

SPECIAL ISSUE:

COMPARING AND ANALYZING PROCEDURAL REFORMS OF THE 2021 ITALIAN NATIONAL RECOVERY AND RESILIENCE PLAN

In May 2023, procedural scholars from Bocconi University and New York University School of Law met in Milan, Italy to engage in a public discussion about recently enacted reforms of the Italian legal system. Authorized by a 2021 enabling act and implemented by legislative decrees in 2022, the reforms went into effect for civil proceedings in March 2023. The reforms call for far reaching changes to civil proceedings in Italy with the goal of expediting and streamlining judicial process—a critical intervention for a system in which civil disputes can take more than seven years to come to judgment on average. The reforms include improvements to the number and types of court staff, technological upgrades, increased use of alternative dispute resolution mechanisms including mediation and arbitration, and new opportunities for discovery, summary orders, and judicially led settlement. The reforms are ambitious in scope and potentially historic in impact.

The N.Y.U. Journal of International Law and Politics is honored to publish the speakers' remarks, which have been adapted for print and updated in part in light of the reforms' operation in practice. Some of the reforms—especially those that require active participation by counsel for information exchange and negotiation—are typically associated with common law legal systems. By tradition, some scholars might even view the reforms as incompatible with the continental origins of Italy's legal system. Italy's embrace of these changes raised questions for the discussants about the existence, desirability, and effectiveness of procedural transplantation as a mechanism for legal improvement. With these questions in mind, the discussion focused attention on whether the reforms mark an "Americanization" of Italian civil proceedings—and, if so, what the anticipated significance of the changes might be.

We are also especially pleased to publish Introductory Remarks graciously prepared by Marta Cartabia, a full professor of Constitutional Law at Bocconi, who served as Minister of Justice in the government of Prime Minister Mario Draghi and spearheaded the reforms. Professor Cartabia, who early in her esteemed career was a Fellow at the Straus Institute for the Advanced Study of Law & Justice at NYU, served as a Judge of the Constitutional Court of Italy and was the first woman to serve as its President. She was also the keynote speaker at the Convocation Ceremony for LL.Ms and other graduate degree recipients at NYU Law in 2023.