



# UNIVERSITÀ DI PISA

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## COMPARATIVE CIVIL PROCEDURE

**DAVIDE AMADEI**

Anno accademico 2023/24  
CdS LAW  
Codice 277NN  
CFU 6

Moduli	Settore/i	Tipo	Ore	Docente/i
DIRITTO PROCESSUALE CIVILE COMPARATO	IUS/15	LEZIONI	48	DAVIDE AMADEI

### Learning outcomes

#### *Knowledge*

The course aims to examine some foreign procedural models, with particular reference to the Anglo-Saxon ones (England, USA), to understand, compare and borrow the methods of resolving civil disputes in legal cultures different from the Italian one.

The privileged area of comparison will be the collective protection and redresses: the analysis of the main class action model in the United States of America will allow us to better understand and apply the internal Italian system of collective proceedings referred to in the articles. 840-bis and following of the civil procedure code.

#### *Assessment criteria of knowledge*

The teaching will take place with lectures, sharing of material, discussion of cases (in particular: decisions of the US Supreme Court). The knowledge acquired will be verified through an oral test.

#### *Skills*

At the end of the course the student will have acquired criteria, skills and methods of reading and analyzing the procedural disciplines of other systems, in order to use them to study, in comparison, the internal Italian procedural tools for disputes resolution.

#### *Assessment criteria of skills*

There will be an oral exam at the end of the class.

#### *Behaviors*

In addition to the lectures, regulatory documents and other material will be shared, also available on the internet, in particular on the institutional websites of ministries and judicial bodies; discussion will be stimulated to bring out profiles of interest for Italian domestic civil procedural law.

#### *Assessment criteria of behaviors*

During the lessons, interaction between students and teacher will be promoted, with discussion of cases and examination of models, documents (procedural documents, in particular) and cases (jurisprudential rulings, in particular).

#### *Prerequisites*

There are no preparatory courses, but it is strongly recommended that the student has taken civil procedure exam (or, alternatively, procedural law institutions).

#### *Syllabus*

##### FIRST PART

The aims of the comparative civil procedure.

The civil procedure traditional models. *Civil law* and *common law*. Intertwining and relevance of the distinction.

Notes on the essential characteristics and particular institutions of the French, German and Spanish systems.

The procedural law of Anglo-Saxon countries. History, formation and evolution of the common law process in England and the United States of America. Civil procedure in England. Civil procedure in the United States of America.

##### SECOND PART

The collective redresses.

*Class action* in the United States of America.

Collective redresses and class actions in United Kingdom and European Union.



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Collective proceedings in Italy. Artt. 840-*bis* and followings c.p.c. Artt. 140-ter and followings of the consumer code.

### Bibliography

For the attending students: the study can focus on the topics covered in class

Non attending students can use the book A.Dondi-V.Ansanelli-P.Comoglio, *Processi civili in evoluzione. Una prospettiva comparata*. II edizione, Milano, 2018; about collective redresses: A.Giussani, *Le azioni di classe dei consumatori dalle esperienze statunitensi agli sviluppi europei*, in *Riv. trim. dir. proc. civ.*, 2019, 157; N.Trocker, *Il processo civile e le controversie soggettivamente complesse. Class action negli USA - E in Europa?*, in *La formazione del diritto processuale europeo*, Torino, 2011, 351 ss. (available on Teams, in the team of the course); A.D.De Santis, *I procedimenti collettivi. L'azione di classe e l'azione inibitoria collettiva nel codice di procedura civile*, in *Giusto processo Civile*, 2019, 701; D.Amadei, *Nuova azione di classe e procedimenti collettivi nel codice di procedura civile (l. 12 aprile 2019, n. 31)*, in *Nuove Leggi Civili Commentate*, 2019, 1049-1090 (available on Teams, in the team of the course)

### Assessment methods

The exam will consist of an oral talk with the teacher and collaborators.

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