The Italian National Recovery and Resilience Plan to decrease the length of judicial proceedings

Marco Fabri

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Le point sur…

THE ITALIAN NATIONAL RECOVERY AND RESILIENCE PLAN TO DECREASE THE LENGTH OF JUDICIAL PROCEEDINGS

Marco FABRI

Directeur de recherche, Conseil national de la recherche (CNR), Bologne, Italie

Résumé

— *La contribution du plan national italien pour la relance et la résilience à la réduction de la durée des procédures judiciaires* – L'Italie a l'une des durées de procédure judiciaire les plus longues des pays européens, tant au civil qu'au pénal. Le plan national italien pour la relance et la résilience, approuvé par la Commission européenne, exige que l'Italie atteigne des objectifs et des jalons contraignants en matière d'amélioration des procédures judiciaires afin de recevoir les fonds européens qui seront également utilisés dans les autres domaines couverts par la facilité de l'UE pour la relance et la résilience. Le gouvernement italien a élaboré une stratégie pour atteindre ces objectifs. Cet article aborde deux des principales actions de cette stratégie : la réforme des codes de procédure civile et pénale et la mise en place d'un « bureau du juge ».

Mots clefs

Système judiciaire, plan national italien pour la relance et la résilience, durée des procédures, performance des tribunaux, gestion des stocks, bureau du juge.

Abstract

— *Italy has one of the longest durations of judicial proceedings in European countries, both in civil and criminal cases. The Italian National Recovery and Resilience Plan, approved by the European Commission, requires Italy to achieve binding targets and milestones in judicial proceedings in order to receive the European funds to be also used in the other areas covered by the EU Recovery and Resilience Facility. The Italian Government has developed a strategy to pursue these mandatory targets. This article addresses two of the main actions in the strategy; the reform of the codes of civil and criminal procedure and, the establishment of the "judge's bureau".*

Keywords

Italian judiciary, Recovery and Resilience Facility, Length of judicial proceedings, Court performance, Backlog, Judge's bureau.

THE DIFFICULT SITUATION OF THE ITALIAN JUSTICE SYSTEM: A SCATTERED PICTURE

The judicial system in Italy is not certainly known for its remarkable "performance", measured against the requirements of Article 6 of the European Convention on Human Rights: "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

Generally speaking, Italy has not major problems about judicial independence and fairness of the proceedings (which can be articulated in the possibility to have an easy access to justice, an equality of arms, and quality judgements.). [1] However, although there is considerable variation in court performance across the country, the judiciary overall certainly has a problem of reasonable length of both civil and criminal proceedings.

The reasonable length of the judicial proceedings is not only a fundamental human right principle, but it is also considered by economists as a pillar to sustain economic growth. [2] The assumption is that a well-functioning judicial system contributes to build trust in the economic environment, eases credits, and provides certainty in transactions. All these factors are fundamental for a long-term economic growth. [3]

These economic arguments are probably the main reason why the Italian Recovery and Resilience Plan (RRP) includes challenging targets for the judiciary to meet in order to receive the EU Recovery and Resilience Facility (RRF).

1. Easy access to justice, equality of arms, quality judgements are part of a fundamental trilogy of any justice system in a democratic State. In Italy this trilogy is not considered to be a problem in civil proceedings, but in criminal matters the "equality of arms" and "quality judgments" are still quite debated for two main reasons. The first one is that, as it is known, public prosecutors in Italy are part of the "judiciary" and this may affect the "equality of arms" with the defence lawyers. The second one is the high percentage of defendants that are acquitted (about 50%; Curzio, 2022, 55, data 2020/2021) in the first instance ordinary criminal procedure, after a long and "damaging" criminal process. Over 35% of criminal cases are reformed in the court of appeals, and over 56% of the panels (*corti di assize*) that deal with the most serious crimes. (Curzio, 2022, 58, data 2020/2021). In addition, there is an increasing percentage of cases that are disposed because of the overdue statute of limitation (85,272 in 2020; Curzio, 2020, 51), which is another negative consequence of the excessive length of the procedures. It is also worth mentioning a major problem about jail detention, in particular pre-trial detention, which is again strictly connected to the excessive length of the criminal proceedings. Numbers are merciless. In 2021, the Italian State paid for compensation damages for unfair or wrongful incarceration, more than 24 million Euro. In 2020 the State paid about 37 million euros.

2. There is a quite large literature about the relation between the performance of the justice system, in particular the civil area, and the economic development (Tiede, 2018; Draghi, 2011; Chemin, 2009 and 2010; Qian and Strahan, 2007; Laeven and Majnoni, 2003). It isn't obvious if that these studies have really proved such a relation. However, a good performance of the justice system should be a priority for all the democratic governments since it is a pillar of the rule of law and therefore of any democratic State.

3. In the Italian Recovery and Resilience Plan p.56 is mentioned that "it is esteemed that a 50% decrease of the length of civil proceedings will upscale the size of the Italian manufacturing firms of about 10% […] a reduction from 9 to 5 years of the length of bankruptcy cases will increase the Italian economic productivity by 1.6%". One might have some doubts about the reliability of these figures.

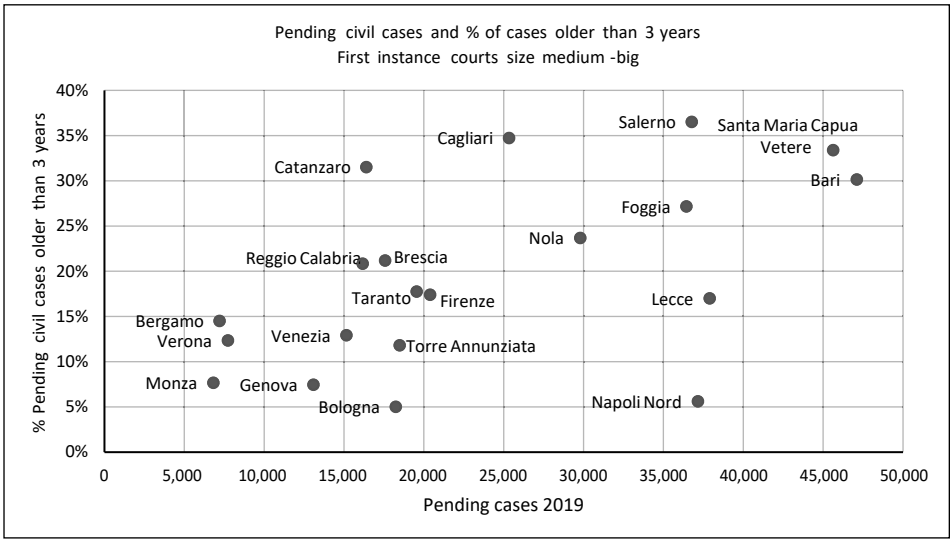
The Recovery and Resilience Plan for the Italian Judiciary

The Plan approved by the European Commission entails three main areas of intervention. The first is human capital (2,282 million Euro), the second, digitalization (133 million Euro), and the third is judicial buildings (411 million Euro): a total of 2.82 billion Euro.

The major investment of the Plan is for new personnel to be employed in the so called "judge's bureau" (*Ufficio per il processo*) [4] in the "ordinary" courts (*i.e.* courts with civil and criminal jurisdiction), [5] and in the administrative courts. 133 million will be spent on digitalization of the courts, digitalization of judgements, change management, and the development of a "data lake" [6] to improve and exploit the enormous mass of data available in the judicial offices.

These are remarkable additional resources for the judiciary, which has always claimed that poor performances were due to a dramatic lack of resources. However, data show that current performance is very variable across the Italian courts. This means that rather than a general lack of resources, the excessive length of judicial proceedings appears to be, mainly but not exclusively, the result of the interplay of several organizational factors, such as an unbalanced distribution of resources (Contini and Viapiana, 2020; Cugno-Giacomelli *et al.*, 2022), poor managerial and organizational capacity by the courts' management (presidents of the courts, presidents of the divisions of the courts), poor case management practices by single judges, and lawyers'behaviours (Fabri, 1998 and 2022).

Below there are a couple of figures that show how first instance courts (*tribunali*) which are very similar in size [7] have very different performances.

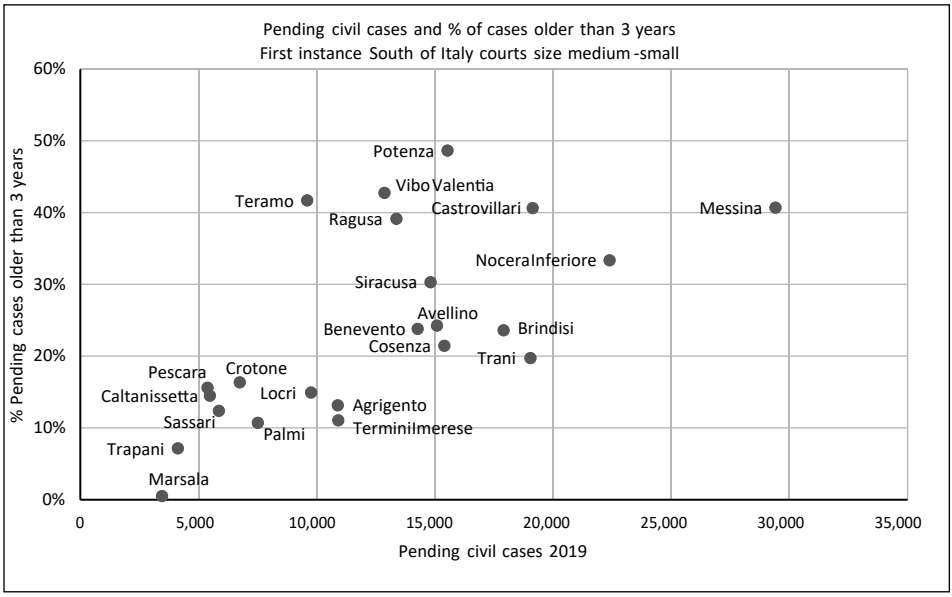


4. The literally translation of "*ufficio per il processo*" is "trial office", however this new *ufficio* has been designed to be an organizational unit to support the judges' work more than just the trial. Therefore "judge's bureau" appears to be a more meaningful translation than "trial office".

5. The innovation of the "judge's bureau" has been defined by the Ministry of justice as the "most relevant innovation, the 'pivot'of the new judicial administration" (Cartabia, 2022).

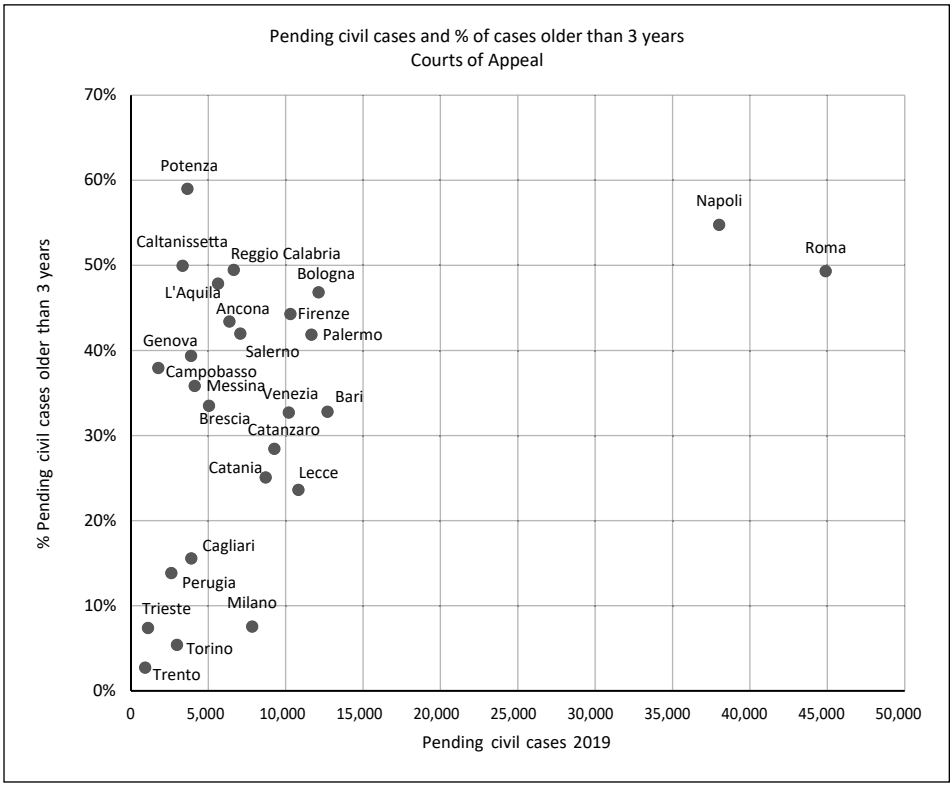
6. A data lake is a means to store large quantitative of data in their different formats to ease their analysis.

7. Size calculated on the basis of the number of judges in a court, a number usually calculated on the caseload.



There is a similar situation in the second instance courts (courts of appeals, *corti di appello*), although the 26 courts can be very different in size and caseload. [8]

8. Please note that these numbers refer to the statutory ceiling and do not make a difference between civil and criminal judges. Therefore, they give just a first rough indication of the relation between courts' size and performance to be necessarily further investigated, however the differences are remarkable for courts that should have similar resources.



The Recovery and Resilience Plan (RRP) is organized in "Milestones" and "Targets", which may be achieved in steps but must be completely finalized by June 30th, 2026. Milestones are procedures or events that must be carried out in due time (e.g. the drafting of a reform, the monitoring of a process, the starting of the procedure of recruitment of personnel, etc.). Targets are quantitative goals to be achieved in a certain period. The RRP is a performance plan, which means that the financial support will be given to Italy only if the milestones and targets will be achieved in due course.

The targets to be achieved are: a) the forecasted (or calculated) disposition time [9] for civil proceedings in all courts (first and second instance, and court of Cassation) should be reduced by 40%, and by 25% for criminal proceedings, b) the backlog (defined as cases older than three years at the first instance, and cases older than two years at the second instance) [10] should be reduced by 90% within June 2026.

9. The Forecasted or Calculated Disposition Time is the number of pending cases at the end of a year divided by the number of resolved cases within that year, multiplied by 365 (days in a year). This indicator estimates how many days should be required to resolve the pending cases based on the court's current capacity to resolve cases. It is used as a forecast of the length of judicial proceedings. This indicator is not a calculation of the duration of the proceedings, but a theoretical estimate of the time needed to process pending cases (CEPEJ, 2019).

10. These definitions of backlog, which are different for the first and for the second instance courts, are related to the so called "Pinto Law" (Pinto is the name of the member of the Parliament who proposed the law) that, in principle, sets a financial compensation for the parties if the case, because of the court's inactivity, has last for more than three years at the first instance, and two years in the second instance courts.

The calculation of the targets will be based on the data collected on the 31st of December 2019 (baseline), since 2020 and 2021 were peculiar years due to the pandemic.

Based on a data analysis, the Ministry of justice (Directorate general for statistical and organizational analysis), has then further detailed the targets for the forecasted disposition time (FDT) to be achieved at the national level for each instance. The final target agreed with the European Commission is still a decrease of 40% of the FDT for all the three instances, but the Ministry of justice has set a 56% decrease for civil proceedings in the courts of first and second instance, and a 25% decrease for the court of Cassation.

Therefore, at the end of June 2026 the following FDT targets must be achieved.

Table 1 – FDT targets to be achieved in June 2026 (civil proceedings)

Court	**Resolved 2019**	**Pending 2019**	**FDT 2019 (days)**	**Target FDT 2026 (days)**
First instance (*Tribunali*)	1,009,612	15,136,787	556	244
Second instance (*Corte di appello*)	131,131	235,718	656	288
Last instance (*Corte di cassazione*)	33,048	117,033	1,292	969

My more detailed analysis shows that, at the national level, and assuming a constant number of incoming civil cases in the years to come, the courts of first instance will need to increase their number of resolved civil cases by 8.4% to achieve the forecasted disposition time target. That effort sounds quite feasible, given that the general trend in recent years has, in fact, been a progressive decrease in incoming cases.

Table 2 – Tribunals yearly targets for resolved cases

Year	**Incoming**	**Resolved +8.4 % (baseline 2019)**	**Pending**	**FDT**
2019	950,670	1,009,612	1,536,787	556
2020	746,996	769,817	1,516,081	719
2021	950,670	1,093,410	1,373,341	458
2022	950,670	1,093,410	1,230,601	411
2023	950,670	1,093,410	1,087,862	363
2024	950,670	1,093,410	945,122	315
2025	950,670	1,093,410	802,382	268
2026	475,335	546,705	731,012	244

For the courts of second instance a simulation with the same criteria shows that the courts will be able to achieve the FDT of 288 days if they decrease the 2019 number of resolved cases by 3.9% (keeping constant the number of incoming cases) (Fabri, 2022).

Table 3 – Courts of Appeal yearly targets for resolved cases

Year	Incoming	Resolved –3.9 % (baseline 2019)	Pending	FDT
2019	103,533	131,131	235,718	656
2020	84,052	96,950	223,031	840
2021	103,533	126,017	200,547	581
2022	103,533	126,017	178,063	516
2023	103,533	126,017	155,579	451
2024	103,533	126,017	133,095	386
2025	103,533	126,017	110,612	320
2026	51,766	63,008	99,370	288

The situation of the Court of cassation is apparently more difficult. The Ministry of justice, as mentioned above, stated that the FDT should decrease by 25%, while for the first and second instance courts the decrease should be 56%. The simulation for the Court of cassation shows that to achieve the target of a FDT of 969 days, this court will need to increase the number of resolved civil cases by 23.8% in comparison to 2019. This is certainly quite an effort.

Data on the criminal proceedings are much less reliable and therefore more difficult to analyse due to the lack of a data warehouse which, as of today, has been developed only for the civil area. For this reason, detailed data on criminal cases are not presented.

The second target to be pursued is to decrease the backlog of civil cases by 90% by June 2026, in comparison to the backlog calculated in December 2019 (baseline).

These targets are supposed to be achieved by the courts of first and second instance in two steps. [11] The first will be a reduction of 65% in the backlog (cases older than three years) of the first instance courts and of 55% in the backlog (cases older than two years) of the courts of appeal by December 2024. The second and final step should be a reduction of 90% for both courts by June 2026. [12]

In 2019 the civil cases backlog in all the Italian first instance courts (*i.e.* pending cases older than three years) was 337,740. In the courts of appeal there were 98,371 cases older than two years (backlog). Therefore, to reduce by 90% the respective backlogs and pursue the targets set in the Recovery and Resilience Plan, by June 2026 there should be in all the first instance courts less than 33,774 civil cases older than three years, and no more than 9,837 civil cases older than two years in the courts of appeal.

As data show, there are enormous differences in forecasted disposition time among the various first instance courts in Italy. 12 out of the 140 courts of first instance have about 50% of the civil proceedings older than three years. 38 first instance courts have more than 75% of the backlog. There are courts such as Rome, Naples, Bari but also rather small courts such as Santa Maria Capua a Vetere (a small town close to Naples), which have more than 15,000 backlogged cases. Then there are small courts in the North part of Italy that have less than 100 cases older than 3 years (Fabri, 2022).

11. The Court of cassation is not taken into consideration as far as the backlog target is concerned.

12. Generally speaking, in European judiciaries, the definition of "backlog" it is far less than three years for first instance cases, and two years for second instances cases used in these targets (Fabri, 2014; CEPEJ, 2016).

This means that this target cannot be "balanced" at the national level, and each court, in particular the ones with the highest backlog, must dramatically reduce their numbers to achieve the targets of the Recovery and Resilience Plan.

This is also true for the second instance courts. Rome and Naples have over 20,000 backlogged cases, which is about 43% of all the pending cases older than two years in the whole country. Only ten out of 29 Courts of appeal [13] have 75% of all the backlogged cases. Therefore, the efforts should be concentrated in these courts, or the target may not be achieved.

THE MAIN TOOLS TO TRY TO ACHIEVE THE TARGETS

The Ministry of Justice plans to achieve the RRP targets through three main policies. The first is a massive digitalization, and the second the creation of new rules of civil and criminal procedure. The third policy is an extraordinary recruitment of personnel, to be included in a new staff unit called "judge's bureau" (*Ufficio per il processo*), to support the courts, and in particular the judges, in their effort to decrease the length of the proceedings and clear the backlog.

The first policy, which will not be dealt with in this paper, aims to increase the digitalization of court proceedings. Italy was one of the first countries in Europe to digitalize the civil proceedings by the so called "trial online" (*Processo civile telematico*) in the early 90's. Major investments are now needed to update the system, to fully digitalize criminal proceedings, and to create a "data lake", and local repositories of jurisprudence open to the public.

The reform of the code of civil and criminal procedure

The reform of the code of civil procedure is intended to contribute to decreasing the length of the proceedings. The law n. 206 of November 26th, 2021, gives the delegation of authority to the Government to enact detailed legislative decrees within one year. [14]

The current code of civil procedure will be changed through: a) a radical simplification of the currently too many different procedures, b) the setting of procedural deadlines to give certainty of the different procedural steps, c) an increase in the use of alternative dispute resolution (*i.e.* mediation, arbitration, negotiation through a lawyers) to try an early and the friendly settlement of the case.

This law touches the whole structure of the current civil procedure, and to have a comprehensive approach to the reform, the Ministry of justice has established seven working groups, which will report to the Ministry of justice by the summer 2022. Therefore, at the time of this writing, it is not possible to give more details about the proposed changes than the framework criteria to be applied in the detailed norms.

Another important reform is the closure of the current juvenile courts (26 all over Italy), and the establishment of specialised divisions within each court of first instance with competence in family and juvenile matters (*i.e. Tribunale per le persone, per i minorenni e per le famiglie*).

13. They are 26 plus three detached sections.

14. The law n. 26/2021 also entailed some new norms to be immediately effective, but this is not the paper to get into these details.

Enforcement procedures will also be streamlined to have a more reliable and faster credit recovery.

The code of criminal procedure will also be reformed. The law n. 134, enacted by the Italian Parliament on September 27th, 2021, defined the main features of the new norms. These will change the summons system, increase the use of summary procedures, increase the use of electronic filing, simplify the current rules of evidence, set deadlines for the length of the preliminary investigation, enlarge the current possibility to extinguish the crime after the payment of compensation damages, improve the use of the so called "alternative dispute resolution" (*i.e.* plea bargaining, abbreviated judgement, penal decree, immediate judgement), streamline the organization and management of hearings, set deadlines for collection of expert evidence, increase the cases that can be decided by just one judge rather than a panel of three judges, redraft the appeal rules, improve the use of restorative justice, improve procedural norms to better safeguard the crime victims with particular reference to gender and domestic violence.

The reforms of the criminal and the civil code of procedure are "*vaste programme"*. Considering that there have already been many changes in both procedures without any appreciated improvement over the years. It will be interesting to study empirically if, and how much, the new rules will really contribute to achieve the expected targets.

The "judge's bureau"

The most important action undertaken by the Government within the RRP is a massive investment in courts' personnel. The Ministry of justice will recruit more than 21,000 employees to support the court and the judges (law decree n. 80/2021 articles 11-17). [15]

These new "judge's assistants", mainly law graduates, [16] will be employed on a temporary basis until June 2026, when the RRP targets are intended to be achieved. They are going to work in a brand-new organizational structure to support the judges and the whole court called *ufficio per il processo*, translated in "judge's bureau". [17]

These organizational units are intended to be "tailored made" to the size and the needs of each court to increase their productivity, and so decrease the length of judicial proceedings. [18] In more detail, they should help judges to analyse the cases, check the file documents, prepare the hearing, make a first draft of the judgement, be a bridge between the judges and the clerk office, and constantly monitor the caseload to check if the judge and the court are working at the correct pace to meet the RRP targets.

The "judge's bureau" idea was born around 2003 and after a long gestation, it was finally included in art. 50 of the legislative decree n. 90/2014 which involved in these staff

15. It has also been planned an extraordinary recruitment of 600 magistrates (judges and prosecutors), which doubled the number of magistrates that are usually recruited every year.

16. As written in the paper, the large majority of judge's assistant should have a law degree, a small number of positions are also available for graduated in economics, sociology, public administration, political sciences, international relations and several other subjects. These latter are supposed to support the whole office and not only work as judge's assistants.

17. See footnote 4.

18. The public prosecutor's office does not entail a "judge's bureau". It is not included in the targets set in the RRP, and therefore it is not supposed to receive extra personnel. However, in principle, something like the "judge's bureau" has been established with the so called "Office to support the Public Prosecutor" (Legislative Decree n. 116/2017). In these units, the "honorary public prosecutors" (temporary position to support the work of the public prosecutors), administrative personnel, and the trainees should support the work of the public prosecutor's office. Its establishment is not mandatory, and the chief prosecutors can discretionarily decide to create it.

units apprentices just graduated in law (art. 37 Law 111/2011 and art. 73 Law 69/2013) and the so called "honorary judges". [19] The latter are law graduates employed by the court, formally on a temporary basis, whose functions are mainly to preside over hearings, support the judge in the management of evidence, and make judgements in limited matters, under the delegation of authority of the judge (Civinini, 2022; Gigliotti, 2020; Guarda, 2021). Apparently, these staff units were tested in some courts since 2014 and gave sometimes good results, although their establishment was sporadic, due to the lack of consistent availability of law graduates and apprentices to be employed by the courts.

One of the success stories of this first "judge's bureau" was reported by a division of the Court of appeal of Rome, which is quite interesting for its potential further developments in the current "judge's bureau" (Buonomo, 2021). In less than three years from the adoption of a new case management approach, apparently possible only with the establishment of the "judge's bureau", the average length of judicial proceedings decreased from 6.5 years to 2.8 years and, even more importantly, the cases older than two years decreased by 73%, moving from 2,307 to 632 proceedings. [20] The reported adoption of the new practices of case management allowed to increase the judges' productivity by about 60% with the number of resolved cases jumped to 199 per judge.

What was the main change in the case management practices of this division?

The key issue was indeed quite simple. Thanks to the support of the personnel of the "judge's bureau", judges were much more prepared for the cases scheduled in the trial hearings. This increased dramatically the number of proceedings that could be decided right after the hearing, without any further study or activity.

To allow the judges to be well prepared about the scheduled cases, the "judge's bureau" was organized to work as a team with a staff of two clerks, two honorary judges, and two trainees for each judge. The new workflow entailed an informal preliminary hearing among the judges of the panel, during which judges decide which cases need to be postponed and rescheduled, because they are not ready to be orally discussed in the trial hearing, and which cases are ready to proceed. Before the preliminary hearing, judges were well supported and prepared by the clerks of the court in collaboration with the trainees, receiving quite detailed brief about the case, which also enabled the preparation of a first draft of the judgement to be finalized right after the trial hearing.

In this way, the judges of the panel are very knowledgeable about the case, and the trial hearing only focuses on the most important legal issues. The electronic civil case management system, which has a specific application for the judges (*i.e. Consolle*), also helps to have a balanced hearing. In general, each hearing is composed by about five cases that are supposed to be decided with a special procedure called "abbreviated procedure", five cases that need to issue procedural orders, and about twelve cases for each of the three judges of the panel to be heard with an oral discussion (art. 281/sexies code of civil procedure). Postponement of these cases (art. 190 code of civil procedure) is allowed only with particular and very well arguments and, generally speaking, they are granted only within two weeks.

Judgments have also been made more consistent and easier to write with the preparation of some templates, leaving the judges free to make changes in the content, but not in the structure of the template. These templates and the team-work approach have also contributed to have more concise judgements, with benefits for both the judges and

19. Since 2017 the correct name is "honorary justices of the peace".
20. It should be checked how old these 632 proceedings are, but the decrease is remarkable.

the parties. Concise and well-structured judgements have also proved to very useful to the judges of the Court of cassation, who do not then have to waste time in difficult and extensive reading to find the point of law challenged.

The current "judge's bureau" entailed in the RRP is intended to be an evolution of the experiences carried out since 2014. [21] In addition, the "judge's bureau" will contribute to create an electronic data base with a selection of the most important judgments made by the court; a selection decided by the court president, who should make explicit the criteria adopted for such a selection every year. The members of the "judge's bureau" should make an abstract of the judgements – some courts are already correctly working on full texts – and upload them to the court data base. The underlying idea is that the knowledge of the local jurisprudence should discourage the filing of new cases when there is a well-established jurisprudence on that specific legal matter. This is thought to be to be even more important for the courts of appeal, due to their role in the checking the consistency of the points of law (Ciccarelli, 2022).

The author has collected some data and information through on-the-spot interviews of judges, to presidents of the courts, and members of the Higher School of the Judiciary that provide some preliminary insights into the implementation of the 'judge's bureau'so far.

The first implementation of the "judge's bureau" shows a large gamut of different practices, due to local circumstances, size of the office and, again, the organizational capacity of the court presidents.

The main difference among the courts is in the assignment and the tasks given to the new personnel. There are several courts in which the new personnel have been assigned individually to single judges, with tasks that are discretionary assigned by each judge without any coordination across the office. In other courts, personnel have not been assigned to a single judge, but to the court divisions (*i.e.* labour, family, etc.) and they are coordinated by the judge who is presiding over that division. In these cases, the personnel of the "judge's bureau" are working for all the judges of the division, depending on the caseload, on tasks and specific assignment that are mainly decided by the president of the division in agreement with the judges of the division.

Some courts are also experimenting the allocation of some units of personnel for the "judge's bureau" in activities that can be useful for the whole office. For example, some units have been deployed to improve the data collection and analysis, to start implementing some management control, to make abstracts of selected anonymized judgments, to improve the caseflow of proceedings, in which the interaction with the court users is particularly sensitive, such as international protection, family, and guardianship.

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The Recovery and Resilience Plan for the Italian judiciary is ambitious. It entails many actions to be undertaken and mandatory targets, which must be achieved in a rather short time. The main and explicit goal is to dramatically decrease the length of proceedings

21. The Superior council of the magistracy (*Consiglio superiore della magistratura* – CSM) also drafted some guidelines (Guidelines issued May 15th, 2019, and Circular letter on the court organization and assignment rules issued July 23rd, 2020, art. 10-11) about the structure and functions that the "judge's bureau" should have. In brief the guidelines do not add much. They state that the "judge's bureau" should support the judges in all their tasks and activities. It should have specific goals, taking into consideration the resource available and the organizational and caseload priorities to be addressed by the judges.

and cut by 90% the backlog by June 2026. The reasonable length of judicial proceedings is considered the most relevant problem of the Italian judiciary. However, the reasonable duration should be always pursued along with what I called the *trilogy* of a well-functioning judiciary, which is easy access to justice, equality of arms, and quality judgements.

The reform of both the codes of civil and criminal procedure are intended to be enacted by the end of December 2022. These norms should be finalized to improve and ease the court functioning and the decrease of the length of the proceedings.

However, the big challenge for the judiciary is to pursue the targets set by the RRP in relation to the "judge's bureau", as stated by both the Ministry of justice and the Superior council of the magistracy. More time is needed to assess if, how, and in which courts, the "judge's bureau" is the right "organizational tool" to really contribute to decreasing the length of judicial proceedings.

The idea behind the "judge's bureau" is both to increase the judges' productivity through a team who can support the judges' tasks, but also to use a new case management approach based on teamwork. Case management basically means to use rules, technologies, and good practices to have a more streamlined flow of proceedings and increase judgements in reasonable time and early settlements.

One of the issues at stake is the training (*i.e.* capacity building) of the new court personnel. Such a wide spectrum of potential activities carried out by the personnel working in the "judge's bureau" requires a long and specific training, which is currently partially carried out by the Ministry of justice, by the Higher school of the judiciary (*Scuola superiore della magistratura* – SSM), and locally by the judges and administrative personnel. However, the initial data collected suggest that this training is not carried out in a systematic way.

Another key issue is the sustainability of the "judge's bureau". The new personnel have been recruited on a temporary basis and only a small percentage of these employees will be able to hold their working position in the courts after June 2026. It is not clear if the "judge's bureau" has been imagined as a temporary solution to cut the current backlog in many courts, or a structural solution to improve permanently the functioning of the courts and their performance. Its sustainability in the middle-term is a key issue to be considered.

The "judge's bureau" experiences showed that some new case management practices were quite effective. For example, judges' assistant in the "judge's bureau" can certainly speed up some routines and simple cases, leaving more time to the judge for the more complex cases. Hearings can benefit from better planning and finalization at any earlier stage, thanks to an informal preliminary hearing well prepared by the personnel of the "judge's bureau". Judgements should be streamlined with the use of common templates. However, it is debated if these case management good practices are possible only thanks to the "judge's bureau", or if they can also be implemented without it.

Another issue to be considered is that currently courts are overwhelmed by the drafting of planning documents. Court presidents must draft every three years the "Internal court rules for case assignment" (*Tabelle*) and the related "General organizational document" (*Documento organizzativo generale*), whose rules are extremely detailed and periodically issued by the Superior council of the magistracy. Then, they have to draft, along with the administrative director, the "Activity programme" (*Programma delle attività*, art. 4, Law 240/2006) which establishes the organization of the court taking into consideration the jurisdictional and the administrative needs. A third document is the "Yearly management program" (*Programma di gestione dei procedimenti* art. 37 Legislative decree 98/2011), in which the presidents must define the quantitative targets to be achieved and the expected productivity (*i.e.* number of judgements and procedural orders issued) for every judge and division (*carichi esigibili*). Finally, for the sake of the RRP, courts presidents must also draft

an additional "Organizational project" (*Progetto organizzativo* art. 12/3 Law decree June 9, 2021) to describe the allocation of the human resources granted through the RRP and the related results to be achieved. Monitoring and reporting are fundamental managerial tools, but currently there are too many of these documents, they overlap, and their added value is not clear. They should be reduced and systematized.

The preliminary interviews have also showed diverse reactions; there are enthusiastic court presidents and, on the contrary, those who see the "judge's bureau" as another problem rather than an opportunity.

What it is clear in this first period of introduction of the "judge's bureau" is the lack of clear directions to the courts from both the Ministry of justice and the Superior council of the magistracy. Without such a profitable flow of information and directions, courts navigate at sight. This gap dramatically illustrates how the lack of managerial attitude is not only a problem in the courts, but also a major problem at the Ministry of justice and at the Superior council of the magistracy. However, this should not come as a surprise, since the top managerial and middle-management positions within both institutions are held by magistrates.

The following years will tell something more about the success or the failure of these major reforms in the short run, but there are good reasons to be sceptic that the major investment on the "judge's bureau" will dramatically contribute to decrease the length of judicial proceeding. One of the most important issues also is its sustainability in the years to come. While the Recovery and Resilience Plan is planned to end by June 2026, parties will still have the fundamental right to have a fair trial within reasonable time before an independent and impartial court.

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