

THE FACTORS DETERMINING THE DURATION OF LEGAL DISPUTES. AN EMPIRICAL ANALYSIS WITH MICRO DATA

by

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Abstract. This paper attempts to shed light on the legal and social factors determining the duration of disputes. To this aim a unique database is used, accounting for eight hundred sentences pronounced by the Italian Administrative Courts, collected at a regional level, covering the period from 2000 to 2007. The empirical part of this study was performed, together with better known approaches, using the survival econometric model that, up to now, had not been applied to studying the duration of legal disputes. The findings of our research are many. It is confirmed that normative complexity hampers a rapid solution of controversies. Law suits with a duration of over the average time leads to a doubly negative effect. Firstly, the stock of the pending suit is increased. Secondly, the State is liable to pay damages for the excessive duration of the legal dispute. The indicator of social capital shows a negative correlation with the slowness of justice. The number of judges does not appear to be relevant to explain the time needed to obtain a sentence of the first rank. Finally, the different objects of dispute may contribute to explain the differences in average duration observed. Although the analysis regards Italy only, the methodology developed here could be applied in similar analyses for other countries or groups of nations.

JEL classification: K41; K32; C34.

Keywords: Administrative Courts; Legal Disputes; Normative Complexity; Parametric Analysis; Survival Model.