
Assessing and Filling the Gap as a New Mode of Governance, Lessons from a Preliminary Study carried out in the Cosenza's Public Prosecutors' Office¹

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Abstract

In all European countries courts and public prosecutor offices have been undergoing a long and comprehensive process of reform, target several different components of their organization and management. This phenomenon can be explained as the outcome of two combined forces: an increase demand of justice and a pressure from the international and supranational institutions. Accordingly, innovation has become a major issue in the judicial sector. Despite the attention devoted to it, much less effort has been made to comprehend the mechanisms that make organizations innovative. To what extent is leadership important? How may different organizational cultures facilitate or create obstacles to innovation? And to what extent can innovation be implemented through a top down approach in a peculiar organization, such as a judicial office?

This article tells the story of a case study on a public prosecutors' office located in the South of Italy. The pilot study has been framed and conducted as both normative and empirical in its own nature. Moreover, it represents a case study with a certain number of policy effects, as it turned into a roadmap which was adopted by the judicial office to improve its own organization and human resource management. This is the first study carried out in Italy using such methods with the objective to:

- a) describe the implementation of organizational innovation (in this respect there had already been a study of the General Registry Office),
- b) map intra-organizational routines and inter-connections between administration and the General Registry Office and between the GRO and the criminal records Office etc;
- c) identify skills to adapt and learn skills from daily routines and execution of specific tasks, as they are done in all public sectors.

*If you really want to understand something, try first to change it.
- Thomas Eliot*

In order to make organizational innovation a successful story

Organizational innovations are nowadays distinctive marks of the judicial policies enacted within all advanced democracies at the different levels of the judicial governance. To mention a few examples of this: the High Judicial Councils (or Councils of the Judiciary), once instituted, have been reshaped partially in order to ensure their maintenance in several European countries, such as Italy, France, Bulgaria, and Romania (Pederzoli, 2011). The judicial offices have undergone a comprehensive process of reform targeting the pattern of human resources management, the division of labor, and the mechanisms of intra-organizational control, etc. The tools now at the disposal of common citizens and laymen to enable access to the courts in an easy and reliable way have been innovated and largely updated. ICT-based instruments of public communication have been installed within many judicial offices as the outcome of a new policy discourse favoring the judicial sector over the last two decades (Contini and Mohr, 2007; Lanzara and Contini, 2009).

To put it briefly, innovation has become common sense when policy makers are referring to judicial institutions. They are asked to solve and medicate the illness affecting the judicial sector, such as unreasonable time frames, inequitable access to the courts, lack of confidence by the general public to the bench, etc. This topic was also a core policy agenda set up of international organizations, such as the World Bank and the Council of Europe, as well as non-governmental actors which devote their resources to address the mishaps of judicial organizations. Despite the unquestionable attention gained by the topic "innovation" within the judicial sector, the understanding of the conditions that facilitate and

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create resistance, not only to the introduction of organizational innovation, but also to the correct and effective implementation of it, is very poor. Very little has been produced in terms of knowledge as how to make innovative organizations successful and durable. Moreover, the question of how the implementation process may reshape, adapt and eventually drift off the initial innovation is still largely unanswered.

This is not as to say that judicial organizations and court management have been not sufficiently analyzed with a policy-oriented approach. Quite the opposite in fact. The point the author of this work wishes to make is more on the post adaptation of organizational innovations.

When a judicial office installs a customer access point, an ICT based platform to handle dockets etc, the changes triggered by such an adoption can be appreciated only by a substantial analysis of the informal organizational machinery. This cannot be assessed easily if starting from a standard analytical grid, which represents a precious, but incomplete assessment tool.

This state of affairs can be explained in several ways, but one way to do justice to it is to recognize that historically the judicial systems, which are based on the civil law tradition, previously experienced very limited complexity of cases. In continental Europe courts and public prosecutor offices were traditionally used to develop their professional behaviors upon the instructions provided with in the domestic legal codes and in the doctrine developed by high judicial institutions (Bell, 2006). This way of legitimizing their judicial decisions was directly connected with a deductive and bureaucratic view of the judicial governance, *i.e.*, one set of formal and informal rules governing judicial behaviors. Hierarchically structured systems of governance mirror an equally hierarchically structured legal system. In practice, this means that judicial behaviors are supposed to comply with a set of legal norms and organizational rules enforced under the supervision of the highest organizational level of the system, which stands as the highest court – notably the Supreme Court – and the highest prosecutor office or the executive power – notably the Prosecutor General. In such a system any innovation was introduced by the highest organizational level and equally implemented by any judicial office within the country. Innovations consisted mostly in legal reforms or in the transposition of international norms (Merryman, 1979).

In all European countries the judicial governance undertook a deep and dramatic process of change impinging upon:

- 1) the number of authorities issuing rules;
- 2) the capacity of the standing authorities to enforce those rules;
- 3) the consistency and the coherence of the judicial behaviors within a national judicial system.

Several reasons explain this state of affairs. Firstly the authorities allowed to issue legally binding norms has increased in number and differed in their professional background. To mention but a few examples, the law is made by national courts, the European court of justice and the European court of human rights, without any formalized mechanism by means of which a hierarchical order is set up granting one authority with a priority or a dominance role within the European system (Poiares Maduro, 2002) (Ferrarese, 2010).

Secondly, a high number of non-legally binding norms has made an appearance in the European Union as one of the most groundbreaking outcomes of a transnational standard setting process, targeting the administration and the organization of domestic courts and public prosecutor offices. Several types of standards have been put forward: reasonable timeframes, equal access to justice, efficient financial management, effective public communication, etc., (Fabri, *et al.*, 2005).³

Such issues, which have emerged particularly strong in the last three decades, corresponds to greater attention on the part of legislators and experts of institutional reforms to the mechanisms required to guarantee the impartiality of the judgment, but also contributes to the efficiency and quality of services that the judiciary system can offer (Frydman, 2011). This has entailed a growing commitment to inject within the traditional systems of judicial governance new organizational practices and policies originated in other systems or offices.⁴

The overall effect of this comprehensive change has resulted in a growth of innovation within the realm of justice administration. Innovation has been praised alongside the development of several exercises of monitoring and policy transfer (Rose, 1999; Dolowitz, Marsh, 2000) all of which have been supported by transnational judicial networks and

³ In the international landscape studies of judiciary organization represent today a significant part of the research agenda on organization and administration science (Langbroek, Fabri, 2000).

⁴ The definition of a new mode of governance refers to combination of the hierarchical structures, still in place, with new practices to organize and coordinate collective actions, such as networking, policy transfer, quality management, social budgeting. On this topic, a vast literature has been developed. It is not to this work its critical review.

welcomed by the court users and the legal professions as recourse for the problems encountered by increasingly overloaded judicial organizations.

Once again, whereas traditional modes of governance – notably the hierarchy – were used to adopt innovations by a top-down approach, now innovation is deployed often as a localized and contextualized process of organizational reshape based on a dominant stream of thought inspired by the new public management (Pauliat, 2007) (Piana, 2001). More innovative offices are supposed to be better suited to reach the goal of a reliable, answerable, and efficient justice system. Despite the growing body of knowledge addressing the innovation within the judicial governance, the implementation of the organizational innovation, as introduced, is still a largely under explored subject. Also, those scholars who tried to describe the process of policy change enacted by the adoption of new practices, human resources management schemes, etc., did not offer any theoretical account for what can be defined as “steering of the innovation process.”

One can claim that this represents a serious lack of knowledge on both sides of science and politics. On the one hand, innovation can always be conceived as a type of change, which originates from the intention of innovating but can result into much bigger and deeper change than expected – and not necessarily consistent with the innovator’s goals.

On the other hand, without any robust explanation of the processes of change provoked by the innovation, any judicial policy praising the innovation may be viewed as weak with potential shortcomings. Innovation turns out to be effective in improving the judicial organization only to the extent it is under the control of a permanent monitoring authority, which should be – as it will be argued in this article – located within the innovating office.

In this article the author aims at offering a critical assessment of the results produced by a pilot study conducted by the author within the public prosecutor office of Cosenza. This exercise had different, but related goals:

- 1) Develop an assessment tool to detect and rate the capacity of the judicial office to adopt and effectively implement an organizational innovation;
- 2) Provide a heuristic of the facilitating/resisting conditions to the innovation;
- 3) Draw a set of key guidelines to reform the organization of the public prosecutor office by tailoring the policy advice on the basis of the specific context in which the office is located.

In this respect, the pilot study has been framed and conducted as both normative and empirical in its own nature. Moreover, it represents a case study with a certain number of policy effects, as it turned into a roadmap which was adopted by the judicial office to improve its own organization and human resource management.

The pilot study has been conducted by the author in the Prosecutor’s Office of Cosenza to assess the administrative and judicial staff’s latent skills and of the organizational dynamics, characterizing the interactions among the clerks, the assistant prosecutors and the chief prosecutors. Interactions between administration and secretarial offices were also monitored, as well as the functions of the court with regard to prosecution services.

This pilot study represents the first step in a wider self-evaluation strategy by the Prosecutor’s Office in the medium to long term. In order to do this, the rationale behind employing academics was to bring the Prosecutor’s Office closer to academia, since the latter can offer methodologies, which, albeit framed theoretically and analytically, can be easily managed by an organization, which due to its structure, access to human and financial resources, could not afford a research officer. This study was carried out within four weeks, between 20 June and 20 July 2011, through combining qualitative methods and participatory observation.

- The latter aimed at creating an environment of trust and dialogue, establishing a point of contact with the officers during daily routine activities where were necessary to ensure the functioning of the office. This is the first study carried out in Italy using such methods and with the objectives of studying the implementation of organizational innovation (in this respect there had already been a study of the General Registry Office),
- mapping intra-organizational routine and inter-functional connections between administration and the GRO and GRO and the criminal records Office etc;
- identifying those adaptation and learning skills which arise in all public sectors from daily routines and execution of specific tasks.

Thus, in terms of unit of analysis, this study focused on two units: the individual (and the role) and the office. The availability of an office to work side by side with the judicial and administrative staff each day, facilitated the research considerably.

Briefly, this work can provide practitioners and policy makers with an instrument to assess the differential impact organizational cultures and informal organizational practices can have in the long run upon the implementation and consolidation of the innovations adopted by a judicial office.

In this respect, this work stands to complement and further develop the current mainstream focus on quality of justice. The added value is related to the capacity of this pilot study to detect the informal organization and thereby to make the staff of the judicial office leading actors in the assessment of the innovation.

The challenges of innovating loosely coupled organizations

In a bureaucratic judicial system, legal and bureaucratic logic – which prescribe that decisions should be based on legal norms and be at the same time respectful of the legal doctrine set down by senior judges and prosecutors (usually sitting in a Supreme Court)- co-participate to put in motion a distinctive pattern of judicial governance, in which the independence of the single judge is substantially subordinated to the independence of the magistracy as a system.

This rationale is in the same direction as the principle of autonomy of public administration from political institutions. As Max Weber correctly pointed out, judges who work in bureaucratic settings benefit from a very particular type of guarantee, such as their independence and their professional status (Weber, 1912; 1922). Once recruited by means of a general, standardized procedure, which resembles very much the procedure adopted to recruit civil servants and bureaucrats, they are inserted into a machine in which many will spend their entire career. Each judge is expected to behave in way that is respectful of several different rules and standards. Her behavior should be lawful, should respect the organizational values that constitute and shape the identity of the judicial system in which she works, should respect the professional ethics of the legal professions, should respect a standard of effectiveness and efficiency in the use of the organizational resources and should respect the rights of the citizens, ultimate holders of the democratic sovereignty.

“This complex picture figures out a situation where judges expect costs and negative rewards if their behavior does not respect a set of several different standards. Some of them are weaker and informally enforced, while some of them are harder and legally binding” (Piana 2009, p 4). One may safely say that the bureaucratic judge (a judge who is working into a bureaucratically organized judicial system) is held accountable by means of a vertical chain of mechanisms of rule enforcement, whose effectiveness depends on the internal cohesiveness of the judicial hierarchy.

What ensures the legitimacy of a decision in a case is the balanced combination of a procedurally correct process of decision making on the case (evidence taking, hearing of witnesses, etc) and the cohesiveness of the judicial decisions taken along the years/decades and among different courts belonging to the same system. The consistency of the judicial hierarchy and the respect for legal procedures both aim to ensure the impartiality and the imperturbability of the bench vis-à-vis possible influences coming from the external environment, either politics, or the market, or other foreign legal systems (Febbrajo, 1981; Pasquino, 1984).

Bureaucratic reasoning ensures the application of general norms in a neutral way. Ideally, a bureaucratically-oriented agency performs its role by classifying a case as an instantiation of a general norm and deductively reasoning the case on the base of the specific obligation the norm contains. Creativity, discretionary comprehension of the case and extra normative arguments do not have any salience in this picture. The legality principle sticks to this view if it is intended to be a formal principle, which stands on a meta level vis-à-vis the ordinary application of legal norms. What makes the adjudication legitimate is the belief and the common expectation that a judicial actor will apply a legal norm along a pattern of reasoning that is strictly procedurally correct.

The mechanisms of change that are required by this approach should be considered attentively. The legality principle must be ensured by means of a mechanism of change that guarantees the transmission of the inputs from the highest level of the judicial governance to the lowest one (Langer, 2004; Galligan, 2009).

This portrait of the magistracy is not adequate for the contemporary world. As we all know, this portrait does not correspond any longer to the real state of affairs in which contemporary adjudication takes place. First and foremost judges are now placed amidst a complex, multi-layered and multi-centered system that spans globally from legal cultures that are miles away from each other and which generate norms that should generally be accommodated on a case by case basis, rather on the base of deductive and intra-systemic reasoning.

Ordinary judges (not to mention judges sitting in constitutional courts) are allowed to be attentive to the normative creations of foreign courts and, accordingly, to pass over or to overrule in some cases, the doctrine endorsed by the senior judges who are responsible for their career promotion. In issuing a sentence, judges are no longer simply

interested by their domestic reputation, but can become particularly sensitive to the international scrutiny in academic or judicial networks and entourages.

Despite being a place traditionally devoted to the enforcement of domestic legal rules, courts are nowadays involved in multi-level and multi-layered systems of collective action where they perform their function amidst a multi-voiced set of norms of values and norms much more complex than the one they were confronted with in the past (Kappen-Risse, 1995; Benda-Beckmann, 2006). European courts experienced this phenomenon in a distinctive way. Mechanisms of cross-national coordination and cooperation have been enhanced to the point of breaking through the architecture of the States and borders of domestic legal systems (Borzel and Cichowsky, 2003; Falkner et al., 2008; Chalmers, 1992; Wallace and Wallace, 2000; Piana, 2009a). Most important of all, supranational institutions, which in principle are not entrusted with any competence in the field of judicial governance, in the early 90s of the Twentieth century started to set up a wide and comprehensive process of reflective policy making (Rogowski, 2007), targeting the models of judicial governance, the practices of judicial administration, and the mechanisms by the means of which courts interact with the external environment – such as media and citizens (Voermans, 2007). Standards of rule of law and quality of justice have been set down by networks whose membership ensures a systematic link between supranational and domestic policy arenas, since these judicial networks are composed of judges and prosecutors, representatives of domestic judicial institutions (Piana, 2010).

Despite being within the formal jurisdiction of sovereign States, courts have become a promising and fertile terrain on which transnational standards are implemented.

This comprehensive process of change, originated from broader and more complex processes which encompasses the entire allocation of power and authority across the levels of politics (sub-national, national, and supranational) is in parallel with an endogenous process of change which, affected all the judicial systems that have been structured along the bureaucratic logic depicted above, albeit with a different degree of intensity.

In some countries more than others we observe an on-going process of change that weakens the hierarchical ties between the ordinary courts and the high courts. Here, several causes can be mentioned to account for such a phenomenon. Some scholars have argued that the introduction of a mechanism of corporatist representation within the High judicial councils has managed to transform the judicial hierarchy into a judicial “democracy” i.e., one man corresponds to one vote in the election of the judicial council’s members.

The emphasis put by some countries – such as Italy – upon the internal independence of judges and prosecutors as the main avenue to the guarantee of the judicial impartiality reinforced the overall effect of making the judiciary less hierarchical and more horizontal in its mode of governance. Nowadays in Italy public prosecutors jealously guard their individual autonomy. This goes as far as one of the most prestigious magistrate sitting at the General Prosecutor Office of the Court of Cassation declaring that they can do very little to force the ordinary public prosecutors to adopt any specific organizational practice. Beyond moral persuasion, very little can be done.

The career scheme is inspired by a bureaucratic mechanism of appointment, both for judicial and prosecutorial offices. However, several organizational practices which significantly impacts the way prosecution is enacted and carried on, differs from one judicial district to the other. I am inclined to argue that Italy is the extreme case of a general trend which is exhibited by the public sector overall. The more plural, fragmented, and heteronimic the inputs that influence the agenda and the decision making rationale of a public institution, the more the single units that exist within the complex organizations in which the institutional values and principles are embedded need to gain a certain degree of freedom to adapt and accommodate all these inputs. The bureaucratic logic of action seems to be forced to step back to leave some space open for an adaptive rationality.

What consequences may this have for the processes of organizational innovations?

Organizational theorists provide an insightful approach to this point. In 1976 Weick, whilst observing the functioning of the education systems in seminal work, introduced the concept of a ‘loosely coupled system’, i.e., a system where the connections among its units are weak and flexible and under the same conditions, different units belonging to the same system react in different ways.⁵ Loosely coupled systems are complex machineries in which the behavior adopted by the unit U1 entails the reaction of the unit U2 with which U1 is regularly interacting, not alongside a linear and causal relationship. If U1 opts action A, it does not follow that U2 opts for one and only one action linearly related to A, let’s say B. The reaction of U2 may span over a range of options including B along with other possibilities. Of course, U1 and U2

⁵ Readers may consider that a loosely coupled system exhibits an organizational texture where informal rules and mechanisms of horizontal co-ordinations still maintain a fairly high importance in the overall.

are somehow governed by an overarching principle, say the fact that they need to respect some general procedures. But in very concrete and practical terms, the chain A-B does not necessarily unfold, it is likely or highly probable to unfold. Loosely coupled systems exhibit a very high capacity to adapt to abrupt and unpredicted changes. In this respect they gain in flexibility, however, lose some degree of consistency and predictability. To be sure, a loosely coupled system can easily react to horizontal patterns of coordination, but represent a very uncomfortable terrain if they are requested to consistently absorb and implement an innovation.

Some scholars have rightly argued that judicial systems in continental Europe exhibit the organizational matrix of a partial loosely coupled system (Contini, 1999; Zan, 2011). Why partially? Necessarily, judges and public prosecutors, as well as clerks and administrative staff units are forced to strictly comply with the rules entrenched in the civil and the penal procedural codes. In this respect, judicial offices are organizations that feature a high degree of predictability. For instance, the pre-trial bargaining proceeding requires that the pre-trial hearing judge accomplishes certain type of actions. The deputy prosecutor is also obliged by the procedural code to act in a specified and formalized way. This grants predictability to the behavioral patterns of the judicial office.⁶ However, this scenario, which can be described as a tightly coupled system, goes hand in hand with a second scenario, which can be described as loosely coupled. There are several indicators one can consider for the latter or second scenario. The public prosecutor is autonomous as far as the management of the docket is concerned. The public prosecutor can decide to speed up or to slow down the pace of the pre-trial investigations. The public prosecutor can delegate most of the docket management of her clerks-assistant or opt for the opposite behavior. Similarly, the administrative services can organize their works internally in very flexible way. Such flexibility is witnessed, for example, by the fact that personnel are easily replaced, especially at the lowest hierarchical level. Therefore, "who does what" can vary on the basis of the level of overloading of the dockets, the degree of cooperative/non cooperative interaction that is enacted within each service and of the permanence, or non permanence of the same personnel in the same service.

Italy is, in this respect, an extremely telling case. An overview of the organizational practices adopted in the public prosecutor offices across in the whole country results in a patchwork of different routines and management schemes, and an inconsistency in areas such as case assignment and the responsibility granted to the clerks that assist and support the work of the public prosecutor. For the sake of clarity, one should also mention the recent effort made by the legislator in the area of enhancing the hierarchical control within the PPO by granting the chief prosecutor a certain number of competences in matters of case assignment, budgeting, and relationship with the other offices and the external public (media included).

This said though, one can safely argue that Italian PPO's are multi faceted organizations: a procedural facet tightly coupled with behavioral schemata and a managerial facet loosely coupled with behavioral schemata.

If this argument holds, in order to ensure the effective implementation of any organizational innovation, preliminary scrutiny of the organizational dynamics into which the innovation is to be absorbed should take place. This means in practice that some specific characteristics of the organization and work practices undertaken as part daily routine should be detected:

- Presence of leading individuals in the organizational units who have the capacity to hold the other staff units answerable and accountable.
- Presence of individuals who have worked within the organization for several years and have an overall view of the organizational matrix – as it is in practice, not only from the organogram.
- Managerial skills developed by means of a 'learning by doing' mechanism. These skills will be instrumental in monitoring step by step the implementation of any innovation.
- Presence of an organizational texture where inter-individual ties are based more on loyalty than on formal relationships.

In general, I would argue that the more the organization exhibits a loosely coupled pattern of control and intra-organizational accountability, the more each innovation needs to be introduced by the following means:

- 1) A participative process of design: this will make the innovation more familiar to those people that, beyond the assignment from the organogram, have very strong capacity to hold other staff units accountable.
- 2) A permanent process of self-monitoring under the supervision of the chief prosecutor or, such as in the Italian system, the deputy chief prosecutor (she is responsible for the court management in the Italian procedural code)
- 3) The delivering of training sessions focused on the organizational innovations to people who are more committed and more loyal to the institution.

⁶ This argument is more deeply and widely developed in Piana, 2010, ch. 5.

- 4) A yearly external audit in which citizens and representative of the qualified users – such as Chambers of Commerce, Bar, etc. – are involved.

A Path Breaking Pilot Study

The Italian judicial system comprises both courts and public prosecutor offices. Jurisdiction over civil and criminal matters is handled by judges and public prosecutors, both belonging to the judicial order (*magistrati*). Criminal proceedings draw from the prosecutorial act of an ordinary public prosecutor, which is subject to the constitutional principle of legality. Each notice of crime should end into a prosecutorial act. The latter, of course, can be transformed into a criminal proceeding based on accusation or simply closed on the basis of two reasons: lack of evidence and of procedural correctness. Once the criminal proceeding is registered at GRO, a serial number is assigned to a docket and consequently the proceeding is assigned to an ordinary prosecutor. The jurisdiction is organized on the basis of the territorial unit which corresponds to the judicial district (similar to a province).

The Italian public prosecutor is the master of the prosecutorial action (art. 112 constitution). She leads the investigation and disposes of the police's involvement of the matter. Public prosecutor offices that are located in the South are often handling proceedings related to Mafia associated crimes. For this reason, one of the most time consuming and expensive activities led by the PPO is wire-tapping and phone tapping. Records of both are then analyzed and cross checked with evidence collected throughout the investigations undertaken by the police. The pre-trial documents prepared by the prosecutor are then handed over to the office of the judge for preliminary investigation. The office of the judge is the judicial representative. The judge checks and assesses the validity of those documents and eventually accepts/does not accept the request for pre-trial detention (if it is the case).

For organizational accountability, ordinary prosecutors are held responsible to the law (legal accountability) and to the High Judicial Council by regular assessment of skills. After the new judicial reform came into force in 2007, public prosecutors – like the judges – are assessed on the basis of a complex and comprehensive grid which aims to detect the degree of their performance ever four years. Professional assessment has become a key topic in the Italian debate on quality of justice, in particular with regard to the assessment of the positions of deputy and chief prosecutors. The latter both undertake an assessment of their managerial capacities every four years.

PPO exhibit a very low degree of hierarchical control⁷. In Italy, since the late '60s the judicial order has been shifting from a purely bureaucratic asset to a more horizontal setting, where judges and prosecutors are considered equal regardless of their functions. The chief judge or the chief prosecutor is not allowed to provide ordinary judges or prosecutors with orders or commands as how to adjudicate or prosecute.

The recent reform tried to create the conditions for the PPO shifting back to a more hierarchical organization (Piana and Vauchez, 2012, ch. 4). This solution was considered by the legislator as a way to regain control of the expenditure of the offices, to come to terms with problems of intra-organizational dissent among different prosecutors on the same case, and lastly to reduce the exposure to the media . Now only the Chief and deputy prosecutors can speak to the media and have the power to handle the most delicate cases themselves if they think there are valid reasons to do so.

The Prosecutor's office of Cosenza's Courthouse is a medium-sized office. The office employs 12 ordinary prosecutors and 14 honorary prosecutors.⁸ At the time of writing there are 4 vacancies. The administration office, following the implementation of a ministerial decree on October 10 2007, includes 49 staff at different levels, as per table 1. There are 7 vacancies.

Tab. 1. Organization chart of administrative staff

Qualification	Organogram	Attendances	Vacancies
Manager	1	1	1
Manager C3	1	0	-1
Chancellery clerk C2	2	2	
Chancellery clerk C1	7	6	-1
Chancellery clerk B3	13	11	-2

⁷ Interview of an Italian public prosecutor with high ranked position.

⁸ Regulation issued by the Italian Ministry of Justice.

Bailiff B3	4	0	-4
Bailiff B2	4	3	-1
Bailiff B1	13	14	1
Auxiliary B1 Driver	8	8	
Auxiliary B 1	1	0	-1
Auxiliary A1	2	5	3

At first, the availability of resources presents two characteristics. The prosecutors of the office are relatively young. In terms of the gender variable, two out of 12 prosecutors are women. The senior prosecutors display different work experiences. The Chief Prosecutor spent most of his working life in Calabria, in Catanzaro first (Court of Appeals), in Rossano, and finally in Cosenza. The deputy prosecutor comes from Naples' offices where he worked as assistant prosecutor. In that respect, Cosenza's Prosecutor's Office, through staff mobility, displays a medium level of local rooting in Calabria and in an implicit way it has incorporated a deep understanding of this region's issues. However, it should be emphasized that the reality of Cosenza is different from Catanzaro, since the former does not have an anti-mafia office (DDA) and this allows for more routine work, particularly in running the daily agenda of the public prosecutor.

Prosecutions are handled by means of a group-based division of labour.⁹ Three groups have been created since the former chief prosecutor was in office: economic and financial crimes; crimes against public institutions; crimes against minors and disadvantaged groups.

Prosecutors are assigned to one group, except the chief and the deputy chief prosecutors. The latter holds the responsibility for the management of the office. The division into groups has allowed the judicial staff to acquire a degree of specialization, which is widely perceived as a positive factor. Regular meetings are held where the collective representation of judicial staff is considered positively.

With regard to the administrative staff, a more thorough analysis is necessary. First of all, the vacancy of the administrative manager, which is only covered through temporary employees, clearly has an impact on the office. In fact, the administrative manager is entrusted with the responsibility for all human resources management, the financial management, and the interactions between the administrative staff and the judicial personnel. In principle she represents a key figure in the organizational matrix of any Italian judicial office. In organizational terms, the absence of a full time administrative manager determines a partial presence of the manager of the Prosecutor's office, since the same role covers both the judge and the prosecutor's office. This in principle might ensure a greater overall management capacity; in practice however a lack of time translates into relying on the office's routine knowledge, or tacit knowledge, and on its human and communication network in order to resolve daily issues. In this respect, one might guess the prominence of the heads of each service unit, an aspect that will be addressed below. In terms of professional figures, another limit is lack of medium-high professionals. Out of 49 administrative staff, less than half own a qualification higher than a diploma and only 2 started a retraining course that goes beyond what is normally on offer through central or local institutional channels.

The pilot study conducted in Cosenza was devoted to assessing the organizational culture developed within the sub-units composing the office:

- General Register,
- the office for the pre-trial investigation,
- the office which handles the documents to be transmitted to the hearing panels,
- the office which supervises the budget,
- the wiretapping structure office, and the archive.

On the top of these sub-units each public prosecutor has her own office to which one assistant is assigned.

A questionnaire has been filled out by each staff unit, both judicial and administrative, under the supervision of the author. The questionnaire – here annexed – was to collect data about three dimensions:

- The individual profile of each staff unit: professional experiences and background; IT skills; training needs and training expectations.

⁹ Regulation issues by the Chief Prosecutor and submitted to the High Judicial Council.

- The sub-unit organization of labor: daily agenda, practices and routines, problem solving strategies, (eventually) the capacities of functional replacement, patterns of leadership and obedience.
- The interaction strategies set up by each unit to interface with the other units: communication, transmission of docket, checking and cross-checking of information, mechanisms of organizational accountability.

In 25 days 46 questionnaires were collected. Only one is considered invalid. The data collected, by means of the questionnaires, have been complemented by the data drawn from the participative observation carried out by the author within each of the five organizational units: general register, pre-trial office, archive, accounting office, pre-panel hearing office (415 bis), and the wiretapping office.

As well as these units, the author has been observing the communication practices of the public prosecutors and the behavioral patterns exhibited by them when they interact with their assistants (clerks) for a total of one month.

The analysis of the data should be separated from the behavioral patterns and the capacities shared by the administrative staff, from those shared by the judicial staff.

The first finding that deserves attention is the distribution of reflective knowledge of the organization. The continuity of administrative staff explains the deep rooted knowledge of the organization. The degree of tacit knowledge is only partial among public prosecutors. There exists an imbalance between the recognized training and institutional title and the actual skills acquired on the job. Several administrators have decades-long experience. This has determined the learning of intra-systemic and inter-service dynamics at an emotional level, which is rarely reflected upon becoming an object of meta-cognition. A mapping of latent skills was carried out with an analytical and situational matrix. This means that the organisational actor was interpreted as a situated subject, who has developed knowledge on what he/she is, or should be, in relation to his/ her work environment. Latent skills should therefore be understood as the know-how which is not used, either because there is no demand for it, or because the actor is not aware of it. The inference of adaption skills develops from the mapping of latent skills through this process.

Table 2 provides a comprehensive reading of the agenda, the role interpretation and the degree of reflective knowledge developed by the public prosecutors. As it develops from a sectional reading of the table, public prosecutors work in fair isolation from the rest of the office. They do not have or possess a deep and comprehensive understanding of the routines, the organizational practices, and the criticalities of office management. This can be explained on the basis of the training programs offered to candidate judges and prosecutors in Italy. The role interpretation is predominantly rule-based and positivist. Prosecution is mainly focused on the basis of an independent and autonomous judgment, t strictly based on the law. Managerial, social, and teleological remarks are seldom mentioned in the questionnaire. The attitude of the public prosecutors towards colleagues is highly cooperative. Functional replacement and support are frequently offered in cases of vacancy of position, illness, and overloading, especially within each group.

Tab. 2. Synoptic table on cognitive disposition of judicial staff

Cognitive/ situational dispositions	Extra-legal skills	Agenda	Interpretation of role	Other
PP1	None	Public administration group	Functional independence; positive evaluation of the inexistence of hierarchy	Respondent highlights lack of scientific-informative support (such as access and consultation of databases). Previously worked as judge
PP2	None	Economic criminality – backlog inherited by previous prosecutor	Recognized importance of passion and acumen	Previously worked as judge
PP3	Lawyer with work experience at the Ministry of Labor	Public administration group	Precision and time management. Priority given to intuition	High degree of awareness of the judicial machine with elaboration of policy solutions for possible improvement
PP4	Specialization on administrative law	Economic criminality group	Desire of creating from nothing, capacity building through organizational entrepreneurship	The respondent highlights overloading for small claims; exaggerate complaining about bureaucracy

			(investigations in collaboration with other judicial offices abroad)	
PP5	First certificate	Public administration group	Impartiality and efficiency; in favor of specialization (also in terms of competences of assigned Chief Prosecutor)	
PP6	None	Group on weak sectors of the population	Importance of a balanced judgment; importance of functional autonomy	
PP7	Lawyer – work for the provincial government	Financial crimes group (previously in the groups on weak sectors)	Importance of balanced judgment; searching proceduralization of strictly routine operation	
PP8	Lawyer practice	Group on weak sectors of the population	Emphasis on intelligence; high degree of adherence to the service; high degree of motivation	
PP9	Police officer; IT consultant for the office	Group on weak sectors of the population	Emphasis on balanced judgment; acknowledgement of seniority (i.e. experience)	Self-perception: different from colleagues
PP10	No	Economic criminality group	Emphasis on conditions of independence of individual prosecutors. Priority: rapidity.	Self-perception: availability with lawyers.

Legend: PPO=public prosecutor

In general, one may safely argue that the public prosecutors exhibit a very low level of reflective knowledge of the judicial organization. Besides the competence they have – which is proven from the analysis of the judicial cases handled by each group – fairly developed, they do not have the habit of reflecting upon the criticalities exhibited by the administrative units of their office. In fact, the interactions of the public prosecutors with the administration – general register, pre-trial office, pre-panel hearing office, archive, accounting office – are filtered and mediated by their assistants (clerks).

Following on from this analysis, an in depth study of the culture and the practices developed by the prosecutors' assistants provided supplementary insights. The assistants show – on average – a very high motivation and a strong commitment to the institution. Loyalty and support are usually shown to the prosecutors, and a stable pattern of cooperation has been set up over the years. This can be explained by the high level of continuity amongst the administrative staff.

A latent – but permanent – conflict between the prosecutors' assistants and the other administrative staff units came out in our analysis. Latent skills are largely developed. The assistants of the public prosecutors can functionally replace and compensate for the overload of the prosecutors workload as well as the shortcomings of the organization of other units. They cross check the general register and they have a constant monitor of the dockets. Activities carried on as a way to replace or compensate lack of personnel or poorly trained staff units hampered a steady process of progressive understanding of the systemic functioning of the entire office.

The prosecutors' assistants are aware of the criticalities and the potentialities of the office and have an historical overview of the routines and the practices set up and put into motion over the years.

Tab. 3. Synoptic table of clerks' dispositions

Administration/ Cognitive and situational dispositions	Skills in use	Acquired skills	Individual meta-cognition	Situational meta-cognition
ADMIN1	Admin staff	Managing files	Keeping within the role's boundaries ("the beauty of work is work")	Medium; highlights absence of assistant
ADMIN2	Admin staff	Functions in various judicial offices (360 degrees vision of proceedings)	Keep to his/ her role	Increase in workload
ADMIN3	Admin staff	Ability to guarantee order and monitoring of the work	High: check list of tasks/ duties (file monitoring); attention to the organization of the office	High
ADMIN4	Admin staff	Lawyer	Medium (good communicator)	Need of better sharing the workload
ADMIN5	Admin staff	Diploma degree in highway engineering; elected local councilor in 2001	Perception of the role with a low bureaucratic component; trust and loyalty towards the prosecutor	Medium-high: poor ICT of the office highlighted
ADMIN6	Admin staff	Seniority of the role	Medium	Medium (all offices should be moved to the same floor)
ADMIN7	Admin staff	Lawyer	Medium (need to link position level to effective competence)	Medium-high
ADMIN8	Admin staff	Specialization high IT competence	High (motivation and willingness to learn)	High
ADMIN9	Admin staff	Hostility towards computers	Low	Low
ADMIN10	Admin staff	ICT skills acquired in the field	Low	Medium (suggestion of moving the Gen Reg to the fourth floor)
ADMIN11	Admin staff	Law degree – (experience outside Calabria)	Medium high (relationship with others; ability to focus)	Medium-law

Legend: ADMIN= clerks (administrative staff units assigned to the public prosecutors as assistants).

A more critical aspect seems to be the organizational matrix within each sub-unit. Here the questionnaire has been filled out for each sub-unit. Senior – with managerial responsibility – and the ordinary administrative staff unit have been distinguished from each other. The reader should be reminded that the Italian judicial administration is organized as a hierarchy. Important and demanding tasks are usually handled by higher positions in the office. Data collected has been analyzed on the basis of a simple distinction: staff with low responsibility and no managerial tasks and staff with managerial tasks. The latter have usually been employed in the office for many years or have – in one case – a higher education background (graduate of law). Moreover, data concerning the leadership and the degree of reflexive knowledge developed by the managerial roles have been collected (see annex 1).

The findings can be described by a cross analysis of different roles and tasks and different degrees of reflexive knowledge, specifically, the understanding of the functioning of the office with an organizational overview of its capacities and criticalities.

In the General Register, the style of leadership is the most significant factor influencing the cohesiveness and the spirit of commitment of clerks assigned to this unit. The chief of the unit has vast experience in the work carried on within the judicial offices and has a strong personality. All employees are women. They have a very poorly developed view of the office as a system. However, they have learnt how to compensate and collaborate within the General Register. In cases of vacancy or illness, the unit is capable of functional compensation and substitution. Weaker cooperation is exhibited by

the other units, such as the office that handles all documents associated with the pre-trial hearings. In this unit, the chief exhibits low profile leadership. This has left space for the low level employees to interpret the work flow and functions.

Table three (below) compares two units – the general register and the pre-trial hearing office – by focusing exclusively on the lower level responsibility staff units.

Tab. 3. Synoptic table on cognitive disposition of non-senior administrative staff's

Administrative/Cognitive and situational dispositions	Routine skills	Acquired skills	Individual meta-cognition	Situational meta-cognition
(Gen Reg1)	Receiving acts; recording activities are not carried out (expect on Saturdays)	Ordinary activities of covering for colleagues where necessary. Saturday Gen Rec. Gen Reg	Very low. But strong motivation and good will.	Low or not declared.
(Gen Reg 2)	Gen Reg	Basic IT skills	Little competence on managing software packages	Highlights lack of office meetings
(Gen Reg 3)	Gen Reg	Pleasure of learning	Highlights little competence on managing software packages; declares good predisposition towards interaction with the general public	Highlights that the office works well
(Gen Reg 4)	ARCHIVE; management of chancellery	Organized mind; attention to details (from craftsmanship)	Self-perception as someone very organized. This is reason for pride and self – acknowledgement for results.	Low cognition of the office. Latent recognition of the need for managers that actually listen to their employees.
(MONO 1)	Notice cards	Idem.	Low.	Lack of vision of judicial machine.
(MONO 2)	Preparation of court hearings; list of witnesses; two judges as reference	Acquiring competences for activities at the Courts of Appeal of Turin and Naples	Low, scarce motivation	Poor organization of workload [latent leader in the room].
(MONO 3)	Idem (4 judges as reference)	Transmission of knowledge of functions to others	Scarce motivation; high level of perception of relative deprivation	Low. Negative opinion of managers
(MONO 4)	Preparation of the file index	Skills acquired from other ministries (transports, economics and finance)	Only partial perception of the office (been only working there for 2 months); sense of wanting to feel as a protagonist.	Low awareness of the office.
(MONO 5)	Preparation of the monocratic	Organization of the work load		

	file; quoting texts; logistics (organizations of shelves with all files ordered by the name of the judge)			
MONO 6	Preparation of debates file/ moving files and collection of hearings files	Functional compensation capacity;	Low	Medium, but not in much use

Legend: Mono= staff units assigned to the pre-trial office. Gen-Reg: general register office.

Despite the high capacity of functional substitution and the de-differentiation process that has been put into place by some staff units, who compensate vacancies or lacks of abilities in handling complex tasks, the two units exhibit two different organizational patterns. This difference comes from the leadership, which is differently profiled in the two units. As table 4 shows, managerial attitudes are poorly modernized in all units. The chiefs keep monitoring and coordinating the clerks who work in their units by means of a pattern of loyalty and cohesiveness based on informal and personal basis, rather than on impersonal and formalized tasks. Moreover, the capacity of designing and planning any human resources management is limited. In a nutshell, leadership appears to be based on seniority and familiarity with the office – years spent within the same unit or in the same office – rather than on competencies and professional background.

Tab. 4. Synoptic table of administrative managers' cognitive dispositions

Managers/ managing capacities	Leadership skills	Capacity building in the sub-unit	Role interpretation and Reflexive knowledge of the system
MANAG1	High; recognized; pre-modern type	Medium-high; based on loyalty	Strong personalization of the role.
MANAG2	Low; not recognized or recognized where there is a high degree of autonomy	Low; scarce intervention on office dynamics	Strong personalization of the role.
MANAG3	High; recognized within the office; office mirror of self.	High	Strong personalization of the role.
MANAG4	Low	Low	Strong personalization of the role
MANAG5	Low	Low	Very weak
MANAG6	Low	Very low	Very weak
MANAG7	Low	Very low	Very weak

Legend: MANAG: staff units assigned to the administrative services and with managerial functions.

A supplementary analysis was conducted to assess the technological endowment of the office and the human resources allocated to the IT department. IT innovations suffer a lack of consistency and long term planning. The technical assistant is not permanently employed and this undermines his will and his capacity of planning any IT restyling strategy, or renewal of the IT endowment.

Despite this objective condition, social perceptions of the IT assistant are positive. Less often discussed is the attitude of senior clerks with a low level of education to the IT innovations. Some do not use the computer and exhibit a patent resistance and mistrust to the use of IT in handling the dockets.

In short, the pilot study cast new light on the following issues:

- Hierarchical governance is combined with horizontal, informal, and personal ties which in some cases can matter even more than the formalized mechanisms of organizational control;
- Administrative staff can learn to perform functions which are not formally assigned and this allows each organization to circumvent the lack of human resources.

- The gap that exists between the formal structure of governance and the pattern of governance put into place` in reality creates a lack of control or a discontinuity in the capacity of the highest levels to enforce rules and norms at the lower organizational level.
- Barriers to innovation come more from the managerial positions than from the lower levels of bureaucrats. This goes hand in hand with the control of know-how associated with the seniority and the leadership based on informal recognition and loyalty.

From the point of view of the relationship that exists between the public prosecutor office and the external environment, the pilot study has unveiled a very intensive interaction which runs along two different lines. One is the fact that the courthouse is easily accessible but not easily readable for the general public. Users are often forced to look for the location of the office they need to reach. The fact that they can access all departments and all corridors in the courthouse creates a potential risk for unsafe interferences. Even so, such an interference is not possible, the perception of an excessively accessible courthouses can create damage to the image of justice administration by the local community. A second point that should be mentioned is the fact that structural barriers that usually protect a courthouse located in the South of Italy do not exist in the region studied.

Lessons from Cosenza and Beyond

The pilot study conducted in Cosenza proved to be effective in revealing the weight of several forces and factors acting within the organizational matrix of the units and the office as a whole.

Firstly, on the basis of these findings, what has become clear is the existence of two different organizational patterns, each of them associated with two different patterns of accountability.

In the case of the clerks, whose tasks have been assigned on the exclusive basis of their formal role – according to the organogram – the responsibility is clearly assigned and the performance can be easily assessed. In this case, the mechanisms enacted to correct and sanction any mistakes are linear and adherent to the formal organizational structure. This is the case in the wiretap office and the archive. However, the clerks who have been told to perform their functions, informally – day by day – adapt their daily agenda to the contingent need of their unit. the overall outcome of the unit is equally effective, but the assignment of tasks and responsibility can be vague and not transparent. In these cases, the sanction and the reward are allocated by means of an informal pattern of leadership which runs much closer to a ‘friendship’ than formal control or traditional supervisory relationships. Overall I should say the prosecutor’s office at Cosenza’s courthouse displays a high degree of organizational cohesion. The aggregated effect displays higher quality compared to the distribution of performance and cohesion throughout individual organizational units.

The policy guidelines designed after the pilot study addressed four targets:

- Interaction with the outside world;
- Interaction among the different sub-organizational units;
- Sustainability of the organizational environment in the medium-term
- The distribution of mechanisms of acknowledgment and motivation

i) Objectively and subjectively, through the perception of staff, the Prosecutor’s office suffers from overexposure to the outside world. Access to the courthouse and the levels on which the public prosecutors’ offices is located are high. Also, in terms of interaction with lawyers and qualified users, access to offices, and certain services in particular, is far too easy. This, combined with the existence of high functional integration within certain service units, should instead take on the division of tasks and functional differentiation. This happens for instance when an office receives acts together with registration to GRO. It might be appropriate to break all functions of interaction with the outside by the creation of a multi-functional front-desk (customer service point) where people can lodge complaints and lawsuits, but also request those documents be produced by dedicated offices, such as the court’s records office. The unit producing the document should be separated from the unit receiving the request. Limited contact with the public should be ensured. We recommend questionnaires to survey people’s satisfaction, both overall and on specific areas, are available at the *front-desk*.

ii) The office of the prosecutor is characterized by a medium organizational meta-cognition. A policy of common reflection could help foster awareness and transform intra-service organizational practices into a common know-how. This is a low-cost intervention in terms of time, energy and resources. An annual plenary session where those responsible for each service explain their management practices and critical issues as well as idea’s for improvement. Here the judicial staff should be less visible; hence they should not present a structured report. The objective is to improve the machinery of services available to public prosecutors. One more intervention, or change, would be a rota for the staff. There are units of staff that display medium-high adaptive rationality. Moving staff through intra-service units could activate skill and dialogue transfer mechanisms between services, via the staff.

Finally, although this is a long term intervention, there is a high convergence towards the possibility of organizing public prosecutors' work through a range of integrated services, where judicial police officers and the administrative staff can represent the first interface with the public (only a minority of users, selected by the prosecutors, will need to use this service, since the general public would generally go to the *front-desk*).

11) Sustainability is the characteristic of a process or a state that can be kept at a given level of quality – both in terms of process and product – in the long term and for an ideally undefined period of time. In the context of a Prosecutor's office, sustainability should be understood as the result of policies that will be thought of in terms of tomorrow's performance. In this sense, we have asked ourselves which policies should be implemented now to guarantee optimal performance of the office in the medium-long term. Here we identify four sets of actions that should guide investments.

The first set of actions concerns IT.

The degree of computerization of the office is still well below requirements. This is a problem arising from scarce IT skills among staff and little autonomy (highlighted by several Gen. Reg. and administration staff) in running software. This also arises from a lack of continuity among technical and IT staff. Fund raising from regional funds and external financing could help address this issue and provide resources to hire staff with technical and IT skills, to start a training cascade process. Computerization would also ensure the added value of offering qualified users access to digital documents ex art. 415 bis [see point one of this section].

A second set of actions should be the transfer of skills. It is a fact that within 5 years, the office will suffer particularly from a lack of professional figures formally dedicated to coordinate such a service. The immediate consequence of this is the risk that all acquired skills and knowledge through *learning by doing* and professional experience will be lost. Managers should be able to train and transfer knowledge to others. This could be independent of codified and structured mechanisms of internal promotion, since these are necessary but cannot be changed at the level of each judicial office.

Thirdly a space dedicated to social interactions should be opened. The office is characterized by a high level of organizational cohesion, which allows for various forms of assistance to colleagues to provide relief cover in their absence, to discuss contingent pressures and unexpected problems. We recommend the creation of a canteen, a space where people can meet during lunch breaks. This would have a socializing function and would help to contain time dispersal.

Finally a fourth set of actions would entail the integration of external staff. This would be a positive element for two main reasons. The external staff will bring new vision of the office and, through imitation and comparison, can better formulate consolidated, but now implicit, practices. The critical issues about training external staff will be discussed under sub species 4.

12) The Prosecutor's office in Cosenza, like all judicial offices in Italy, suffers from a lack of formal mechanisms to retain staff and to acknowledge and reward performance or excellence. As usually happens, organizations find alternative mechanisms of acknowledgment, via informal channels, although often not specific to the office, albeit fostering motivation and self-esteem. A strategy that can be managed at the office level is training on non-judicial themes, such as IT, relations with the general public, management of human resources and psychology of decision-making. Demand for this type of training is often latent and has emerged from in-depth analysis of responses by administrative and secretarial staff. The kind of training that we recommend should have a contextual character, in the field, in the office and with guidance, through non-traditional teaching methods with the aim of providing staff with tools for self-evaluation and monitoring. This type of intervention can be implemented through the participation to projects funded by local, national, and European institutions, partnerships and twinning with other European Prosecutor's offices.

A supplementary but not residual remark should be made. This pilot study has confirmed the fact that a gap can emerge between the formal structure of governance and the functional division of labor within a public prosecutor's office. This gap offers us a robust argument to claim that the actual pattern of governance should be taken into consideration in order to ensure the effective implementation of any organizational innovation that is introduced into a judicial office.

In theoretical terms, this gap can be framed in the broad discussion concerning the so called loosely coupled systems, i.e. systems where the ties among the units that compose the systems are loose and therefore the communication that goes from one unit to the other can be non-linear. Any input coming from a higher ranked unit and going to steer the behavior of a lower ranked unit can fail in reaching the goal. Consistency and cohesiveness are weaker in such a type of system.

We do not want to enter into the discussion whether the judicial systems can be defined exclusively as loosely coupled. I do not think this is the case. However, what can be argued – on the basis of the empirical evidence – is that judicial offices that exhibit a high level of continuity in retention of staff may feature as loosely couple systems to a degree that can undermine the capacity of the highest authority of steering the innovation processes.

If this is true, the idea conveyed by this concept is very simple, but often overlooked by the literature on comparative judicial systems. Governing change should be intended as a function and a process that goes beyond simply acting with an aim. It is a process that entails acting with an aim – for instance introducing organizational innovation to improve performance – but also the enactment of on-going adaptation and adjustment responses to unexpected consequences generated by innovation processes. Thus, governing change is a policy process strictly linked to the knowledge used to manage the implementation of innovative policies. Various conditions prove crucial:

- Constant knowledge of the process of innovation implementation. The introduction of an organization unit of relations with the general public (URP) should be integrated with a monitoring process managed within the office
- Managers' leadership skills
- The capacity to understand the management of a judicial office in a comparative perspective, with particular attention to the policy effects of management decisions.

Moreover, and in my view above all, innovative processes, when put into motion in organizational structures similar to the one reconstructed in our study, should be as participative as possible, in order to create, by means of the innovative processes, the opportunity to increase the reflexive knowledge judicial and administrative staff have of the office.

This guideline has been applied in the public prosecutor office of Cosenza in implementing two of the policy suggestions mentioned above. The first is the creation of a front-desk (customer service point) to interact with the general and specialized public. This has been an innovation discussed and designed after a comprehensive and inclusive process of survey's aiming at detecting and unveiling the latent attitudes of the staff to the consequential reallocation of tasks that has flowed from this study. The second is the creation of a room – entitled "Rosario Livatino", after a judge who died by way of a mafia murder – which symbolically is a new space where meetings organized to enhance the intra-organizational coordination will be perceived as part of a community practice.

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Q1 Individual Profiling	Q2 Intra-organizational analysis	Q3 Systemic analysis of the public prosecutor office
Q1.1) to which organizational unit have you been assigned?	Q2.1) could you offer a simple description of the activities you perform in your daily work? What do you do in your daily practice?	Q3.1) Which organizational units interact more frequently with the one where you work?
Q1.2) how long have you been working in this unit?	Q2.1) which activities would you consider as priorities?	Q3.2) are you interacting with the public? And which the legal defendants? How would you assess this interaction?
Q1.3) where did you work before being assigned to this unit?	Q2.3) how do you cope with the organizational stress?	Q3.3) when you read the newspapers blaming the Italian judicial system what do you think?
Q1.4) which extra-legal skills do you have (i.e. ICT, others)	Q2.4) recently did you notice any change in your daily work?	Q3.4) how do you interact with the court manager?
Q1.4) how many hours per day are you used to work	Q2.5) what do you like more in your daily work and what do you like less?	Q3.5) let's focus on the location of the offices in the courthouse. If you could, how would you reallocate them?
Q1. 5) which experiences of professional training did you attend recently?	Q2.6) if you had the opportunity to choose one different job, which one would you opt for?	Q3.6) suppose that you are the chief prosecutor for one day. Which innovation/changes would you introduce in order to make your work more effective?
	Q2.7) within your organizational unit, which activities are handled in a cooperative way? And which are assigned on the basis of the division of labor?	
	Q2.8) could you tell me about a problem that you and your colleagues – within the same organizational unit – have solved working together?	
	Q2.9) could you complete this sentence: "my job requires people be skillful in	

Annex: Questionnaire

Q1 Individual Profiling	Q2 Intra-organizational analysis	Q3 Systemic analysis of the public prosecutor office
Q1.1) to which organizational unit have you been assigned?	Q2.1) could you offer a simple description of the activities you perform in your daily work? What do you do in your daily practice?	Q3.1) Which organizational units interact more frequently with the one where you work?
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		judicial system what do you think?
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	Q2.9) could you complete this sentence: "my job requires people be skillful in	