



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## **Processo Civile Telematico (PCT: on-line civil trial)**

**Improving the efficiency of the justice and reducing the length of civil cases – the Italian experience**

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Processo Civile  
Telematico  
(On-line Civil Trial).  
Improving the  
Efficiency of Justice  
and Reducing the  
Length of Civil Cases.  
The Italian Experience



**ENCJ South-Western Seminar on Timeliness  
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CASSATION -ITALY

# WHAT KIND OF JUSTICE ARE WE LOOKING FOR?



- Accessing justice and enhancing the efficiency of justice, i-e- the ability to obtain a proper answer from the justice system is an important issue in many justice systems around the world.
- Economy and justice: The PCT was the response that our government gave to the EU when Italy was asked to solve the problem of dealing with the backlog of civil cases: **YOU CAN READ IN THE EJTN REPORT** and also in the Strasbourg report of the Italian Minister

# The general idea



- A fair trial is a short trial.
- A short trial can enhance the economy and can help us overcome the economic crisis.
- but justice also has to be appropriate. we are looking for a system which helps to reduce the time of the trial and so encourages investment and at the same time does not penalize the quality of justice



# On-line Civil Trial



- The *Processo civile telematico* (PCT: “On-line Civil Trial”), developed by the Italian Ministry of Justice, is currently the most important e-Justice project and one of the most important Italian e-Government plans;
- It should be stressed that It is a tool and not a different kind of procedure: the same procedural law dealing with civil cases is maintained, with some arrangements required by the use of electronic documents but due to the novelty introduced by this tool, procedure is also affected.
- So the old problems and questions remain, but in a different form

# **better and faster organisation**



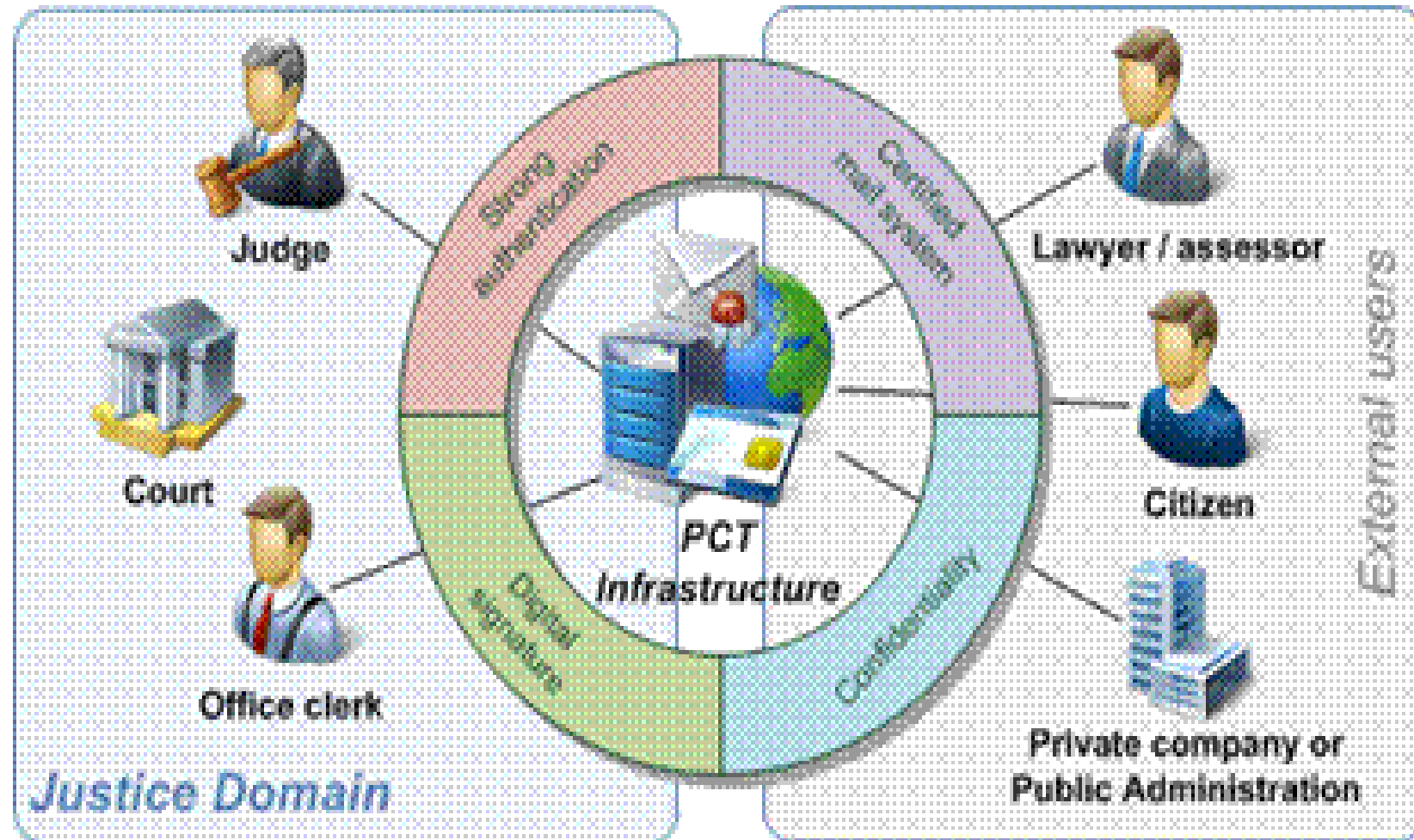
It is clear that only with the use of IT can justice offer the opportunity to know immediately and completely the demands of justice and then to organize the most efficient and the quickest answer to reach the goal of a fair trial) (knowledge is power» Francis Bacon)

# When it started



- Since the 30<sup>th</sup> of June 2014 it has been mandatory for Italian lawyers to file some of their lawsuits through the system called PCT and there is the same obligation for the judges: payment injunctions must be written and sent to the clerks only on line. At first it was mandatory only for injunctions both ways, and then it became so for other legal acts (i.e. all the acts which are filed after the first act). It is an option for the lawyer to file electronically the first act as well. So we have a mixed system, consisting of part paper based documents and part e-file documents.

# HOW IT WORKS



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# DIGITALIZATION OF judiciary data



- All the judiciary data (who the plaintiff is, who the defendant is and which documents have been filed) are collected in a web platform, which is immediately available for the judge (who can in this way know everything about his/her trials) and for the lawyers.
- The data is available in the system due to the work of the clerks (who receive the data sent by the external users)

# SAVING TIME AND ENERGY



- Pct works both ways; in fact it also enables judges to file their judgments on line, and legal practitioners (lawyers and other people who cooperate with the justice system) to consult and read them on an on-line platform, without physically going to the court to ask for a copy.

# THE LAWYERS



- The lawyers can take the legal acts from the system simply by downloading them from the platform named [pst](#)
- They can also notify these acts, giving them the legal certification, in the same way as the public clerk

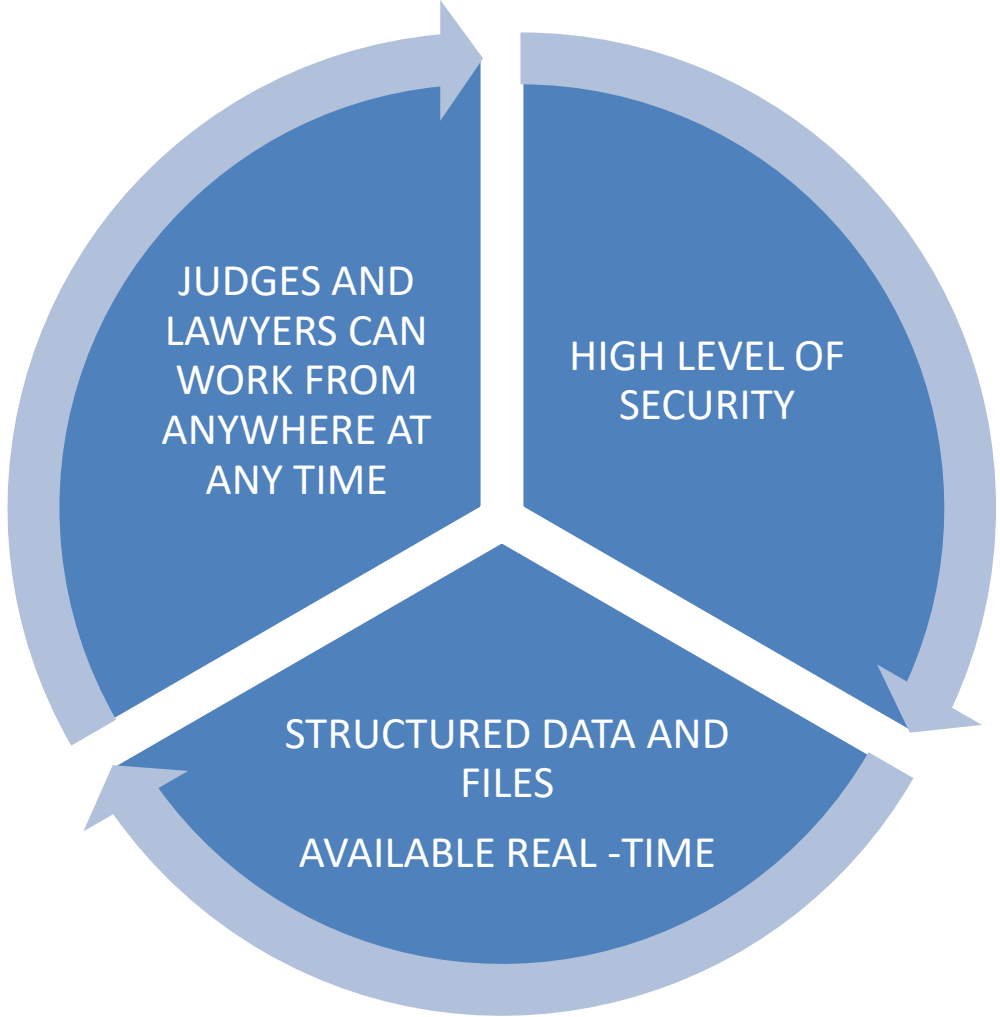
# State of the art

- [https://pst.giustizia.it/PST/resources/cms/documents/PCT Stato arte sintetico 30 06 2016 v1.pdf](https://pst.giustizia.it/PST/resources/cms/documents/PCT_Stato_arte_sintetico_30_06_2016_v1.pdf)

in this area are available all the information about:

- **e-filing numbers**
- **Communications from Courts**
- **access to registers and files**
- **Return of Investment**

# KEY FACTORS



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# PROBLEMS



- At the moment, our trials are based on documents which are in part paper-based and in part completely digitalised
- It is not uncommon to find that one lawyer has filed the act on the web and the other one in the paper based folder.
- So we have some difficulties in studying our trials.
- Following recent laws the lawyers have also been enabled to deposit the first act of the trial on the TOL.
- But It is not mandatory, It Is just an option they can use or not. So as the PCT is a work in progress, people can find some problems at present in finding a way of working (between paper and I.T.).

# problems



- At the same time it is difficult to deal with complex documents exclusively on the screen and people feel the need to print. But we do not have enough (human and material) resources to print everything, as it is against the aim of the project...
- So most of the judges are complaining fiercely about the present situation.
- The biggest complaint the judges have is that we still need paper based documents and it could be useful to keep the system only to transmit the legal acts, so that they can be picked up in a secure platform, from everywhere and kept securely .
- The judges, ( they underline this point), are appointed to decide, to study, not to print nor to be an IT expert.
- And often we are in troubles due to the lack of technical assistance



- The second complaint (of a long list) is that the TOL system is very complicated and asks the legal practitioners to have competences and abilities that they do not have in the field of I. T.
- It is difficult even to start the system for the judges (due to the necessity of a smart card, and sometimes it does not work and we cannot access the TOL)
- It is very complex for widespread use.
- And it has not worked on several occasions!



# THE INTERRUPTION AND THE PROBLEM OF TECHNICAL ASSISTANCE



- The system suffers a lot of interruption, without any warning. So we need a better organisation of the system in itself, as the idea is very good, but the resources for assistance training and organisation are lacking.
- To sum up, the system which aims to enhance the efficiency cannot be so complex as to be beyond the technological capacity of most users and the ability of the government to make it work perfectly (We need to improve the efficiency using user friendly systems.)
- Only a well working and organised system can really mean an improvement

# CONCLUSION



- It is a change in the attitude to working.
- It is largely a matter of applying good management techniques. This is about greatly improving the efficiency of Italy's judicial system by imposing discipline, the accountability of judges and lawyers, and using modern digital programming that will process all information in a highly transparent and expeditious way
- We need investment for the hardware, the training and to improve the network.
- It is the right time for the legal practitioners to change their old way of working
- *Antonella Ciriello (Judge of the Supreme Court of Cassation, ROME)*