

Research program:
“The anti-jurisdiction of the civil trial”

Annex C

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Research program:

Our legal system knows at this time a deep intervention by the legislator intended to introduce into our system appropriate provisions to allow, on the one hand, the reduction of the civil trials, through the possibility of transferring in the arbitration proceedings before; on the other hand, the promotion, out of court, alternative procedures to the ordinary resolution of disputes in the trial.

In particular, the resolution of conflicts and disputes out of court is facilitated by the introduction of a new institute that is added to the existing ones with a similar purpose: it is the negotiation procedure assisted by a lawyer.

Complementary purpose of contraction of the times of the civil trial based measures for the functionality of the same process, such as the power of the judge to adapt the rite to the complexity of the dispute, by arranging the passage, in the presence of "simple" trials, by ordinary procedure to summary cognition, as well, even in key deterrent of litigation, the limitation of trials in which the court may offset the costs of the process.

The same objective thrust in the sense of the functionality of the judicial system is pursued by further measures for the simplification and acceleration of the process of enforcement and insolvency proceedings.

It must be considered that, as a result of the reforms implemented in recent years, in the Doing Business report of the World Bank Italy has climbed 37 positions in the ranking well on the efficiency of justice ("ranking enforcing contracts") going from 140 ° to 103 ° place.

However, it remains a very considerable problem the number of trials, especially on appeal and the systematic violation of the term of reasonable duration of the process referred to in Article 6, paragraph 1, of the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified the under the law August 4, 1955, n. 848.

The research aims to verify the content of the solutions identified by the legislator to overcome the critical notes and it wants to verify the correctness of the choice to enhance the professionalism and expertise of the world Advocacy, which actor primary in the context of the administration of justice, called to the responsibility of an effective help to deflation the civil litigation using the tools introduced.

Research structure

The research is based on a personal study of the subject treated, with the forecast for seminars specific research topic. At the end it will be drawn up an elaborate.