

# Responsabilità Civile Dei Magistrati

## Italia

La responsabilità del magistrato Francesca Biondi, 2006

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La riforma sulla responsabilità civile dei magistrati tra incertezze interpretative e profili di costituzionalità Maria Teresa Stile, 2017-06-28 Il presente lavoro, muovendo dal sistema disciplinato dalla legge n. 117/1988, analizza le problematiche generate dalla recente legge n. 18/2015, che ha modificato la disciplina sulla responsabilità civile dei magistrati. L'indagine esamina specifici aspetti della nuova legge caratterizzati da incertezze interpretative e profili di costituzionalità: dalla deroga alla clausola di salvaguardia alla rimozione del filtro endoprocessuale di ammissibilità delle domande risarcitorie, dalla rivalsa dello Stato nei confronti del magistrato sino alle interferenze tra processo civile e procedimento disciplinare a carico di quest'ultimo, nel quadro dell'evoluzione dei percorsi interpretativi della giurisprudenza della Corte di giustizia dell'Unione europea, consentendo di fornire elementi valutativi nel contesto del dibattito sui rapporti tra Corte di Lussemburgo e Corti nazionali.

**La responsabilità civile dei magistrati** G. Ferri, A. Tedoldi, 2019

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Ferruccio Auletta, Salvatore Boccagna, Nicola Rascio, 2017

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*Il processo al processo* Caferra Vito Marino, 2015-04-13 Giusto processo e responsabilità dei magistrati nello squilibrio dei poteri e tutela "multilivello" dei diritti fondamentali.

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**Astensione, ricusazione e responsabilità nel processo** Cosimo Maria Ferri, Antonio Ivan Natali, 2013-11 L'opera, aggiornata al DECRETO FARE (L.98/2013) e alla recente giurisprudenza, analizza gli istituti dell'ASTENSIONE e della RICUSAZIONE nel processo civile indicando anche le forme di RESPONSABILITÀ inerenti alle varie violazioni processuali. È stato evidenziato, esaminando anche le varie interpretazioni giurisprudenziali, come si possa attuare una forma anticipata di tutela dell'imparzialità della giurisdizione, e salvaguardare l'equità nell'esercizio della par condicio tra i professionisti e della credibilità dell'intero ufficio giudiziario interessato. - Incompatibilità funzionali - Incompatibilità di servizio (ad impieghi o uffici) - Incompatibilità organiche (o legate alla sede di svolgimento delle funzioni) - Il fondamento costituzionale ed internazionale del principio di terzietà del Giudice - L'astensione e ricusazione nel giudizio civile - Le ipotesi di astensione obbligatoria e di ricusazione - Essere il Giudice o il coniuge parente fino al quarto grado di una delle parti in causa - Avere interesse nella causa o in altra vertente su identica questione di diritto - Astensione facoltativa - Sospensione del giudizio principale - Il procedimento di astensione - Profili disciplinari - Ricusazione ed astensione nel processo esecutivo - La ricusazione del Giudice di merito che sia anche Giudice delegato al fallimento - La ricusazione e l'arbitrato irrituale - La ricusazione del collegio - Magistrati e mera partecipazione ad un partito politico - La responsabilità civile del Magistrato - La responsabilità dei Giudici per violazione del diritto comunitario e l'intangibilità del giudicato - Gli organi giudiziari non di ultima istanza Antonio Ivan Natali Magistrato ordinario presso il Tribunale di Brindisi. Autore di volumi e articoli su riviste giuridiche. Cosimo Maria Ferri Magistrato ordinario. Autore di numerosi articoli su riviste giuridiche sia cartacee che telematiche.

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## **Table of Contents Responsabilita Civile Dei Magistrati**

1. Understanding the eBook Responsabilita Civile Dei Magistrati
  - The Rise of Digital Reading Responsabilita Civile Dei Magistrati
  - Advantages of eBooks Over Traditional Books
2. Identifying Responsabilita Civile Dei Magistrati
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Responsabilita Civile Dei Magistrati
  - User-Friendly Interface
4. Exploring eBook Recommendations from Responsabilita Civile Dei Magistrati
  - Personalized Recommendations
  - Responsabilita Civile Dei Magistrati User Reviews and Ratings
  - Responsabilita Civile Dei Magistrati and Bestseller Lists
5. Accessing Responsabilita Civile Dei Magistrati Free and Paid eBooks
  - Responsabilita Civile Dei Magistrati Public Domain eBooks
6. Navigating Responsabilita Civile Dei Magistrati eBook Formats
  - Responsabilita Civile Dei Magistrati eBook Subscription Services
  - Responsabilita Civile Dei Magistrati Budget-Friendly Options
7. Enhancing Your Reading Experience
  - Responsabilita Civile Dei Magistrati eBook Formats
  - ePub, PDF, MOBI, and More
  - Responsabilita Civile Dei Magistrati Compatibility with Devices
  - Responsabilita Civile Dei Magistrati Enhanced eBook Features
7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text

- Sizes of Responsabilita Civile Dei Magistrati
  - Highlighting and Note-Taking Responsabilita Civile Dei Magistrati
  - Interactive Elements Responsabilita Civile Dei Magistrati
- 8. Staying Engaged with Responsabilita Civile Dei Magistrati
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Responsabilita Civile Dei Magistrati
- 9. Balancing eBooks and Physical Books Responsabilita Civile Dei Magistrati
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Responsabilita Civile Dei Magistrati
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time

- 11. Cultivating a Reading Routine Responsabilita Civile Dei Magistrati
  - Setting Reading Goals Responsabilita Civile Dei Magistrati
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Responsabilita Civile Dei Magistrati
  - Fact-Checking eBook Content of Responsabilita Civile Dei Magistrati
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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