Measuring and Improving Efficiency of Judges: Evidence from Italian Courts

Decio coviello, HEC Montréal
The Italian judiciary is slow

- World Bank (2014) ranks Italy 147/189 in ease of enforcing contracts
  - A sale of goods dispute takes 6 years in Bari (and you can still go to last instance court)

According to the IMF (2014), Italy needs to cut labour taxes and reform its justice system to achieve economic growth and reduce unemployment.

For the IMF, Inefficient judicial system remains “a major factor behind Italy’s weak business environment”. 
Our research agenda

• How the organization of judicial work – time use – causes reductions in delays of justice and improves judicial productivity

• Present two case-study that generated a best practice for the Italian judiciary
  ➢ Partnership between our research team and two labour courts in Italy
  ➢ Best Practice: Model 21 → “Plan your hearing, work in sequence reducing task juggling”

• Theory and evidence behind the best practice
  ➢ Project 1: Theory behind Model 21
  ➢ Project 2: Detailed data on delays of labour disputes, task juggling and productivity of judges
  ➢ Project 3: Field experiment that induced judges to adopt the best practice limiting task juggling

• Just groundwork: report novel evidence for hopefully larger research agenda on time use in Courts
The simplest model of Task Juggling
Lavoro in sequenza: giustizia più veloce se il giudice procede una causa per volta - Modello 21

Un problema di metodo

Tra risorse che mancano e arretrato che ingolfa gli uffici, anche il metodo di lavoro dei giudici finisce sotto la lente d'ingrandimento. Nei processi civili il metodo è stato per lo più quello di trattare più cause in parallelo; per ognuna il giudice svolge una porzione di attività (ad esempio, una parte dell'attività istruttoria in una causa, ammissione delle prove in un'altra, esame del Ctu in un'altra ancora), che poi prosegue a distanza di settimane o di mesi, sempre in parallelo con altre cause.

Ma non sempre è un bene: fare molte cose insieme significa abbandonare e riprendere più volte lo stesso discorso. Tradotto in parole semplici, vuol dire studiare e scendere in profondità per poi mettere da parte e passare ad altro. E dopo tempo riprendere il vecchio argomento e tornare ad approfondire. E allora alcuni uffici sperimentano un modello di lavoro diverso, più concentrato nel tempo.
We collected 58,280 cases led in the Labor Court of Milan between 2000-2005.

We tracked:
• The entire history of (almost) each case from filing, and assignment to each judge to the sentence

• The exact timing of the events, including the scheduling of each court hearing

• For each Judge-Week we can compute precise measures of
  ➢ The duration of cases, throughput, appeal rate (her Performance)
  ➢ The number of active cases (her Juggling)
  ➢ The number of new randomly assigned cases (her Workload)
  ➢ The number of hearings per week (her Effort)
  ➢ The number of hearings to close a case (her Ability)

Remark
• Judges are comparable as cases are randomly assigned
• We have NO info on Judges' characteristics
Task juggling causes higher delays

Figure 3: Kaplan-Meier estimate of the cumulative hazard of case completion for “heavy” and “mild” jugglers

Detailed measures of productivity and workload

Figure 1: Differences of performance between judges with randomly assigned workload
No trade-off delay-quality of decisions

Figure 2: The trade off between quantity and quality in the decision of judges with randomly assigned workload
Starting January 2011, one section (out of 6) of the labour court of the Appeal Court of Roma decided to implement "Model 21".

The head of the Section, Justice Torrice, decided to change the scheduling of hearings with a protocol developed by us.

Challenges

- Manage change, old PCs, no help from IT

Main support

- Admin staff, Judges training group
Positive result from the field experiment

What next?

• World Bank (2014) ranks Canada 122th place in ease of enforcing contracts (just above Italy)

• How judges organize their work and use their time in Canada?

• Could we test the effectiveness of the best practice (or other organizational practices) in Canada?