

Prof. Avv. Marco Gradi
Dipartimento di Giurisprudenza
Università degli Studi di Messina



Marco Gradi is Full Professor of Civil Justice at the Department of Law of the University of Messina, where he holds the courses in Civil Litigation, Arbitration and Comparative Civil Procedure.

He is author of more than 90 publications, including books, journal articles, volume essays, notes to judgments and commentaries, among which it deserves to be primarily mentioned the handbook «*La giustizia civile*» (il Mulino, Bologna, 2023), co-written with Giuseppe Ruffini and Valentina Bertoldi, first volume of «*Diritto processuale civile*», edited by Giuseppe Ruffini. The work is based entirely on the idea, as simple as it is revolutionary, that the judicial process must serve the realization of justice: procedural rules must therefore be devised and interpreted in such a way as to promote the achievement of just decisions.

Also remarkable are the book «*L'obbligo di verità delle parti*» (Giappichelli, Torino, 2018), which was awarded the Irti Prize for the best monographic first work in the field of public law; and the monograph «*Il contrasto teorico fra giudicati*» (Cacucci, Bari, 2020), which earned him the qualification to Full Professorship. With these monographic studies, Professor Gradi has criticized some resistant dogmas of procedural doctrine, in the perspective of maximum implementation of the constitutional principle of due process.

With his first book «*L'obbligo di verità delle parti*», Professor Gradi attacked the widely held opinion that, in civil proceedings, litigants would have the right to lie and not cooperate in fact-finding, constructing the contrary concept of parties' obligation of truth from the private perspective of the procedural relationship and dealing for the first time in Italian literature with the issue of the duty of clarification (*Aufklärungspflicht*), very well known in the German experience, as well as in common law systems.

With his second book «*Il contrasto teorico fra giudicati*», Professor Gradi also criticized the traditional doctrine that there would be no possibility of coordinating *a posteriori* two logically inconsistent judgments, even if they are binding between the same parties, elaborating the original theory of the conditional *res judicata*, which is completely groundbreaking not only in Italian doctrine, but also in German one.

Among the essays, commentaries and book chapters, with which the author has often proposed original interpretations with respect to the *communis opinio* of doctrine, the following studies are of particular note: «*Cosa giudicata incostituzionale*» (2022); «*L'errore di giudizio: appunti per uno studio sulla sentenza ingiusta*» (2022); «*Teoria dell'accertamento consensuale: storia di un'incomprensione*» (2021); «*Sentenza a sorpresa e pregiudizio difensivo nel processo civile*» (2021); «*Questioni di fatto e contraddittorio in Cassazione*» (2020); «*Diritto alla prova e tutela della privacy nel processo civile*» (2019); «*Le prove civili nel processo telematico*» (2019); «*Cornelis Saftleven e l'allegoria del processo*» (2014); «*Inefficienza della giustizia civile e fuga dal processo*» (2014); «*Natura ed effetti del lodo arbitrale in Germania e Austria*» (2012); «*Sincerità dei litiganti ed etica della narrazione nel processo civile*» (2012); «*Il*

Prof. Avv. Marco Gradi
Dipartimento di Giurisprudenza
Università degli Studi di Messina



principio del contraddittorio e la nullità della sentenza della terza via» (2010); *«L'intervento volontario e la chiamata in causa dei terzi nel processo arbitrale»* (2010); *«Vizi in procedendo e ingiustizia della decisione»* (2008).

Professor Gradi is the scientific head at the University of Messina for the project «Edu4Just», dedicated to the relationship between lawyers and justice, funded by the Italian Ministry of University and Research among the research projects of relevant national interest (PRIN 2022) and carried out in collaboration with the Universities of Bologna, Brescia, Trento and Roma Tre. The basic idea of the research is that lawyers' training and professional ethics could be crucial elements for the realization of an effective justice.

He is member of the editorial Board of *«Rivista di diritto processuale»* (Italy), *«Giustizia consensuale»* (Italy), *«Ius Dictum»* (Portugal) and *«Revista de processo»* (Brazil).

He is member of the teaching Board of the Ph.D. program in Private Law at the University of Roma Tre. He has also been invited to give doctoral lectures at the Universities of Roma La Sapienza, Roma Tor Vergata, Roma Tre, Turin, Trento and Palermo.

He is member of the following national associations: *«Associazione italiana fra gli Studiosi del processo civile»* (Italy), *«Istituto superiore di studi sull'arbitrato»* (Italy) and *«Istituto brasileiro de direito processual»* (Brasil). Among international associations, he is member of *«International Association of Procedural Law»* and Fellow of *«European Law Institute»*.

He spent research stays at the University of Bielefeld, the Harvard Law School Library, the University of San Paolo and the Max Planck Institute Luxembourg. He was Visiting Professor at the University of Lisbon and the University of Valencia. He has also been invited to give lectures at prestigious Brazilian universities in the cities of San Paolo and Rio de Janeiro.

He has held relations and speeches in the context of national and international conferences, including: the XXXII National Convention of the Italian Association of Civil Procedure (Messina, 2019); and the 73rd National Convention of the Union of Italian Catholic Jurists (Catania, 2023). He was invited as a speaker to the Civil Procedure Series organized by the IE University, dedicated to the ELI-UNIDROIT European Rules of Civil Procedure (Madrid, 2020-2021); and he chaired a conference session within the international Colloquium organized by the International Association of Procedural Law (Brescia, 2022).

His academic career began at the University of Roma La Sapienza in 2005, where he was admitted to the Ph.D. program as the first runner-up in the selection procedure and where he received the title of *Philosophiae Doctor* in Civil Justice in 2009. He was then, without interruption, Adjunct Professor at the University of Roma Tre (2010-2011), Researcher (2011-2016), Senior Researcher (2016-2019) and Associate Professor (2019-2023) at the University of Messina, where he has consistently carried out an intense teaching activity.

He was awarded the national scientific qualification in the field of Civil Justice by unani-

Prof. Avv. Marco Gradi
Dipartimento di Giurisprudenza
Università degli Studi di Messina



mous vote for both the second tier and the first tier, in the 2016 and 2018 rounds, respectively. Among the unanimously qualified professors, he was also the youngest of his generation to take service as Full Professor within his scientific field. He has been mentored by Giuseppe Ruffini and is member of the academic School founded by Carmine Punzi, dean of Italian civil procedural scholars and pupil of Salvatore Satta.

He graduated in Business Administration from the Bocconi University of Milan in 2001 (*magna cum laude* and golden medal for top graduates) and in Law from the University of Pisa in 2005 (*magna cum laude* and included in the list of the best graduates). During the university studies, he spent a period abroad at the Stockholm School of Economics.

Between 2001 and 2005 he worked as consultant at leading merchant banks and auditing firms, practicing in London and Florence. From 2006 to 2009 he worked with prestigious law firms in Lucca and Roma, where he was involved in civil litigation and arbitration proceedings. In 2010, he opened his own law firm, and then moved full-time to the university career starting in 2011. Currently, Professor Gradi is registered in the Lawyers' Bar of Pistoia, in the special section of lawyer professors. He is also a lawyer licensed to practice before the Court of Cassation and other higher courts.

His research interests are in the following areas: Civil Justice, Civil Litigation, Arbitration, Alternative Dispute Resolution, Comparative Civil Procedure, History of Civil Litigation, Civil Evidence, Procedural Justice, Ethics of Legal Professions, General Theory of Process, Judgment, Judicial Decision, Philosophy of Judgment, Justice and Literature, Culture of Justice.

Curriculum updated as of January 20, 2024