well as alternative dispute resolution methods. Therefore, the objective is to provide students with a basic understanding that allows them to acquire adequate knowledge of civil procedure and address the main interpretative and applicative issues.
Course prerequisites	Fundamentals of private law; Constitutional law.
Contents	The jurisdiction of ordinary judges; the alternative dispute resolution methods; the contentious jurisdiction; the constitutional guarantees; the forms of judicial protection of rights; the actions of cognition; the action and its conditions; the judicial claim; the defenses of the defendant; the judge and the judicial auxiliaries; the judicial offices; the lack of jurisdiction of the ordinary judge; the provisions on venue; lis alibi pendens and actions containing other actions; the related actions; the abstention, impeachment and liability of judges; the public prosecutor; the parties and the counsels; the joint litigation process; the indispensable joinder of parties; the permissive joinder of parties; the thirds' intervention; the exclusion of parties from the proceeding; the succession in the proceeding; the judicial acts; the judge's decisions; the acts of the court clerk and judicial officer; the nullity of judicial acts; the parties' liability for the expenses and for the damages deriving from the proceeding. The first instance ordinary proceeding: the commencement of the proceeding; the introductory acts; the parties' appearance before the judge; initial trial; the preliminary checks by the judge; the written trial before the first hearing; the first hearing and trial; the evidentiary phase and principles governing them; the means of evidence; the order of payment of undisputed sums, the order of injunction and the order after the end of the evidentiary phase; the granting and rejection orders of judicial claim; the proceeding in default of appearance; the stay, interruption and extinguishment of proceeding; the decision of the

	case; the decision following written or mixed trial; the decision following oral handling of the case; the simplified ordinary proceeding.
Books and bibliography	G. BALENA, *Istituzioni di diritto processuale civile*, 2025, Cacucci Editore, Bari, vol. I and vol. II (from pag. 1 to pag. 300).
Additional materials	The reference to the volume mentioned should be understood as referring to any other more recent edition, if available during the academic year. The study with the manual should be accompanied by constant consultation of legal texts and an updated civil procedure code.

Work schedule			
Total	Lectures	Hands on (Laboratory, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
Hours			
225	64	8	153
ECTS			
9			

Teaching strategy	
	Face-to-face lectures; thematic deep dives through seminars, conferences, and/or specialized lessons.
Expected learning outcomes	
Knowledge and understanding on:	At the end of the course, students will gain specific knowledge of various forms of judicial protection of rights, the process, and its mechanisms. They will develop the ability to correctly interpret the principles and rules that govern them.
Applying knowledge and understanding on:	The student will acquire the necessary tools to frame the topics discussed and address the main interpretative issues raised by the positive discipline of civil procedural law, developing reasoning skills and linking theoretical knowledge learned to practical application.

Soft skills	• *Making informed judgments and choices*
	  ○ Through face-to-face lectures, interaction with the instructor, and individual study, the student will develop a method for learning and analyzing legal texts. This process will enhance their ability to engage in critical reflection and find solutions to the most controversial problems and issues.
	• *Communicating knowledge and understanding*
	  ○ The student will acquire proficiency in legal-technical language, enabling them to clearly articulate the notions and concepts they have learned.
	• *Capacities to continue learning*
	  ○ Students will gain a comprehensive institutional knowledge of the principles of procedural law and the discipline of first-instance ordinary cognitive proceedings, as well as simplified procedures and alternative dispute resolution mechanisms. Learning proficiency will be assessed through interactive communication during lectures, individual consultations, and the final exam.

Assessment and feedback	
Methods of assessment	Learning assessment will be conducted through an oral examination, with the evaluation being comprehensive and graded on a scale up to thirty. Additionally, for all students, there will be an optional mid-term assessment

	covering a specific part of the program determined by the instructor, allowing them to gauge their acquired knowledge.

Evaluation criteria	• *Knowledge and understanding*
	  ○ The ability to discursively organize knowledge of the subject in its theoretical and methodological aspects
	• *Applying knowledge and understanding*
	  ○ The ability to articulate knowledge of the subject matter in both its theoretical and practical aspects.
	• *Autonomy of judgment*
	  ○ The ability to use the knowledge and skills developed to solve simple interpretative problems and address concrete legal issues.
	• *Communicating knowledge and understanding*
	  ○ The ability to analyze and critically reflect on the institutions and topics under study.
	• *Communication skills*
	  ○ The ability to clearly articulate learned concepts and notions using appropriate terminology.
	• *Capacities to continue learning*
	  ○ The ability to deepen understanding of civil procedural law, continually updating knowledge and autonomously leveraging acquired content.

Criteria for assessment and attribution of the final mark	The assessment, expressed as a grade, will consider the overall knowledge of the subject matter and the completeness of the candidate's responses to at least two questions covering the entire study program. For attending students, there will be an optional mid-term assessment, the results of which will be evaluated as part of the final exam. For the attribution of the final grade, the level of preparation achieved in accordance with the aforementioned criteria will be taken into account and, in line with the expected learning outcomes, the different levels of preparation will lead to different judgments: excellent (30/30 with honours), very good (28/29), good (25/27), satisfactory (21/24), sufficient (18/20). The honours are awarded on the basis of the previous unanimous consent of the examination committee in case of high-quality performance.
Additional information	