Minister Andrea Orlando and the Reform of the Civil justice

Gero Salamone (June 25, 2015)

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The Italian Minister of Justice Andrea Orlando [2] made a brief visit to New York City with one mission in mind; to inform foreign nations about the recently approved reforms to the Italian civil justice system.
The head of the Ministry of Justice was involved in two engagements; the first of these was at the Consulate General of Italy, where he was welcomed by Consul general Natalia Quintavalle. The second event was at the Italian restaurant “Il Gattopardo”. The latter was organized by the Italy-America Chamber of Commerce [3], and was attended by many prominent economists, entrepreneurs and lawyers. To introduce the conference, the vice president of the organization , Cristian Notari (CEO of Max Mara USA , Inc.).

Orlando’s objective was a tough sell; convincing foreign investors that the vexing question of civil justice was finally being answered by the civil reforms that his ministry have been proposing.

The minister began by giving a brief overview of the state of the Italian civil justice system,

particularly of the problems that have afflicted, and continue to afflict, the system to this day; the legal process necessary for guaranteeing core constitutional rights often never reaches a solid conclusion, while the overly lengthy process of civil litigation has led to exorbitant pecuniary sanctions against Italy by the European Court of Human Rights [4] in Strasbourg.

Mr Orlando also noted that the main disincentive dissuading foreign businesses from investing in Italy was the irrationally lengthy duration of civil processes.

This precarious, complex situation concerning civil justice is viewed by Minister Orlando as the number one priority in his Ministry's agenda.

Firstly, the minister passionately explained his ministry's success at streamlining the judicial process by underlining the closing of 220 sub-courts and reducing the number of courts from 166 to 136. The number of Justices of the Peace has also been reduced from 846 to 380. All of this was done with a view to both reduce a sprawling bureaucracy and cut down on public spending.

The Minister of Justice laid out his vision to half the number of accounts in arrears. This result, according to the Minister, needs to be achieved via the introduction of preferential lanes and the strengthening of the Italian institution known as 'assisted negotiation', contained in decree-law n. 132 of 2104, which simplifies the implementation of interim measures and compulsory expropriation procedures. The resultant civil trials will be less cumbersome and more suited to a swift and clear protection of the rights of every citizen.

The minister, with the help of Powerpoint slides, also outlined how a digital civil process is already a reality; court documents, rather than being inefficiently presented in paper form, are now being digitalized across every aspect of civil procedure.

The substantial reforms enacted by the Minister of Justice also included a quickening of the civil procedures inherent in business courts relative to those in ordinary courts. Another reform entailed placing more specialized magistrates on specific judicial benches in order to maximize performance.

Interesting questions were asked by an expert audience. "La Repubblica [5]" reporter Federico Rampani [6] asked Minister Orlando if an investigation regarding the effects of the reforms on foreign investment was already underway.

The Minister replied by stating that the investigation had already begun under his predecessor, Minister Severino, and that he had based many of his reforms on Mrs. Severino's ideas during her tenure. When addressing the topic of the continuity of the work done by the various Ministries of Justice throughout time and the possibility of stark contradictions between successive ministries, the Minister was clear and firm in his response to our editor in chief Letizia Airos: "The work that is being executed is continuous and not contradictory. One of the reasons for this is because we must respect European norms".

"Milano Finanza [7]" reporter Andrea Fiano questioned the Minister on his proposed changes regarding class action [8] lawsuits, which are intended to protect specific classes of consumers. The Minister replied by noting that Parliament is already in the process of fundamentally modifying the current structure of the law pertaining to class action lawsuits, regardless of potential opposition by the business community.

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