

Accepted Manuscript

Title: Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries

Authors: Samantha Bielen, Ludo Peeters, Wim Marneffe, Lode Vereeck



PII: S0144-8188(17)30036-4
DOI: <http://dx.doi.org/10.1016/j.irle.2017.09.002>
Reference: IRL 5778

To appear in: *International Review of Law and Economics*

Received date: 14-10-2016
Revised date: 26-8-2017
Accepted date: 2-9-2017

Please cite this article as: Bielen, Samantha., Peeters, Ludo., Marneffe, Wim., & Vereeck, Lode., Backlogs and litigation rates: Testing congestion equilibrium across European judiciaries. *International Review of Law and Economics* <http://dx.doi.org/10.1016/j.irle.2017.09.002>

This is a PDF file of an unedited manuscript that has been accepted for publication. As a service to our customers we are providing this early version of the manuscript. The manuscript will undergo copyediting, typesetting, and review of the resulting proof before it is published in its final form. Please note that during the production process errors may be discovered which could affect the content, and all legal disclaimers that apply to the journal pertain.

Backlogs and Litigation Rates: Testing Congestion Equilibrium Across European Judiciaries

Samantha Bielen¹

Ludo Peeters²

Wim Marneffe³

Lode Vereeck⁴

Highlights

We empirically test the congestion-equilibrium theory;

We use biennial panel data from 36 European countries over the period 2006–2012;

We use the new method of unconditional quantile regression;

Backlogs negatively impact litigation rates in highly litigious, independent judiciaries.

Abstract

To address the problem of court backlogs, policymakers in many countries have been pursuing reforms to reduce case disposition times and the demand for litigation. Yet Priest's (1989) congestion-equilibrium theory states that reforms aimed at reducing court delays are offset by an increased tendency to litigate. To test the congestion-equilibrium hypothesis, we use biennial panel data from 36 European countries over the period 2006–2012. Specifically, we estimate (i) a repeated cross-section model using conventional (pooled) OLS, (ii) a standard (static) random-effects panel data model, and (iii) a (static) random effects model using the new method of unconditional quantile regression (UQR) to examine the country-level relationship between litigation rates and court backlogs (measured by the number of pending cases per judge in each country). In accordance with the congestion equilibrium hypothesis, the UQR estimates suggest a negative impact of court backlogs on litigation rates but only in highly litigious countries, insofar as the latter experience a high degree of judicial independence. This shows the need for custom-tailored policy approaches to tackling court delay based on countries' existing litigation rates.

Keywords

Congestion equilibrium; court backlog; litigation; judicial independence; unconditional quantile regression.

JEL Classifications

C31; K00, K410.

Acknowledgments

Samantha Bielen would like to thank the Research Foundation Flanders for funding her postdoctoral mandate with grant number 12S3117N.

¹ Corresponding author: Hasselt University, Faculty of Applied Economics, Martelarenlaan 42, 3500 Hasselt, Belgium.
E-mail: samantha.bielen@uhasselt.be. Telephone: +32 11 26 87 59.

Download English Version:

<https://daneshyari.com/en/article/7355861>

Download Persian Version:

<https://daneshyari.com/article/7355861>

[Daneshyari.com](https://daneshyari.com)