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## **Prize “The Crystal Scales of justice”**

**The European prize for innovative practice  
contributing to the quality of civil justice**

**2008 Edition**

### **Entry form**

#### **1. Details of entrant (institution/organisation)**

**Name:** Court of Milan (Italy)

**Address:** Via Freguglia, 1, 20122 Milan, Italy

**Tel.:** +39 02-54333066

**E-mail:** [presidenza.tribunale.milano@giustizia.it](mailto:presidenza.tribunale.milano@giustizia.it)

#### **2. Represented by**

**First name/Surname:** Dr. Livia Pomodoro

**Post held:** President, Court of Milan

**Tel.:** +39 02-54333066

**E-mail:** [livia.pomodoro@giustizia.it](mailto:livia.pomodoro@giustizia.it)

#### **3. Scheme submitted**

**Title:** The computerised civil lawsuits office.

**Date of introduction:** 01/01/2007

#### **4.a. A description of the scheme**

2007 saw the introduction in Milan is what is, to date, the only experience in Italy

involving the computerised dispatch of petitions for injunctions to pay, which in Italy require the plaintiff to produce evidence and the involvement of the judge.

The case file is paperless until the stage in which the debtor is notified of the injunction, all communications between lawyers and court offices are computerised, and computerised court orders are deemed legitimate<sup>1</sup>.

The computerised lawsuit (official website <http://www.processotelematico.giustizia.it>), which is the fruit of evolution in legislative matters and years of investment by the Ministry, has thus found its first application.

Its actual application has been the fruit of the joint commitment of three entities, the Ministry of Justice, through CISIA (Inter-district Co-ordination of Ministry of Justice Automated Computer Systems), the Court of Milan and the Bar Association, which co-operated to create a new facility aimed at the stabilisation of computerised communications between lawyers and court offices.

Practically speaking, a new facility, the result of co-operation by all the parties involved, has been set up to manage the new **Computerised Civil Lawsuits Office**. CISIA (Inter-district Co-ordination of Ministry of Justice Automated Computer Systems) made its highly competent technicians available, as well as hardware and software to operate the Court's computerised system.

The Court of Milan undertook the training of judges and clerks with regard to the new system. The Court also paid close attention to all aspects of the development of the project, setting up and promoting close co-operation with the Bar Association and CISIA.

The Bar Association made financial and technical resources available to set up the access point, i.e. the computerised infrastructure required to comply with the Ministry's Computerised Lawsuit initiative.

All three bodies co-operated together pro-actively, setting up common data exchange and co-ordination structures which enabled the success of this first concrete application of computerised civil lawsuits.

As of the start of 2007 the following services were made available:

1) **Help-desk** for members of the legal profession (managed by the Bar Association and open on weekdays from 10.00 to 13.00) dedicated particularly to computerisation and located inside the Court, providing clarification:

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<sup>1</sup> Rules governing the issue: Digital Administration Code (Legislative Decree no. 82/2005 and subsequent amendments), Rules governing the use of computerised tools in the Justice system (Presidential Decree no. 123/2001) and technical operating rules (Ministry of Justice Decree no. 14/10/2004).

- Of a technical nature on the software used for drawing up briefs;
- Of a juridical nature for the co-ordination of new policies under applicable civil law procedures.

Activities carried out by means of:

- Direct person-to-person assistance at the desk;
- Telephone assistance
- E-mail assistance at [infopct@ordineavvocatimilano.it](mailto:infopct@ordineavvocatimilano.it)

Issues brought to light through the help-desk are frequently solved with the assistance of CISIA technicians, while issues of a juridical nature are often examined by the commission indicated at point 3 hereinbelow.

2) **Training courses** (managed by the Bar Association), open to lawyers, aim to provide useful instructions related to the production and notification of juridical documents which may be forwarded using computerisation. These courses are held in collaboration with Milan University<sup>2</sup>, within a broader agreement, the aim of which being to spread the use of computers in the courts;

3) **Mixed Commission**, a heterogeneous group made up of:

- Personnel employed in the clerks offices of the Civil Courts;
- Magistrates specifically delegated by the office of the President of the Court;
- Lawyers representing the Bar Association;
- Computer technicians from the local CISIA.

The commission is the heart of the decision-making process of the office for computerised lawsuits, a virtual office which is the fruit of co-operation by the Bar Association, Ministry and Court. This commission meets whenever required, and in any case at least once per month; it is a proactive monitoring and co-ordinating body, able to provide concrete solutions to problems of a technical and/or juridical nature for the parties involved.

This experience was born out of the common will of a number of different players involved in the judiciary sector, with the declared aim of achieving shared solutions aimed at optimising the fundamental contribution which information technology and computerisation may make to improving the efficiency of the system of justice.

If information technology is to be the new alphabet of judicial communication then dialogue and co-operation between those who begin to use it are an absolute necessity.

#### **4.b. A description of the effects of the scheme on the workings of the court**

The services provided as described at point 4.a above have enabled:

- Improved access to information by lawyers;
- Transparency concerning the working of the service;

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<sup>2</sup> Chair of Juridical Information Technology, Law Faculty (Prof. Jori and Prof. Rossetti)

- Overcoming of initial difficulties encountered by lawyers in using the new IT tools.

The result has been that it has proved possible, only in Milan, to effectively begin to implement the Ministry's project, with benefits in terms of:

- Clear reduction in duration of lawsuit;
- Better use of human resources employed by Court of Milan;
- Savings with regard to the use of paper;
- Improved productivity in the office of the Clerks of Court, not only with regard to the computerised injunction to pay procedure, but also, as a consequence, all other injunction procedures have benefited.

Lastly, it should be underlined that a shortening in the length of time taken to complete procedures and therefore for payment to be made is in line with the instructions contained in Directive 2000/35/CEE<sup>3</sup> relating to the fight against payment delays in commercial transactions.

#### **4.c. Any possible future additions which might improve the results of the scheme**

Activities in support of the development of a computerised legal procedure, as described under point 4a, may facilitate:

- Expansion of the scheme to other parts of Italy thanks to the exportation of the "Milan Model", placed at the disposal of the other Bar Associations and Courts. Given the success of the initiative in Milan, the Ministry intends to extend the scheme for payment injunctions to another Court in the region of Lombardy, Italy within a short period of time.
- The use of the computerised procedure in litigation procedure for individual steps or orders, thanks to the experience gained in the management of the computerised tool.

#### **4.d. Any documents, press articles, evidence from members of the public, etc, relating to the scheme (with a brief summary in English or French)**

- Graphs (*enc. 1*);
- Computerised filing procedure gains ground with law firms (04/01/2007 – *Il Sole 24 Ore* – *enc. 2*);
- Payment injunctions online: Milan Court inaugurates paperless filings (20/01/2007 – *Italia Oggi* – *enc. 3*);
- Milan saves € 14 million from payment injunctions (15/06/2007 – *Il Sole 24 Ore* – *enc. 4*);
- The civil lawsuit procedure goes on-line (08/10/2007 – *Il Sole 24 Ore* – *enc. 5*);
- 13 days for on-line payment injunction (21/01/2008 – *Italia Oggi* – *enc. 6*).
- Standard procedure (*enc. 7*).

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<sup>3</sup>Implemented in Italy under Legislative Decree no. 231/2002.

A brief summary of the contents of the articles cited above:

The Court of Milan is the first in Italy to implement computerisation in civil lawsuit procedures, with the advent of the online injunction to pay procedure which has been accorded full legal validity.

Milan lawyers are to be the first in Italy enabled to file soft copy deeds directly via internet to court offices, safety and security guaranteed by means of a Smart Card to be used for authentication purposes.

The computerised system used in applications for injunctions to pay has led to a reduction of at least two months in the overall time required to complete the procedure. Calculating the two month time saving and the difference between the borrowing rate (4%) and the official interest rate on payments overdue (2.50%) at two percentage points, it is estimated that a figure of Euro 14 million will be saved yearly.

As of 2007, petitions for injunctions to pay filed electronically have been accorded full legal validity only by the Court of Milan.

As of 30 November 2007, a total of 846 lawyers have signed up to use the Milan Bar Association online service allowing them to file petitions electronically. Members of the legal profession may avail of both training courses and a help-desk manned throughout the working week for assistance with problems of either a technical or juridical nature arising in connection with the service.

The attached Standard Procedure document describes all the activities which the various entities involved put in place on a voluntary basis to facilitate to the utmost the work of each. The content is periodically updated and published on the Milan Bar Association web site.

**5. Does the scheme have the support of the responsible public authorities in your country? If so, please give details.**

The "Milan Model" with the services provided by the Milan Bar Association in support of computerised civil lawsuits and the full co-operation of all three bodies involved meets with the favour and approval of the Ministry of Justice.

Other areas, such as Catania, Bologna, Florence and Brescia, have seen requests from the legal profession for the computerised system to be extended to their cities.

**6. Do you believe the scheme to be usable in other courts in European states? Give your reasons.**

Computerisation is rendered achievable only where there is active co-operation among the players involved in the administration of justice. To this end the Milan experience aims to point out the way towards the development of computerisation in notification in civil lawsuits, as augured by EEC regulations.

**I, Dr. Livia Pomodoro, representing the aforementioned institution/organisation, declare that I am aware of the rules of the competition, which I undertake to comply with.**

**Done at  
On 26/05/2008**

**Signed: Dr. Livia Pomodoro, President, Court of Milan**