

Dear colleagues,

in the last three years, countless events have had a significant impact on the Italian judicial world. In 2019 we were already in a difficult situation due to the scarcity of human resources: even with the success of some insolvency initiatives, the number of new employees did not in any way compensate for that of the exiles due to age limits. A certain relief certainly came from the implementation of the PCT telematic civil process, a process that considerably reduced the need for administrative personnel and the processing times in the civil and commercial procedural field. However, the full digitization of the trial was still lacking since the mandatory electronic filing of the introductory judgment was lacking and there was still some resistance on the part of lawyers and especially judges, so much so to generate the practice of the so-called "Courtesy copies", for which the chancelleries daily printed, and then made analog again, what was received from the outside in digital format to facilitate the study.

In the first half of 2020, the outbreak of the pandemic makes it urgent to complete the process of digitization of procedural documents and the Italian Government issues a series of Law Decrees with which, in an attempt to limit the movement of individuals and the spread of the contagion, many determinations are taken in the sign of the most advanced digitization and telematization. Thus, the electronic filing of the introductory acts of civil and commercial proceedings is also made compulsory, as is the payment of judicial taxes. But the government goes even further, introducing a way of working never experienced in the Italian public administration, even if it had already been regulated in the transposition of a European directive in art. 23 of Law 81 of 2017, the so-called "Emergency agile work". In this first phase, the emergency measures force to put almost all the staff of the judicial registries in "Smart Working", entrusting us Administrative Executives with the task of identifying the functions / tasks with an agreed individual written project, almost a contract between the Administration and the individual employee, who set the tasks and methods of performing the service remotely, the quantitative and qualitative objectives to be achieved, the methods of controlling the performance rendered and continuous reporting. In fact, however, only those involved in civil and commercial services could really carry out the services and be productive and efficient, since only the registers and civil and commercial IT applications were accessible from the outside. The entire criminal sector and all administrative and accounting services were only accessible within the RUG (Single Justice Network), that is, only from the devices placed in the judicial offices. Therefore, the emergency preventive measures have in fact resulted in a blockade of the jurisdiction, with measures of suspension of the terms and blocking of hearings for two months. Collaterally, we Executives also found ourselves having to manage and regulate the physical access of users to our judicial offices, with enormous difficulties linked to the need to evaluate the single context and adopt valid determinations on a case-by-case basis in relation to the local epidemiological context, to the nature of the user request, the degree of computerization available in the office and on the territory, while intervening, in compliance with the directives of the Ministry of Health, to supply the offices and personnel assigned to all the prevention measures available on the market, from masks, to disinfectants to plexiglass bulkheads between the sessions, to prevention signs and finally introducing the mandatory online booking of services and access to the chancelleries on the websites of our offices, thanks to the support provided at that time by partner companies public / private.

The impetus for a strong acceleration of all the technological and regulatory processes necessary to allow the productivity and efficiency of the remote justice service also in the criminal and administrative / accounting sectors derived from these events, first of all by operating on the worrying node of IT security. ; implementing the applications used in the criminal sector, such as that for criminal notifications, SNT, making it mandatory; adopting the necessary measures for the formal validity of the criminal file digitized with the TIAP platform; allocating huge resources for the supply of laptops, electronic cards for digital signature and accessory devices, necessary for the staff of the judicial chancelleries to work remotely.

And these needs have led the Government and the Ministry of Justice to regulate in detail the new institute of agile work, this time "non-emergency", giving a mandate to us Justice Executives to implement it by

inserting it among the methods of exercising the work performance in their office , depending on the context, the resources present, the service needs and individual needs, setting as a criterion that of the priority of protection of the so-called categories fragile or workers in need of greater flexibility (assistance to the elderly, minor children, etc.) but at the same time ensuring the improvement of the efficiency of the service.

Today, with effect from 2021, the Extraordinary Plan for Justice is an investment for a total value of 2.827 billion euros. There are three lines of planning that the Ministry of Justice has obtained on the PNRR: 1) Investing in human capital to strengthen "the Office for the Process - UPP", improve the performance of the judicial offices and accompany, completing it, the transition process digital of the judicial system; 2) Investing in digital transformation through the digitization of files and the adoption of advanced data analysis tools; 3) redevelop the real estate assets of the judicial administration in an ecological key.

Particularly interesting is the complex project initiated by the Ministry of Justice for the dissemination of the UPP and the implementation of innovative operating models in the Judicial Offices for the disposal of the backlog. The basic idea is that the sentence, as a typical product in which the judicial function is expressed, goes from being an act of the single judge, to an act of the team organized around the judge. Each UPP is organized in such a way as to have within it all the categories involved in the production of the sentence: professional judges, honorary judges, trainees, stationery staff and new human resources, officers in charge of UPPs, technicians and data entry operators, professional figures hired on a fixed-term basis specifically for the implementation of these new operating models in the judicial offices, for the disposal of the backlog. The project also involves the university institutions that have signed the agreement for collaboration in the activities, aimed at the analysis and identification of actions and models to be adopted in the UU.GG.

To support this project, an extraordinary plan was launched for the recruitment of fixed-term administrative staff, for the duration of the PNRR (6 years). We are talking about a total of 21,910 personnel of which 16,500 UPP officers with degrees in legal sciences and 5,410 technicians, IT, statisticians and data entry operators. In December 2021, all the judicial offices, the Court and the Courts of Appeal, filed the organizational projects of the new office organized in UPP with the CSM and the Ministry of Justice. And already in February 2022 the first 8,171 temporary officials took possession of these same offices, immediately placed in the training plan both theoretical with the e-learning platform and practical with on-the-job coaching. The results of this organizational effort will be monitored and reported every semester. At the moment, however, the data are not yet significant, given the period spent in training activities. The targets payable at national level are a) the reduction of the overall disposition time of 40% in civil and 25% in penal; b) the reduction of the civil arrears by 90% by June 2026. The calculation will be made on the basis of the starting data calculated as of 2019 (so-called baseline) while when it comes to arrears the reference aggregate is that of all pending proceedings for more than three years for the Courts and two for the Courts.

The massive entry of these young employees corresponds to an indisputable renewal of the UU.GG. but the UPP model still raises some perplexities.

First of all, the newly hired officials, as they are on a fixed-term basis, do not cease to compete for other permanent jobs: so that already six months after the first entry, many places have already become vacant and there is no capacity in the ranking of eligible for replacements. The damage is twofold because the first months of service of these employees are destined for intensive training, so the structure initially loses productivity due to the commitment of the internal staff in training and then, with the replacement of the resigned, not only loses the future benefit but she is forced to restart a new cycle of training activity on newly hired substitutes, in an almost continuous cycle.

Secondly, the recruitment of fixed-term UPP employees concerns young people with no work experience and their actual usefulness with respect to the productivity of the judges is hopeful but possible: it remains to be verified whether these new resources do not force the judge to waste more time in checking the draft judgments than in direct production.

This PNRR occasion was also not used as well as it could have been; in fact, there was a lack of an overall and global vision of the justice service, one that takes into consideration first of all the final usefulness of citizens and taxpayers. In fact, having focused the project only on strictly judicial activity, puts the productivity of the judges at the center of it but not the response times of the offices: even if the productivity of the judges were to increase as desired, the crux of not having foreseen or put in the account the strengthening of the support structure for strictly judicial activity, which those sentences must make executive and exist in the world of law and in society; all activities lacking which the pronouncements are *tamquam non esset*. This lack of consideration and myopic planning has so far been so evident that the management and reporting of the achievement of the objectives set (strictly judicial quantitative objectives), has been placed in the exclusive hands of the chief magistrates of the offices, thus generating the confusion that derives from a inconsistent framework in which the UPP converge toga magistrates, honorary but also administrative staff, the new administrative officers, who are subject to all institutions of a contractual nature (service orders, leave permits, system for measuring and evaluating employee performance ) and which normally report to the administrative management of the Offices. We expect and hope for a reassessment of the issues that make the overall picture more coherent. In fact, we record - with concern - the tendency in non-marginal sectors of the judiciary to make these UPPs a sort of personal "treasure". A resource to be managed independently, outside and above any logic of good use. We can allow a distorted (if not convenient) interpretation of the organizational model of the Trial Office to frustrate a historic occasion.

The real risk is that the added value of this enormous contribution of the UPP PNRR project guarantees the support of the production of judges, and perhaps also of the public prosecutors, but is devoid of any systemic logic and good administration. We cannot think of carrying out a "paradigm shift" in the judicial organization by hiring massively staff to assist the magistrate's tasks, while the executive role of the Ministry of Justice is completely eliminating (220 out of 329 executive positions vacant to date). This without guaranteeing adequate retraining and turnover of the other professional figures in the field. Justice is not only "administration of jurisdiction", but also "administration for jurisdiction", an administrative function entrusted in the constitutional balance to the Minister of Justice. Only by recruiting and enhancing the professionals who, due to their role and skills, are required to guarantee all administrative and managerial activities, can it be avoided that - within a few years - any benefit of this enormous and costly collective effort is nullified. To enhance its essential role, the distinction between Jurisdiction and Administration must be safeguarded. In summary, fewer magistrates lent - in a deficient legislative context - are needed for administrative functions and more judges to judge, reducing cases and times of their placement out of office. A modern and responsible administration must enhance the role of executives who make management their job. Without giving room to powers without responsibility, to responsibilities without powers. A plural and advanced governance needs to be established by drawing on more professional knowledge where the administrative role of the magistrates responds, without ambiguity, to legally established and insuperable limits. Only in this way will Justice not be the self-referential management of a power, but an effective service rendered to citizens.

