



Inside the Italian Law Firms

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Abstract:

Several studies have demonstrated that there is a correlation between the number of Italian lawyers and the litigation rate in the field of civil law. Yet, there are no empirical studies about the functioning of law firms and the connection between the latter and courts of justice. This experimental article intends to "follow the actors", that is, to metaphorical go inside the Italian law offices to analyse their specific logics of action. This research's main hypothesis is that the "business idea" that steers every law firm - which is, the specific combination of market, product and structure - can influence the activities of the judicial offices. As a matter of fact, courts and law firms are interdependent as far as some organizational features are concerned, and these features must be analysed to understand and tackle the problems that afflict the judicial systems and influence their ability to "do justice" for citizens. This article's reflections are based on a three-year empirical research, carried out in three Italian law firms dealing with labour and employment.

Keywords:

Legal professions, Courts, Law Firms, Labour Law, Italy.

1. INTRODUCTION

In the last fifteen years, several economic researches have shed light on the impact that inefficiency in civil justice has on the Italian system, especially in terms of loss of foreign investments, credit rationing for companies and families, the size of companies, delays in the field of tenders, cost of credit and an increase in commercial debt instead of bank debt (Jappelli *et al.* 2005; Carmignani 2005; Bianco *et al.* 2007; Coviello *et al.* 2013). According to an estimate by the Bank of Italy (2011), the poor performance of civil justice

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affects the Italian Gross Domestic Product (GDP) by more than 1 percentage point. The common conclusion we can draw from most of these analyses is that there is a direct correlation between the number of Italian lawyers and the litigation rates. According to some authors, the lawyers' fee system represents an incentive for lawyers to extend the duration of the judicial proceedings (Marchesi 2003; Buonanno and Galizzi 2010; Carmignani and Giacomelli 2010). Despite the opposition by lawyers, this thesis is often recalled in public debates and in political forums. In this regard, lawyers are often considered the main responsible for the difficulties that characterise the Italian judicial system.

This experimental article suggests not considering the Italian lawyers as a single actor that mechanically follows a script. Indeed, the risk is to give simplistic answers, far from reality, and that would inevitably only describe how one portion – it is not our task to say whether the majority or not – of Italian lawyers behaves. The article intends to study in an empirical way the activities of legal firms and the professionals who work there. Such reflections let some general research questions emerge, namely: what is the relation between how Italian lawyers interpret their role and the inefficiencies of the judicial system? Is there a connection between the organization of law firms and the way courts work? Does the lawyers' organization affect the “making of law” within judicial offices?

Set within the vast panorama of studies on the legal profession (i.e., Parsons 1954; Smigel 1964; Dingwall and Lewis 1983; Abbott 1988; Abel 1988, 2003; Abel and Lewis 1989; Heinz *et. al.* 2001; Burke 2002), this article intends to introduce a new interpretative perspective, which aims to fuel the debate on the role and characteristics of lawyers. Hence, this article intends to fill in an existing gap in the field of socio-legal studies. The investigations conducted so far on the Italian lawyers (Prandstraller 1967, 1981; Giovannini 1969; Rawlence 1975; Pocar 1983; Petrone and Pessolano Filos 1992; CENSIS 2008; OPGA 2010) have used quantitative methodological approaches and have analysed only in abstract and general terms the interaction between lawyers and judges. In this sense, there is an absolute lack of reflection on organizational relationship between law firms and judicial offices. These two organizational contexts have always been considered separately, without any analysis of their multiple interdependencies (Thompson 1967).

Recognising that “justice” is a “power”, but also a “service”, and that lawyers are “central actors” of judicial system, the fundamental hypothesis of this article is that the “business idea” of each law firm – which is the specific combination of market, product and structure – can affect the courts' functioning. Therefore, this article wants to metaphorically go behind the closed doors of the Italian law firms and analyse their specific logics of action from an organizational perspective.

The following section focuses on Italian lawyers and presents some distinctive features of this professional community, both from a formal point of view and from the perspective of the Italian society.

2. THE ITALIAN LAWYERS

Unlike judges, lawyers are almost invisible in the Italian Constitution. As a matter of fact, they are only mentioned indirectly in some articles of the Charter. Such absence generat-

ed a wide debate, whose origins date back to the works by the Constituent Assembly. The first version of art. 24 – then discarded because it was deemed superfluous – clearly spoke about the role of lawyers as trustees of the right to defence (Carullo 1959; Onida 2004). Some years ago, the Unitarian Organism of Advocacy promoted a wide mobilization aiming at obtaining the acknowledgement of lawyers in the Constitution (OUA 2011).

In general, all the Civil Law countries are characterised by a marked distinction between judges and lawyers (Merryman 1969; Merryman and Pérez-Perdomo 2007; Guarnieri 2006). With respect to the foregoing, Italy is an emblematic case (Cappelletti *et al.* 1967; Guarnieri and Pederzoli 2002), far more than other Civil Law systems, both European and non-European, which over time have introduced or reinforced stable mechanisms for recruiting "support" for magistracy from the legal profession. Indeed, in Italy, magistrates and lawyers are not two sectors of the same professional community, but rather they are based on separate frameworks, which are regulated differently, both by different sources of legislation and different fields of regulatory application: Law 247/2012 (which replaced R.D. 1578/1933) and R.D. 12/1941 (as subsequently amended). While sharing a common knowledge, these two professions are clearly separated: the division is not only formal, but also historical and cultural (Verzelloni 2015b).

In Italian law, lawyers operate in the no man's land between public and private interest, since they represent “an intermediate body, placed between the judge and the party, in which the private interest for a favourable ruling and the public interest for a just verdict meet, and are reconciled” (Calamandrei 1921, p. 12). Therefore, every Italian lawyer works in a situation of “impartial partiality” (La Torre 2002, p. 55), which has several possible legal, ethical and disciplinary implications.

Although the word “advocate” derives from the Latin expression *advocatus*, recalling the noble activity of defending people's rights, lawyers are undoubtedly one of the most controversial and downtrodden trades in the world of intellectual professions. In the Italian context in particular, lawyers have a very bad reputation. As the character of Dr. Quibble Weaver (*Azzeccagarbugli*) demonstrates in Manzoni's novel “The Betrothed”, the origins of commonplaces about lawyers go back to immemorable times (Mariani Marini 2009). In recent years, media have periodically defined Italian lawyers as a caste, a lobby against reforms, an occult weight, hindering economic development, and even a cancer.

Calamandrei published an essay in 1921 entitled “*Too many lawyers!*”. The considerations of the Florentine legal expert seem now almost unreal when one considers that, in less than a hundred years, the number of Italian legal practitioners has increased more than tenfold, currently standing at over 240,000 professionals, which is the equivalent to 319 professionals per 100,000 inhabitants¹. Italy has the highest number of lawyers of all countries of the Council of Europe (CEPEJ 2016). There are more lawyers working at the Italian Supreme Court (*Corte Suprema di Cassazione*) than in the whole of France. The stunning increase in the number of lawyers is directly connected to the overproduction of graduates in juridical faculties, which is the so-called “*law explosion*” (Cassese 2001), that has gradually led to a saturation of the Italian legal market.

¹ Source: Biancofiore (2016), Cassa Forense (2017).

Despite the widespread stereotype in the contrary and due to economic crisis, this legal profession does not guarantee a substantial income to every lawyer, as it did in the past. The average income has been declining steadily and differences clearly emerge, both per gender and generation, so much that several authors, not only in the Italian context, expressly speak about “proletarianisation” or “de-professionalisation” of young lawyers (Abel 1988; Sommerlad *et al.* 2010; Sommerlad 2016).

The next section focuses on the forms of organisation of this professional activity, that is, on the structural characteristics of Italian law firms.

3. A PHOTOGRAPH OF THE ITALIAN LAW FIRMS

If we wanted to take a photograph of Italian law firms, we would get a highly fragmented picture, made mostly of micro realities which very often depict one reference professional, who works full-time, often throughout his/her career, in a single structure, flanked by a small number of employees: secretaries, young lawyers and apprentices. Literature agrees that, despite the gradual increase of the associated structures from the '60s to the present day, in Italy the reference model is still the traditional “small boutique” run by a single lawyer (Prandstraller 1967; CENSIS 2008; OPGA 2010; Micelotta 2010).

In 1967, Prandstraller conducted a survey on a representative sample of Italian lawyers. According to his results, which mainly considered structures specialised in the civil sector, 47.51% of the law firms were a “sole trader”, without employees or (at that time) solicitors². Only 3.1% of professionals were part of an associated structure. A few years later, Prandstraller published another survey, focussing on Lombardy, and that research provided very similar results, especially regarding the size of law firms: 51.27% of lawyers practiced alone, while 35.83% practiced in simple associations with two or three colleagues (1981).

This data was also confirmed in subsequent researches. Recently, in preparation for the introduction of the so-called “Digital Civil Trial” (PCT)³ (Liccardo 2000; Zan 2004), some quantitative analyses were made, which involved both Lombardy and the district of Florence (Verzelloni 2015a). Again, both surveys showed that most structures were composed of fewer than three lawyers, although in different proportions: Lombardy 56.6%; Florence 83%. Associations with more than ten professionals represent a distinct minority: Lombardy 17.4%; Florence 2%. The scenario follows the Italian production framework, which is characterised by a multitude of micro-enterprises with less than ten employees and a turnover of less than € 2 MM, accounting for about 95% of all companies (EC 2014).

The following section presents a possible approach to the interpretation of law firms’ activities.

² Figures abolished by the Law February 24, 1997, no. 27.

³ The Italian e-filing system, introduced by the Decree of the President of the Italian Republic February 13, 2001, no. 123 and regulated by Decree Law 179/2012, Law 228/2012 and Decree Law 90/2014.

4. MARKET, PRODUCT AND STRUCTURE

Literature considers law firms as typical forms of “professional organisations”: structures in which the professional component has an undisputed predominance over the administrative one (Blau and Scott 1962; Etzioni 1964; Freidson 2001). However, this classification is a starting point that allows us to highlight only some organisational dynamics. While recognising that law firms cannot be equated with simple businesses⁴, i.e. common service providers, the need to question these structures arises.

Among the possible approaches to interpreting the way organisations work, one of the most fascinating ones is to consider them as “systems of ideas”. In this tradition, the author of reference is Normann, who introduced the notion of “business idea” as “a system, an aggregate of elements that form a complex scheme [...] expression of specific circumstances prevailing in the enterprise, describing its actual way of functioning or, as is said disrespectfully, its means to make money” (Normann 1977, p. 52).

The business idea is not something given and unchangeable, it is rather the result of the decisions of the key actors, i.e. those who affect the dominant ideas behind the enterprise. The business idea is a historical product and, therefore, unique. It is based on the combination of three main elements (Normann 1977):

- Market sector;
- Product system;
- Organisational structure.

The harmony between these three levels is fundamental because the firm may hold a competitive advantage at the time of its foundation, as well as during its development stages, to maintain a position of “dominance”. This concept encompasses a far-reaching message. It includes a review of development processes and business improvement, in terms of looking for a consistent and harmonious combination of market-product-structure.

Normann's thought exclusively addressed companies, but, as noted in the relevant literature (Ferrante and Zan 1994), his reflection can be extended to other forms of organisation, regardless of their characteristics. All organisations - including the law firms - have a specific “organisational idea”. The result is a combination of:

- Market, i.e. “for whom” an organisation works or its set of customers, users, beneficiaries, etc.;
- Product or in other words “what” is sold or offered in terms of goods or services, tangible or intangible;
- Structure, “how” it works, including not only the “formal” division of roles, but also informal rules, power dynamics and the organisational culture.

⁴ From a formal point of view, according to Italian legislation, law firms are not comparable to companies and are not subject to bankruptcy or insolvency proceedings. The EU legislation, however, considers such structures as private companies, to every effect and consequence, including in regard to the possibility of access to structural funds.

These conceptual labels will be used to interpret how the Italian law offices operate. With respect to the foregoing, this article makes the fundamental assumption that the business idea of law firms can influence the course of competent courts in that territory.

The next section describes the research design, focusing on the methodologies and criteria for selecting the cases.

5. RESEARCH DESIGN

This article draws from the results of a three-year empirical research⁵. The inquiry was based on the strategy of case studies research and applied exclusively qualitative methodologies. Hence, this article does not claim to provide “objective” reconstructions, but it puts forward reliable descriptions of law firms. Therefore, the results presented in this article have a specific “ecological validity”, linked to the organizational contexts in which the respective data was gathered (Cicourel 1982; Cicourel and Katz 1996).

From a methodological point of view, the research used four qualitative techniques: participant observation, semi-structured in-depth interviews, document analysis and shadowing (Mintzberg 1973; Sclavi 1989, 1994). With these strategies, the research aimed to “go inside the law firms”. The expression recalls the famous motto “follow the actors” (Hughes 1971; Law 1986; Latour 1987) and it emphasizes the idea of metaphorically going behind the doors of the Italian law offices, of analysing their specific logics of action.

The research deals with civil justice. Criminal matters have a peculiar logic regarding the role played by legal practitioners and the triple relationship between judges, public prosecutors and defence lawyers.

This research has taken into consideration three Italian law firms that deal (although not exclusively) with labour and employment. The choice was based on the intention to build homogeneous representations of a single procedural matter. Given its sectoral nature, labour law fits well the purpose of this research. Moreover, the labour sector enjoys procedural stability⁶ and it has not suffered the effects of the so-called “tsunami of civil justice reforms” (Costantino 2005).

The table below (Tab. 1) shows the characteristics of the three studies.

⁵ The analysis was carried out between 2009 and 2012. Over the last few years, these results have been discussed in meetings and public events, including with the lawyers who participated in this empirical research. This reinforces the validity and reliability of the research findings.

⁶ With the sole exception of the so-called “Fornero's procedure”, concerning the claim of layoffs, introduced by Law 92/2012.

Law Firm	Lawyers (Apprentices)	Employees	Area	Type	Size
SIGMA	3 (0)	1	Provincial town	Multi-person (in fact, a one-person "boutique")	Small
KAPPA	20 (5)	8	Regional Capital	Associated Office (Local)	Medium
OMEGA	52 (29)	25	Metropolis	Associated Office (International)	Large

Table 1: Characteristics of the law firms included in this research.

To protect the identity of the people involved, both lawyers and structures have been re-named with pseudonyms. The selection of case studies was based on the need to depict a representative cross section of Italian law offices, both in terms of size and type of structure. We opted for different sized structures with regards to the number of lawyers and apprentices. The data on the turnover was not considered, given the difficulty of obtaining reliable estimates. Although no information is given on geographical location of each office⁷, we do consider their scope of activity: provincial town, regional capital and metropolis. Lastly, structures that were selected represent the most common types of Italian law offices: a firm with three professionals (Sigma) – but that can be compared to a mono-staff enterprise, given the role played by its owner – and two associated offices, one with local roots (Kappa) and the other with an international vocation (Omega).

The next section focuses on the logics of action of these three law firms, and not on the activities of individual lawyers. This choice sacrifices the depth of analysis, given the fact that the representations are not focused on legal practitioners. The case descriptions aim to highlight law firms' organizational choices, in terms of combinations of market, product and structure. The empirical data have been elaborated and assembled to provide an overview of law offices' "business ideas". However, when necessary, we use some excerpts from interviews and field notes.

6. BEHIND THE DOORS OF ITALIAN LAW FIRMS

6.1 SIGMA

Sigma is a small law firm. The office is housed in the historic centre of a provincial town, in a building not far from the one that housed the local section of the court, closed by the reform of the Italian judicial map, which entered into force on September 2013⁸. The law office is furnished with antiques and paper files are stacked in every corner.

⁷ As discussed in a recent book, geographic location does not seem to be a significant variable with regard to law firms' organization and relationship with courts of justice (Verzelloni 2015a).

⁸ Decrees September 7, 2012, no. 155 and no. 156. The review of the judicial map led to the closure of around 750 judicial offices, including all the local sections of the courts (in Italian: "sezioni distaccate").

Technically, Sigma is a “multi-person” office, but considering its dynamics of power (Crozier 1963; Crozier and Friedberg 1977), it is comparable to a one-person "boutique". There are three female lawyers: the owner (Cassiopeia) and two assistants (Mira and Dione), who have been supporting their *dominus*⁹ since starting as apprentices.

This empirical research analysed all the professionals in the office (Tab. 2).

	GENDER	EXPERIENCE¹⁰	ROLE
CASSIOPEIA	F	Expert	Owner
DIONE	F	Expert	Collaborator
MIRA	F	Expert	Collaborator

Table 2: Lawyers analysed at the Sigma office.

Given its small size, this law office is not based on a complex organisational structure. Tasks are divided according to needs and urgencies. One of the collaborators exclusively supports Cassiopeia, while the other has a small “client base”, but she is always available to provide the owner with input. The office has a secretary, responsible for handling all correspondence and phone calls.

Sigma deals primarily with civil litigation and labour law. This law office has five principal areas of activity: family, labour, business, medical liability and debt collection. Sigma sometimes deals with criminal cases, but only for existing clients. Lawyers also engage in out-of-court settlements and take care of drafting agreements and corporate documents. These activities are often within the scope of specific consultancy contracts, signed with companies and associations.

The decision to offer support in areas so diverse, regarding their case matter, is explained by the desire to acquire as many clients as possible in their small provincial world. Sigma, in fact, is tentatively dedicated to every type of business, with obvious implications in terms of available time. Lawyers must devote their time to studying and updating their knowledge. The absence of specialisation is favoured by the limited number of professionals working in the municipality of the province, whose proportion is 2.2 lawyers per 1,000 residents, when compared to 10.5 in the capital city¹¹.

Sigma’s clients are predominantly women, who come to the law firm to obtain legal assistance for matters regarding family law, but also businesses and other professionals of that area. Most of its clients live in the small town where the law office is located; they initially come to the law firm through word of mouth, through the local business interest associations or because they know the lawyers personally. The office does not have a website and lawyers never disclose their mobile number: anyone wishing to make an appointment is

⁹ Senior lawyer.

¹⁰ This analysis has considered “expert” a lawyer that have more than 6 years of experience.

¹¹ Our elaboration. Sources: Italian National Social Insurance Agency and National Bar Council. Data updated on April 2015. The index is based on the addresses of the lawyers' offices.



required to call a landline number, where there is always someone to take the call. Sigma, like any “ordinary” firm, has public opening hours.

The lawyers receive their clients on a daily basis and the owner never delegates her appointments. Invoices are always prepared personally by Cassiopeia. The notes are often agreed upon jointly, especially with long-standing clients. Although it is not possible to bring forth numerical data to support this assertion¹², Sigma, given its small size, does not have a high turnover. However, as evidenced by the sizeable number of files in the law office, it works with a relatively large number of clients, including low-value cases.

Lawyer Dione: “*In general, you always try not to sue, but if you know you can be right, you try, just to get your client € 60. I am also a lawyer of a consumer association; I often follow very tiny cases*”¹³.

Sigma does not use management software. Each activity is recorded in large paper diaries, which list appointments, hearings and terms. The office’s activities are still mostly registered on paper.

Before the formal abolition of the local section of the court, lawyers went to court almost every day. These professionals participated in 7-8 hearings a week on average, often in concentrated timeframes. Their relationship with the staff of the clerk's office and the district judge were very friendly and based on mutual esteem. Lawyers did not feel as simple “users” but as “protagonists” of the judicial service. They contributed to the “making of law” and they were actively involved in the daily life of the judicial office.

Lawyer Dione: “*In the city [Court] we feel like we are ‘users’, plain numbers. We are in awe. Here [Local section of the court] things are different, there are still human relationships, we know each other, and we talk*”¹⁴.

Until September 2013, Sigma’s activity was linked to the local section of the court: following a precise “market choice”, most cases followed by their lawyers were concentrated in this judicial office. The “organisational idea”, which led to the establishment of the law firm, was based precisely on its location, i.e. within walking distance of a court of justice. Cassiopeia was also the president of a forensic association, rooted at the local level, which fought to prevent the removal of that local section of the court.

6.2 KAPPA

Kappa is a medium-sized associated office. The structure is well known, and it is considered a reference in national debate on labour law. The firm was established in the mid 1970’s as the result of the initiative of a group of labour lawyers; it was originally the branch of a trade union and only at the beginning of the 1990s it became an autonomous entity. Even though they no longer have a functional relationship, this law office is still very much attached to the trade union.

¹² The owner has refused to provide these data, considered as sensitive information.

¹³ Interview, December 2, 2010.

¹⁴ Interview, December 2, 2010.

There are currently 20 lawyers operating in this structure: 8 partners (5 men and 3 women) and 12 collaborators (8 women and 4 men). Kappa also employs 5 apprentices (4 women and 1 man). In recent years, the firm has received new lawyers, coinciding with the increase in workflow caused by the economic crisis. In our research, we considered 7 lawyers and 1 apprentice (Tab. 3).

	GENDER	EXPERIENCE	ROLE
ALDEBARAN	F	Expert	Partner
EUDORA	F	Novice	Apprentice
NAOS	M	Expert	Collaborator
ORION	M	Expert	Partner
SIRIUS	M	Expert	Partner
SYRMA	F	Expert	Collaborator
TALITHA	F	Novice	Collaborator
ZANIAH	F	Novice	Collaborator

Table 3: Lawyers analysed at the Kappa office.

The building that houses this lawyers’ office overlooks one of the main streets of the city. The office is particularly large; spaces are not elegant, but austere and functional. Given the amount of paper files, there is always a lot of clutter in the lawyers’ office. Lawyers operate in shared rooms. This shows a distinctive feature of Kappa: almost all lawyers work in pairs, a partner and a collaborator (such as Aldebaran and Syrma) or a partner and an apprentice (such as Sirius and Eudora). The teams are independent units and perform the same activities in parallel. In general, they have plenty of opportunities to compare their work practices and share experiences.

Broadly speaking, lawyers openly share the same political and cultural values. Kappa's lawyers conceive the profession not only as a source of income, but also as a “social mission”, to protect the rights of workers. This structure obviously pursues a “political concept of law”. The peculiarities that make up this firm derive from the connection with the trade union. Lawyers are often engaged from a political point of view. Most lawyers conceive Kappa as their final destination and hope to stay there for the rest of their careers.

Kappa operates with an impressive secretarial staff, which consists of 8 employees, all women. These secretaries do not support the activities of individual lawyers, but manage, update and store the paper files of the law office. As an extraordinary example of organisational isomorphism (Meyer and Rowan 1977), secretarial rooms resemble a court chancellery, in terms of spaces, symbols and technologies. Secretarial rooms also replicate one of the main critical issues that characterise many Italian courts: a visible separation of roles between the professionals within the “technical core” - lawyers and, in the case of courts, judges - and the structures at the “management level” - secretaries and chancelleries (Thompson 1967; Zan 2003).

Kappa deals almost exclusively with labour law matters and, based on a clear “choice of field”, only defends the workers and not the employers. Labour cases represent 90% of their total workload. However, some professionals have specialised in other areas: family,



executions, bankruptcy, immigration, protection of consumers and medical liability. This structure acts almost always in court. Extrajudicial tasks are rare. Lawyers, however, devote a significant portion of their time to reconciliation efforts, also within the trade union.

The firm's clients consist mainly of workers and unemployed, often foreigners, and mostly union members. In most cases, Kappa has extemporaneous clients, who contact the law office upon suggestion by trade unionists. The firm never lacks potential clients as the union is its main labour supply channel. The link with the union is so strong that often its clients mistake the structure for an emanation of the union, and the activities of its lawyers for a service included in the membership fee.

Lawyer Aldebaran: *"The members of the union will always see it as an added value of being enrolled. We seem like a service included in the registration fee. [...] 90% of our clients come from the union"*¹⁵.

Lawyer Sirius: *"We are not one of those offices where lawyers are anxiously waiting for the phone to ring"*¹⁶.

Some clients share the political and cultural values that drive the structure, others, however, turn to Kappa only for assistance at non-comparable rates with those of other law firms both in the city and in the region: € 90-250 for a court application.

Lawyer Aldebaran [turning to a possible client]: *"To make an application, we demand an 'expense fund' of € 250 of the members [of the Union] and € 90 of temporary workers and unemployed. These are really minimal costs"*¹⁷.

Lawyer Aldebaran: *"Certain lawyers want to be paid as soon as they open their mouth. [...] € 3,000 for nothing! We carry out a remarkable job, we make clients win their litigations and charge them € 90!"*¹⁸.

These research fragments show the "organisational idea" of this law office. This peculiar structure follows a vast number of judicial cases: clients are required to provide only a small "expense fund". Kappa is a sort of "low-cost office"¹⁹, which concentrates its activities on quantity rather than on the value of procedural disputes.

Lawyer Sirius: *"We are like fishermen: as long as there is fish, you would pull. [...] Now, I'm not interested in the truth, but only in what you can prove in the court"*²⁰.

Its lawyers defend as many clients as possible, even if it means risking losing some trials and, in general, they try to get the employer (counterparty) to pay the bill either through conciliation or as a result of a favourable ruling. Their legal behaviour is the result of a deliberate strategy, dictated, on the one hand, by the desire to protect and uphold the rights of workers and, on the other hand, by the will to implement the "organisational

¹⁵ Interview, September 23, 2010.

¹⁶ Interview, October 6, 2010.

¹⁷ Shadowing session, September 23, 2010.

¹⁸ Interview, September 30, 2010.

¹⁹ Interview, October 15, 2010.

²⁰ Interview, October 6, 2010.

idea” that characterises this law office. This *modus operandi* sacrifices one of the activities at the base of the legal profession, as it is conceived in the Italian framework, i.e. filtering society demands for justice.

Lawyer Aldebaran: “*This is a peculiar law office: here clients do not pay. We take in everyone! [...] We get paid by the other party [The employer] when we win; therefore, we have to be good!*”²¹.

Lawyers usually meet their clients, and, above all, they receive many workers and former workers. Some lawyers even make up to 12 appointments a day. The dialogue is always very direct: Kappa staff call each other by their first names and they never speak of “clients”, but only of “workers”. Given the number of cases in the law office, there is always a lot of excitement. The assisted persons have little time to decide whether to bring the matter to court or not. Moreover, frequently, the clients are immigrants, who speak little Italian and do not understand legal jargon.

The division of revenues is far from clear and this creates misunderstandings between the lawyers. Again, as with Sigma, professionals refuse to provide data on turnover.

This law office uses a management software. However, paper files are at the centre of the network of interactions and constitute the basis of the lawyers and secretaries' work. It has a website with the values of the firm and an archive of local and national jurisprudence.

The office’s professionals go to court every day. Every lawyer participates in at least five or six hearings a week, even in other judicial districts. Although it is not possible to report statistics about the number of filed proceedings, it can be stated that this law firm has a direct impact on the workload and, consequently, on the functioning of the judicial office of the city where it operates. As the following quotation proves, judges at the local court consider Kappa as one of the main “producers” of litigations within the district.

Judge Yellow²² [addressing lawyer Sirius]: “*Since you are one of the largest ‘producers’ of trials for this court, how about we agree to bring forward the electronic submission of applications, before the entry into force of the ‘Digital Civil Trial’?*”²³.

Some of the firm's lawyers are members of the executive council of a forensic association. In addition to promoting conferences, the association organises protest actions, to complain about the inefficiencies of the local court.

Lawyer Orion: “*We – lawyers – are ‘users’ of the system, but to make the ‘machinery of justice’ work, our detachment is counterproductive*”²⁴.

6.3 OMEGA

Omega is one of the largest and well-known Italian law firms specialising in labour law. For several years, specialist magazines have ranked this law office as top of their list. This

²¹ Interview, September 30, 2010.

²² A judge of the local court. See: Verzelloni (2009).

²³ Shadowing session, October 6, 2010.

²⁴ Interview, October 18, 2010.

firm is considered one of the leaders on the Italian market, as well as one of the most efficient, internationally-oriented and innovative associated law firms, from the technological and organizational point of view.

Omega is part of an international network of law firms that deals with labour law and human resources management and brings together more than 1,300 lawyers in 44 affiliated structures in numerous countries. This alliance is the largest on these issues globally and has associated offices in 125 cities. Besides being the only Italian representative, Omega is one of the network's leaders.

This law office has a strong family tradition. It was founded nearly a century ago by the grandfather of its current managing partner. Omega has experienced two different generational transfers and relocations. Some years ago, this firm merged with another structure, particularly known within the Italian context, and also specialized in labour law. Omega is growing, both in staff and turnover, and invests heavily in its young lawyers. The average age of lawyers is between 30-50 years.

The Omega office consists of 16 partners (10 men and 6 women), including the president, who also performs the functions of managing partner, and a senior partner. Currently, there are 36 lawyers – including 25 juniors – and 29 apprentices, who carry out their work in the structure. Omega has 25 employees, with different roles and responsibilities, including an office manager and a marketing and communications manager. The law firm has four Italian offices in different cities.

This research took only into consideration the central office of Omega, and analysed the activity of 6 lawyers – including 4 partners – and 2 apprentices (Tab. 4).

	GENDER	EXPERIENCE	ROLE
ALHENA	F	Expert	Partner
ANTARES	F	Expert	Partner
ELECTRA	F	Novice	Apprentice
MAIA	F	Novice	Apprentice
MEISSA	F	Novice	Collaborator
MEROPE	F	Novice	Collaborator
POLARIS	M	Expert	President
VEGA	M	Expert	Partner

Table 4: Lawyers analysed at the Omega office²⁵.

Omega takes up an entire building in the centre of one of the largest cities in Italy. The structure is located just a few steps away from the economic and commercial heart of the metropolis. This office of over 1000 square meters is divided into different floors. Partners have independent offices; while most of the others – collaborators and apprentices – share large open spaces.

²⁵ Unlike the previous cases, excerpts of interviews are not reported. Interviews, in fact, are expressly prohibited by the internal rules of this law firm.

The trademark of Omega, as well as of its international alliance, is visible in every corner of the office. The structure has a known brand and invests many resources in marketing and external communication. The law firm was one of the Italian pioneers in legal advertising²⁶.

Unlike Sigma and Kappa, this office's workspaces are not dominated by paper files. Digital texts as well as scanned documents are catalogued in a cloud database, integrated into a management software. Each activity is recorded in the timesheets and reported in the invoices. The employees are assessed, based on performance indicators.

Omega has a complex structure but, at the same time, it is highly flexible. Each partner works with the aid of some collaborators and apprentices. The teams include from two to ten professionals. The work units are generally stable but vary, depending on orders and client requirements. Secretarial staff respond to an office manager. Most of the employees, all women, provide direct support to the teams. Some internal services are in the "staff position", such as accounting, marketing, communication, information and communication technology (ICT) and quality control.

Omega is exclusively dedicated to labour law. The fields of activities include: trade union relations and collective law, mergers and acquisitions, outsourcing, restructuring and reorganizations, due diligences, collective redundancies, workforce reductions. Omega operates mostly out of court: these cases, in fact, account for 60-70% of the total.

This structure's clients are usually large business groups, banks and insurance companies. This law office rarely defends natural persons; but when it does, it is usually managers with high positions. In the vast majority of the judicial cases, Omega takes on the employers' side. More than half of its clients are foreigners or have their office abroad, that is, they derive from the firm's participation in the international network that ensures visibility and an exchange of contacts among the network's members. This law office has extemporaneous clients and deals mostly with high-value orders, to which it assigns several lawyers. This office opens, on average, 200-300 cases per year.

Omega has a total turnover of € 17.9 MM and has been growing steadily in recent years, which places it among the top twenty Italian law offices in terms of turnover²⁷. Unlike the other cases analysed, data on turnover is not a "business secret", on the contrary it is a "business card", which helps promote the office's image. This highlights the "organisational idea" that guides this law firm, which distances itself appreciably from that of Sigma and Kappa. Omega, in fact, is a specialised *boutique*, which makes its organisation a symbol of efficiency and authority. Clients turn to this law office because they consider it one of the market leaders in labour law.

²⁶ It has been recently regulated by the Code of Conduct for Italian Lawyers, and approved by the National Bar Council during the session of January 31, 2014.

²⁷ According to the ranking of a specialist magazine. In the biennium 2011-2013, the turnover of this law firm, in conjunction with the merger, grew by 19.3%.

Partners divide profits according to a complex mechanism based on points. To avoid internal competition, there are no cost centres, but only indicative budget levels, which enable the definition of turnover goals for the law firm.

ICT represents the largest investment item of this law office, in terms of human and financial resources, as well as its field of excellence, which helps ensure a competitive advantage in the forensic market. As anticipated, Omega uses a management software: this application, very widespread now, was developed in-house. This law firm has an innovative knowledge management system, which combines various applications.

Dealing mainly with non-judicial orders, lawyers attend intermittently the labour section of the local court, as well as other Italian courts. In general, the professionals of Omega often discourage clients from submitting applications to court, because it is impossible to predict the cost and time of closure of the dispute. Such strategy has a direct impact on the activities of the judicial office. A large firm such as Omega only files a limited number of appeals and, consequently, it has a limited impact on the local court's workload.

Some professionals from Omega are at the top of two bar associations, on an Italian and European level. Their business is mainly the organisation of specialised conferences on theoretical and interpretative issues related to labour law.

7. CONCLUDING REMARKS

This article has introduced an innovative approach to analyse the role of lawyers within the judicial system. The international literature in the field of socio-legal studies has never considered the organizational interactions and interdependencies between law offices and courts of justice. In addition, previous researches on Italian lawyers have only used quantitative methodological approaches to analyse the characteristics and the organization of law firms, without a qualitative analysis of different case studies.

This article uses an organizational perspective to examine the way three Italian law offices work. They deal with labour and employment and are representative in terms of size and type of structure. The descriptions of Sigma, Kappa and Omega can be interpreted from different points of view: organisation, secretariat, client relations, fees, turnover, marketing techniques, use of ICT, etc. The previous pages have presented a plurality of empirical data, which allows us to leave some concluding remarks on the Italian legal profession. At least three general considerations can be advanced, concerning:

- 1) Italian lawyers and law firms;
- 2) organizational relationships with the courts of justice;
- 3) methodological approaches.

Firstly, regarding Italian lawyers and law offices, our findings allow us to conclude that there is not one legal profession, but many different legal professions. The lawyers who work in the three law firms seem to do different jobs, given the significant differences in conception and practices of the legal profession. This highlights the great heterogeneity

that characterises the Italian legal profession, which often fuels conflicts both at the national and local level²⁸. In this regard, it is impossible to construct a Weberian ideal-type of the Italian lawyer; as a matter of fact, in order to understand all the facets of such a professional, it would be necessary to provide an extremely generic description that, for this reason, would be far away from the empirical activities carried out by practitioners. The differences are particularly evident with respect to the organizational choices that are made within the different law firms. Sigma, Kappa and Omega are driven by very different “organisational ideas”.

The following table (Tab. 5) catalogues the combinations of market, product and structure, i.e. “for whom”, “what” and “how”.

	MARKET “For whom”	PRODUCT “What”	STRUCTURE “How”
SIGMA	Citizens and businesses in the small town of the province, without specialisation	Personalised advice, both in legal and extrajudicial fields, even for low-value issues	Law office with a simple structure, located beside the local section of the court
KAPPA	Workers and ex-workers, mostly union members, with a strong specialisation on labour law	Low-cost consulting, even on low-value issues, almost exclusively in court applications	Law firm with a strong political connotation, often regarded as a branch of a trade union
OMEGA	High finance at international level, with an exclusive specialisation on labour law	Legal advice “tailor-made” for valuable contracts, mostly out-of-court applications	Associated office that uses its efficiency as a “business card”, highly technological, partner of an international network

Table 5: Combinations of market, product and structure.

Far from defining the most efficient organization, it is interesting to note that every law office interprets in a very different way its combination of market, product and structure. The organizational choices taken within these law firms highlight different models of practicing the legal profession. In some cases, they are even the opposite of one another. The most significant differences concern: relationship with clients, internal organization and use of ICT. Regarding their clients: Sigma plans its activities based on personal and direct contacts, exclusively at the local level; Kappa uses its connection with the trade union and provides a low-cost and standard service; and Omega works at the international level, invests in marketing and offers “tailor-made” services. Regarding the division of tasks: it is handcrafted in Sigma, Kappa uses working pairs; and Omega has flexible working teams. Regarding ICT: Sigma mainly operates using paper, Kappa uses a management software

²⁸ Italian lawyers are often very divided and distant from each other and they struggle to find a unanimous position. For example, when the so-called “Bersani Decree Law” was published, on liberalisation of professional services (Decree law 223/2006, turned into Law 248/2006), some evident contrasts emerged among the several associations representing the Italian lawyers.



and Omega invests many resources in innovation. In this sense, in order to analyse the Italian legal profession, it would be necessary to consider at the same time “craft workshops”, such as Sigma, “traditional” organizations that replicate the courts’ problems, such as Kappa, and complex “knowledge enterprises”, such as Omega.

Secondly, regarding the organizational relationships with the courts of justice, the combination of market, product and structure that distinguishes every law firm can have an effect – it is not automatic nor is it a negative or dysfunctional force – on the activity of judicial offices, especially in terms of the quantity and type of litigation, but it can also cover other aspects, such as: predisposition to search for conciliatory solutions, writing techniques for the applications, use of ICT, etc. These cases show that choices and solutions adopted in law firms may influence the courts of justice, in particular with respect to litigation flows. Sigma’s organisational choice of preferring cases that were decided in the local section before its suppression, rather than those decided at the main court, had an influence – albeit limited – on the activity of the judicial office. The fact that a medium-sized structure, such as Kappa, handles as many applications as possible and prefers quantity over the value of cases – even if it means risking a few trial defeats – has a clear impact on the local court of justice, since it is one of the main “producers” of litigation. Omega’s decision to favour extrajudicial settlements means that the structure has a clear impact on the competent court of its territory, in terms of reducing its workload.

Far from assuming the existence of a cause-effect relationship between the structure of these law firms and the performance of the courts, acknowledging the existence of a connection between practices, rituals and choices of lawyers and the way courts work does not mean calling into question the role of the legal profession in the jurisdiction and in society. Law firms and courts of justice are interdependent from an organizational point of view: the activities carried out by the former are reflected directly on the latter; it is possible to understand the former only by understanding the logics of action of the latter. This inter-organizational correlation – which is conceived as a sort of taboo, often denied by operators – is crucial to analyse the functioning of justice, not only in the Italian context. Any attempt to improve the ability of judicial systems to “do justice” should therefore take this interdependence into account and avoid proposing simplistic solutions that may just stay on paper and that can even produce some “perverse effects”.

This article intends to overcome the idea that law firms and courts of justice are two different “worlds”, while highlighting their organizational interactions and interdependencies. As discussed in a recent book (Verzelloni 2015a), various empirical evidences indicate that there is an ambiguity in the Italian legal profession, often also recognised by the operators themselves: lawyers are both “users” and “protagonists” of the judicial service. This is not the place to discuss the distinction between “users” and “protagonists”, which encompasses many aspects, such as behaviour in the courtroom, interaction with judges and willingness to seek common solutions to tackle the problems of the Italian courts of justice. However, as confirmed by the statements of Dione (p. 31) and Orion (p. 35), lawyers should not be considered as simple “users” of justice. In this sense, it is interesting to note that in the last few years lawyers have been the “co-protagonists” of many organizational innovations introduced in the Italian courts of justice, as demonstrated by the experience of the so-called “Observatories of civil justice” (Verzelloni 2009, 2015b).

Thirdly, it would be necessary to introduce new methodological approaches to study the gap between “*law in books*” and “*law in action*” (Pound 1910; Glassman 1978). The rules of the Code of Civil Procedure are only the starting point to study the “making of law” within the courts of justice. An organizational perspective is very useful to identify the law firms’ “business idea” and to examine interactions and interdependencies with the judicial offices. For all these reasons, it would be interesting to combine quantitative and qualitative methodologies, both to understand the evolution of legal profession and to recommend possible policies to increase the quality of justice. This new perspective would allow us to explore innovative ways of conceiving the governance of judicial systems, and of making lawyers responsible for improving the delivery and efficiency of justice.

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