# The fake news of attorneys delaying lawsuits. Evidence from French high courts[*]

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### Abstract

Lawyers are said to have a heavy influence on the determination of litigation pace. Using a dataset on French High Courts, between 2012 and 2016, we show that these concerns are not grounded. To tackle endogeneity, we construct an instrumental variable thanks to the available official data on the number of lawyers registered in imperial courts in 1861. Once properly instrumented, we find no statistically significant impact of an increase in attorneys' concentration on lawsuits' delay in civil litigation. On the contrary, procedural aspects and institutional distortions have an essential role in determining litigation pace.

**Highlights**:

- We empirically test the relationship between an increase in attorneys' concentration and lawsuits' delay in civil litigation;

- To tackle endogeneity, we construct an instrumental variable using the number of lawyers registered in-court in 1861;

- Once properly instrumented, we find no statistically significant impact of an increase in the lawyers' market on the average duration of lawsuits.

**JEL**: J53, K31, K41, K42. **Keywords**: Attorneys, Reasonable time principle, Civil procedure, Judicial delays, Legal decision-making processes

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# 1    Introduction

It is said that the difference between an attorney and a boxing referee is that the latter does not get paid more for a longer fight. Indeed, there is a tendency in public opinion to regard lawyers as disturbing the smooth functioning of justice. This widespread opinion has been partially corroborated by the economic literature, with particular regard to the United States legal system.

It is true that civil society and litigants often complain about congestion, cost, and delayed justice system (Pal, 2021). In this negative picture, the culprit is often identified among "greedy" (Galanter, 2006: 20) "fat-cat" (Genn, 2010: 44) attorneys, who produce highly idiosyncratic results for mere calendaring purposes (Flanders, 1980: 309). In this anti-lawyer rhetoric, their procrastinating nature is allegedly determined by an economic reality that makes them beneficial to delay trials as long as possible (Belli, 1981: 20).

Indeed, the polemic is not new. There is an age-old view suggesting that advocates are always demanding delay (Russel, 1892: 102). The specific laissez-faire attitude of attorneys inflates parties' evaluation of the value of the case (Monek, 1983: 12). Effectively, some lawyers delay by filing frivolous motions or requests, lying to the tribunal, obtain an advantage in litigation, saving money, or serving a lawful client purpose, without being subject to discipline (Lidge, 2009: 349-350).

Nevertheless, the role of lawyers in case processing time should be minimal. Attorneys are the principal source of formal help for people facing civil legal problems (Pleasance & Balmer, 2019: 143) and their role is to guarantee a fair and legitimate trial, in accordance to the rule of law (Parker & Evans, 2006: 98). Throughout history, some of them have gone even further, creating a more just society by defending the rights of forgotten members of society, such as poor, powerless, and marginalized individuals (Klebanow & Jonas, 2003: ix)

In this regard, France is a peculiar example and an interesting case study. From a historical point of view, the role of attorneys in the sedimentation of the principles of freedom and tolerance is undeniable. In particular, barristers assumed the role of "voice of the nation" and fostered an open forum for discussion of *ancien regime*'s privileges, the promotion of religious toleration, and the creation of a shield for citizens from abuses of power (Bell, 1994: 207, 215).

Given the vital role that this professional figure has played and still plays in French social life, this manuscript intends to test whether any increase in the territorial concentration of lawyers leads to an increase in the duration of civil

litigation. The subject of analysis is the *tribunal de grande instance* (TGI), which is the equivalent of an English High Court. The TGI has a complex, formalistic, and written contentious procedure that requires the compulsory appointment of a lawyer who has a monopoly on representation (Fricero, 2015: 69).

Hence, to answer this question, we use an innovative dataset between 2010-2016 and adequate econometric techniques to address endogeneity issues, exploiting the existing administrative texts at the time of the national unification of the Duchy of Savoy and the County of Nice. Using data from the Ministry of Justice in 1861, when the current French territorial delimitation was completed, we can derive the number of lawyers existing in 1861 and compare former jurisdictions to nowadays TGIs.

Finally, comparing estimations using both OLS and 2SLS, we show that the lawyers' independent variable has a non statistically significant impact on lawsuits' duration once the endogeneity is suitably addressed. These empirical results refute previous findings on the role of lawyers in civil proceedings where, like in France, litigation is open to contradictory debate by the parties (Jolowicz, 2003: 283).

The remainder of the paper is organized as follows. Section 2 provides an economic literature review on attorneys and delay, while Section 3 details the empirical strategy and empirical model. Section 4 and 5 discuss the instrument relevance and show the first and second stages of two-stage least squared regressions. Empirical evidence is discussed in Section 6, whereas conclusions are drawn in Section 7.

## 2    Literature review

The economic literature suggests that many lawsuits generate an increase in the attorney's market (Posner, 1997: 481). However, the inverse causation of an increase of lawyers inducing additional lawsuits is not clear (Clemenz & Gugler, 2000: 227), since the inference between the rate of litigation and an increase in the supply of legal services is not straightforward (Rosales & Jimenez-Rubio, 2016: 328).

In this context, whether legal advocates expedite or delay the resolution of cases is a problem in which the dominant popular view is that lawyers magnify the inherent divisiveness of dispute resolution (Lederman & Hrung, 2006: 1237). The market for lawyers responds to external social and economic forces, according

to the local legal culture and personal incentive mechanisms, which are known to affect willingness to take a case to court (Voigt, 2016: 195) and case processing time (Economides, 2018: 111). Unnecessary delay in legal practice can be brought about by procrastinating lawyers (Acorn & Buttuls, 2015: 74), although their first duty is apparently to help justice, thus judges (Dewatripont & Tirole, 1999: 25).

Indeed, lawyers face strong incentives to behave opportunistically expanding billing hours, while, at the same time, spreading their effort over time (Hadfield, 2000: 968, 977) since excessive hours and delaying unnecessarily the litigation pace lead to more substantial fees (Macey & Miller, 1991: 22). Empirical evidence suggests that the opportunity for attorneys to engage in billable work on behalf of a client shapes access to justice (Heise, 2000: 814), delay settlement (Helland & Tabarrok, 2003: 536), and postpone grievance arbitration decisions (Thornicroft, 1994: 40). Nonetheless, the empirical research at the macro and micro levels cannot get clear evidence of the effects of fee arrangements on case processing time (Kritzer, 2002: 1983).

Hence, while empirical studies on the role of an increase in the market for attorneys on civil litigation pace are reduced to a minimum, there is extensive literature on institutional determinants. The slowness of the machinery of justice is said to rely, among others, on distortions of pretrial delaying opportunities (Johnson, 1997: 244), excessive prejudgement interest rates (Spurr, 1997: 290), slow transfer of information between the parties (Fenn & Rickman, 1999: 489), the complexity (Di Vita, 2010: 280) or the formalism (Djankov et al., 2003: 510) of the legal system.

Other quantitative studies have investigated judicial delay, suggesting that the determinants shall be identified in judicial variables related to the demand for judicial services. Numerous factors decisively affect the duration of lawsuits, including new and concluded cases (Felli et al., 2008: 160). The pending rate is another critical element, given by the number of civil cases remaining on the courts' calendars at the close of each fiscal year (Ariola et al., 1979: 727), to be kept distinct from backlog representing courts not being able to "catch up" and overcome the increases in filings (Buscaglia & Ulen, 1997: 290).

Furthermore, considering France in particular and the alleged role of attorneys on judicial delay, we should keep in mind that established practices, expectations, and informal rules of behavior produced a given litigation pace in terms of local legal culture (Motala, 2001: 177). In this sense, illustrious scholars consider delay negatively if it forces parties to take decisions on new cases. However, they value

timeliness as a resource if it helps reducing uncertainty and leaves time for the parties to collect and exchange information, exhibits, expert reports, and obtain testimonies (Deffains & Doriat-Duban, 2001: 958).

Hence, we should cautiously approach the role of attorneys in local legal proceedings. In the Anglo-American system, lawyers are investigating what the parties "have done" and provide precedents, while in France attorneys are looking for what the parties "should have done" and provide legal reasons (Deffains, Demougin, & Fluet, 2007: 1267). Finally, the French legal profession has a relatively positive image of an open and dynamic defender of rights against the repressive force of the police and the omnipotence of the prosecutor's office (Thouzellier, 2012: 91).

Hence, in light of the above, we expect to fill the gap in the literature regarding the role of continental lawyers on courts' delay.

# 3  Data and empirical strategy

The empirical investigation is based on a balanced panel dataset, consisting of 154 courts, between 2012 and 2016, in continental France, with the exclusion of overseas departments and regions (DROM), territories (TOM), and collectivities (COM). DROM, TOM, and COM have an unusual level of independence, and some of the official data were not available, particularly concerning the number of attorneys in 1861.

The information regarding the 770 observations that constitute the dataset was collected from the National Institute of Statistics and Economic Studies (INSEE), the Statistical Office of the European Union (EUROSTAT), the Statistical Office of the Ministry of Justice, and the Bibliothèque Nationale de France (BNF), the repository of all official documents of the Reign of France at the time of the unification of France to the Savoie and Alpes-Maritimes, in 1861.

All data is publicly available on the institutional website of all institutions. We have to acknowledge the impossibility to see and measure the variance within courts since the data is publicly available and legally analyzable only at the aggregate level, to limit any forum-shopping by litigants[1].

Descriptive statistics of the dataset are provided in Table 1.

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[1]The French law currently prohibits the use of any data analytics on judge behavior and prescribes five years of imprisonment for violators. Hence, our analysis will be limited to court-aggregated data, as prescribed by the law.

**Table 1:** Descriptive statistics

| | Obs. | Mean | S.D. | | | Quantiles | | |
|---|---|---|---|---|---|---|---|---|
| Lawsuits' duration | 770 | 6.91 | 1.17 | 3.70 | 6.10 | 6.90 | 7.70 | 10.50 |
| ln(Attorneys per jurisdiction) | 770 | 4.75 | 1.15 | 2.64 | 3.93 | 4.50 | 5.43 | 10.30 |
| asinh(Attorneys in 1861) | 770 | 3.54 | 1.27 | 0.00 | 2.89 | 3.53 | 4.16 | 7.24 |
| Lawsuits' conciliation rate | 770 | 4.92 | 4.72 | 0.15 | 1.77 | 3.31 | 6.54 | 44.88 |
| Lawsuits' drop rate | 770 | 7.47 | 7.78 | 1.34 | 3.99 | 4.96 | 7.17 | 78.71 |
| Lawsuits' rejection rate | 770 | 17.12 | 11.82 | 3.27 | 7.81 | 10.71 | 25.62 | 85.77 |
| Lawsuits' backlog rate | 770 | 104.87 | 54.03 | 31.63 | 66.88 | 82.21 | 134.62 | 349.82 |
| ln(Over-debt procedures) | 770 | 7.64 | 0.83 | 4.78 | 7.19 | 7.68 | 8.14 | 9.59 |
| Long term jobseekers rate | 770 | 42.15 | 4.78 | 20.10 | 39.90 | 42.70 | 45.20 | 52.30 |
| Rate of active individuals | 770 | 56.17 | 3.61 | 48.15 | 53.75 | 55.42 | 58.30 | 65.55 |
| Schooling rate | 770 | 21.36 | 2.67 | 14.90 | 19.20 | 21.10 | 23.50 | 29.50 |
| asinh(Industrial risk sites) | 770 | 3.42 | 1.05 | 0.00 | 2.78 | 3.66 | 4.09 | 5.51 |
| asinh(Agricultural area) | 770 | 12.93 | 1.56 | 0.00 | 12.81 | 13.36 | 13.58 | 13.92 |
| Population in poverty line rate | 770 | 14.58 | 3.23 | 8.90 | 12.30 | 14.30 | 15.90 | 29.00 |

Note: The table provides descriptive statistics of the dataset, composed of a total sample of 154 courts, between 2012 and 2016, based on the data provided by the French Ministry of Justice, the Bibliothèque nationale de France, the INSEE, and the EUROSTAT.

## 3.1 Econometric model

The coefficients are obtained estimating the following model parameters:

$$duration_{c,t} = \beta_1 ln(lawyers_{c,t}) + \beta_2 X_{c,t} + \alpha_{c,t} + \epsilon_{c,t}$$

The dependent variable $duration_{c,t}$ is the monthly duration of lawsuits, registered yearly by the Ministry of Justice for each TGI in each court $c$ for every year of the panel dataset $t$.

The primary explanatory variable $ln(lawyer_{c,t})$ is defined by the logarithmic form of attorneys among the competent bar association for every court/year. The law requires the compulsory representation of the parties to civil proceedings according to the so-called "postulation", which limits the lawyers' jurisdiction to the court of appeal where the lawyer is registered (Fricero, 2021: 60). Therefore, for every court, we can grasp the exact number of attorneys exercising in the single TGI's jurisdiction. The variable is instrumented according to data on lawyers in 1861, made available by the Bibliothèque Nationale de France.

To account for the case processing time determinants suggested by the literature, we include several procedural and socio-economic variables that are included in the control variables vector $X_{c,t}$.

The legal determinants include the rates of conciliated and withdrawn lawsuits, and the rate of rejection and backlogged cases, as provided by the Ministry of Justice. Concerning the socio-economic controls, we include the rate of schooling and active individuals, and the percentage of the population whose standard of

living is below the poverty line, as provided by EUROSTAT and INSEE. The latter statistical agency provides specific durable development indicators (DDI), which includes the over-indebtedness situations submitted to competent commissions, the number of municipalities classified at significant industrial risk, the share of long-term job seekers (which they distinguish to job seekers included in the active population) and the area of exploited agricultural land in the department.

Eventually, the empirical strategy includes time indicators ($\alpha_{c,t}$) to restrict the correlation of unobserved components of outcomes within annual observations and the usual unobserved random term ($\epsilon_{c,t}$). Standard errors are double-clustered at years and courts' levels.

To get coefficients less sensitive to outlying (Wooldridge, 2013: 193), some variables are transformed according to their natural logarithm or – if they include observations equal to zero – the inverse hyperbolic sine transformation (IHS), sometimes called the area hyperbolic sine (Harris & Stocker 1998: 264). The IHS behaves like the log transformation for large enough values (Burbidge, Magee & Robb, 1988: 126) and accommodates zero values. Hence, the IHS is valuable in helping researchers to estimate elasticities on data including nonpositive values, without dropping observations (Pence, 2006: 20).

In this regard, the literature has demonstrated that empirical results based on IHS transformations can be approximated to logarithmic elasticities for variables' average values greater than 10, reducing approximation error to less than half of a percent (Bellemare & Wichman, 2020: 55). All transformed variables' means are well above this threshold, as shown in Table 2.

**Table 2:** Average of variables inverse hyperbolic sine transformed

| Variable | Obs | Mean | Std. Dev. | Min. | Max. |
|---|---|---|---|---|---|
| Attorneys in 1861 | 770 | 48.76623 | 131.5051 | 0 | 694 |
| Industrial risk sites | 770 | 24.05195 | 22.91281 | 0 | 123 |
| Exploited agricultural area | 770 | 289872.1 | 138241.6 | 0 | 555986 |

Note: The table provides information on the mean value of the IHS' transformed variables.

Finally, the empirical strategy performs least trimmed quantile regressions as an assessment of estimates precision (Koenker & Hallock, 2001: 153). The removal of a proportion of largest and smallest observations helps to control for the reduction of outliers' influence on the explanatory variable (Neykov et al., 2012: 1758). This robustness check can be accomplished using an optimal $\alpha$-trimming proportion of 5% to 10% (Konker & Bassett, 1978: 47).

## 3.2 Potential endogeneity bias

Evidence suggests that the number of legal practitioners in a given territory and litigation rate are correlated (Mora-Sanguinetti & Martínez-Matute, 2019: 332), with endogenous consequences (Nakazato, Ramseyer & Rasmusen, 2010: 465). In particular, if the relationship between attorneys and litigation is simultaneously determined, coefficient estimates are biased or inconsistent (Ginsburg & Hoetker, 2006: 45).

Nevertheless, empirical investigations determining the relationship between lawyers and litigation rates are uncommon and strive to find appropriate instrumental variables (Mora-Sanguinetti & Garoupa, 2015: 29). Indeed, if we want to convincingly deal with the endogeneity inherent lawyers' concentration (Buonanno & Galizzi, 2012: 15), we need to select a good instrument that is exogenous to changes in the local litigation pace but explicative of the concentration of attorneys among TGI.

Hopefully, the long administrative history of France comes to the rescue. The copious digitalization work of the *Bibliothèque Nationale de France* helps in recovering official data on attorneys at the unification of the country. In particular, we are able to collect data from the Ministry of Justice in 1861, a year after the French Empire acquired the current geographical annexing of the Duchy of Savoy and the County of Nice with a walloping plebiscite (Rinauro, 2021: 43).

The *Compte général de l'administration de la justice civil et commercial en France* was an annual report commissioned by the Emperor to his Minister of Justice, listing, in a very precise manner, the number of attorneys per existing tribunal. Therefore, confronting nowadays and former geographical jurisdictions, we are able to instrument the number of attorneys accredited at the local bar association with the number of "avocats" accredited among the first-instance courts in 1861.

The instrument is unrelated to the case processing time, from a statistical point of view (correlation=-0.0113; p value=0.754) and an evident historical perspective, being collected one hundred and fifty years before our data. On the contrary, the instrument seems prima facie correlated with our principal explanatory variable (0.5098***), confirming the evidence that nowadays French lawyers are prisoners of their past (Tang Thi Thanh Trai, 64). Nonetheless, as a potential instrument, we need to verify its relevance and potential weakness (see next section).

# 4    First stage estimates and validity tests

The first stage estimates ([Table 3](#)) show that an increase in the number of attorneys in 1861 implies a positive increase in today's attorneys' concentration. The instrument has the expected positive sign and its magnitude is contained, suggesting that the legal professional category was already established and stable in time and space at the end of the 19th century, with its already mentioned important intervention in the political space (Willemez, 1999: 207, 218).

**Table 3:** Estimation results of the first-stage regressions and weakness tests

| 1$^{\text{st}}$ stage | Lawyers (2012-16) | Lawyers (2012-16) | Lawyers (2012-16) |
|---|---|---|---|
| Lawyers (1861) | 0.317*** | 0.324*** | 0.317*** |
|  | (0.0272) | (0.0282) | (0.0281) |
| First stage F statitic | 136.17*** | 132.00*** | 127.84*** |
| Sanderson-Windmeijer Chi-sq. | 139.42 *** | 135.34*** | 131.26*** |
| Kleibergen-Paap Wald F stat. | 136.17 | 132.00 | 127.84 |
| Cragg-Donald Wald F stat. | 181.27 | 175.97 | 168.93 |
| Kleibergen-Paap LM stat. | 130.31*** | 119.34*** | 114.12*** |
| Alpha-trim quantile | No | 5% | 10% |
| Year-indicators | Yes | Yes | Yes |
| Observations | 770 | 728 | 690 |

Double-clustered standard errors, at year and id level, in parentheses
***p<0.01, **p<0.05, , *p<0.1

Note: The table shows the results of the first stage of the 2SLS and the least trimmed quantile regressions, between the log of attorneys – between 2012 and 2016 – and the hyperbolic sine transformation of lawyers – in 1861 – registered by the National Bar Association and the Ministry of Justice.

Nonetheless, despite the statistical significance of the correlation between the primary explanatory variable and the instrument, the latter needs to pass the weakness tests to be validated in terms of the size of the bias of the IV estimator relative to OLS estimations (Sanderson & Windmeijer, 2016: 212). The rule of thumb to deem "weak" a single instrument is a first-stage F-statistic below 10 (Staiger & Stock, 1997: 575), even though that is a conservative lower bound (Bun & De Haan, 2010: 17). Hence, the consolidated critical value set for a valid instrument, at 10% maximal IV size and 5% significant level, is set at 16.68 (Stock & Yogo, 2005: 101). The first stage coefficients (reported in Table 3) are considerably above these thresholds.

# 5 Empirical findings

A comparison between the linear regressions and the second stage of the 2SLS estimations is provided below in Table 4.

**Table 4:** Coefficient estimation results

| 2<sup>nd</sup> stage | (OLS) Duration | (2SLS) Duration | (OLS) Duration | (2SLS) Duration | (OLS) Duration | (2SLS) Duration |
|---|---|---|---|---|---|---|
| ln(Lawyers) | 0.195*** | -0.0852 | 0.154*** | 0.0736 | 0.138*** | 0.0110 |
| | (0.0471) | (0.111) | (0.0446) | (0.0941) | (0.0423) | (0.0947) |
| Lawsuits' conciliation rate | -0.0170 | -0.0251** | -0.0236** | -0.0258** | -0.0231** | -0.0263** |
| | (0.0125) | (0.0124) | (0.0108) | (0.0109) | (0.0105) | (0.0106) |
| Lawsuits' abandon rate | -0.00112 | -0.00346 | -0.000124 | -0.000700 | -0.00365 | -0.00440 |
| | (0.00612) | (0.00631) | (0.00585) | (0.00588) | (0.00575) | (0.00584) |
| Lawsuits' backlog rate | 0.0135*** | 0.0133*** | 0.0117*** | 0.0116*** | 0.00981*** | 0.00948*** |
| | (0.00185) | (0.00187) | (0.00164) | (0.00161) | (0.00148) | (0.00146) |
| Lawsuits' nullity rate | -0.00180 | -0.00397 | 0.00165 | 0.00104 | 0.00325 | 0.00238 |
| | (0.00839) | (0.00855) | (0.00747) | (0.00739) | (0.00687) | (0.00686) |
| Lawsuits' radiation | -0.0452*** | -0.0424*** | -0.0360*** | -0.0345*** | -0.0257** | -0.0229** |
| | (0.0117) | (0.0127) | (0.0110) | (0.0111) | (0.00995) | (0.0101) |
| Interim measures rate | 0.0147*** | 0.0299*** | 0.0142*** | 0.0186*** | 0.0110** | 0.0180*** |
| | (0.00561) | (0.00787) | (0.00521) | (0.00671) | (0.00498) | (0.00670) |
| Long term jobseeker rate | -0.0488*** | -0.0424*** | -0.0460*** | -0.0442*** | -0.0397*** | -0.0368*** |
| | (0.00880) | (0.00948) | (0.00771) | (0.00803) | (0.00702) | (0.00737) |
| Active population rate | -0.0534*** | -0.0628*** | -0.0304** | -0.0333** | -0.0113 | -0.0154 |
| | (0.0171) | (0.0182) | (0.0148) | (0.0148) | (0.0138) | (0.0140) |
| Minimum schooling rate | -0.0132 | 0.0339 | 0.00977 | 0.0240 | 0.00510 | 0.0285 |
| | (0.0228) | (0.0285) | (0.0202) | (0.0235) | (0.0187) | (0.0233) |
| Population below poverty rate | -0.00957 | -0.0201 | 0.00719 | 0.00451 | 0.0212* | 0.0177 |
| | (0.0132) | (0.0143) | (0.0123) | (0.0125) | (0.0115) | (0.0117) |
| asin(Industrial risk sites) | 0.0691 | 0.0515 | 1.82e-05 | -0.00343 | -0.00299 | -0.00782 |
| | (0.0436) | (0.0422) | (0.0391) | (0.0383) | (0.0374) | (0.0367) |
| asin(Agricultural area) | -0.0486 | -0.119*** | -0.00395 | -0.0242 | 0.00430 | -0.0270 |
| | (0.0298) | (0.0419) | (0.0263) | (0.0347) | (0.0251) | (0.0335) |
| Alpha-trim quantile | No | No | 5% | 5% | 10% | 10% |
| Year-indicators | Yes | Yes | Yes | Yes | Yes | Yes |
| Observations | 770 | 770 | 728 | 728 | 690 | 690 |
| Adjusted R-squared | 0.217 | 0.178 | 0.194 | 0.190 | 0.164 | 0.151 |

Double-clustered standard errors, at year and id level, in parentheses

***p<0.01, **p<0.05, , *p<0.1

Note: the table shows the coefficients of the ordinary least squares, the two-stage least squared, and the least trimmed quantile regressions (with trimming proportion between 5% and 10%), on a panel of yearly observations of 201 civil courts, between 2012-2016.

Before regressing, we performed a multicollinearity test, highlighting a maximum variance inflation factor of 2.62 and an average VIF of 1.70. The coefficients regarding our variable of interest are robust adding or subtracting variables, being insensitive to modifying the mathematical specification (Lu & White, 2014: 196). Complete regression outputs are all available on request. Eventually, the endogeneity tests reveal that the null hypothesis of attorneys' exogeneity can be rejected at

a 99% confidence level. Nonetheless, the Durbin-Wu-Hausman test might be invalidated by clustered covariance estimators. Hence, we test endogeneity with the difference-in-Sargan statistic tests, which suggests that the instrumented variable shall be treated as endogenous, confirming the endogeneity concerns on lawyers' rate, as suggested by copious literature.

# 6 Discussion

The empirical results reported in Table 4 suggest a number of important conclusions.

First and foremost, they confirm that attorneys' local concentration should be considered an endogenous variable in analyzing their contribution to litigation issues. In the second place, we uncovered that the data provides no evidence that an increase in lawyers' territorial distribution produces an increase in case processing time. In this sense, the contribution to the literature is dual. On the one hand, it provides new insights into attorneys' role on civil pace, in the most exemplar prototype of civil law country. On the other hand, it suggests a new instrument rooted in institutional and historical knowledge, dealing with endogenous results that might suggest biased empirical correlations.

In particular, sticking only to OLS coefficients would suggests that lawyers are the most critical factor in lawsuits' timeliness. However, lawyers have minimal capacity to increase or decrease the case processing pace in a very formalized written procedure. The TGI initially distributes the case to one of its chambers, which fixes the first procedural hearing for the counterparty's lawyer to intervene in this case. In the second hearing, again fixed by the tribunal, the defendant responds to the plaintiff's arguments and communicates its documents. Eventually, all exchange of information between attorneys and the tribunal is virtualized in a specific intranet, and only the final hearing can be oral, even though the long-established legal practice is to fill a file to save the hearing (Cadiet, 2008: 140).

Interestingly, it is noteworthy that procedural controls appear to have an essential role in determining lawsuits' timeliness. An increase in conciliated cases and radiated lawsuits reduce case processing time. Both are two sides of the same coin, signaling the settlement of the case. Radiation happens when the parties do not appear at the first hearing, showing no further interest in continuing since the dispute has been solved out-of-court. Contrariwise, conciliation is the judicial record

of the amicable end of the lawsuit in a minute of agreement. The implication of diminishing litigation's duration is that cases settled imply reducing caseload on the judge's shoulder.

On the contrary, an increase in judicial caseload involves additional time to conclude the litigation process. Moreover, interim measures require particular attention of the judges that have to divert their attention on precarious or fragile situations that might require, in any case, further litigation on merit. Similarly, an increase in the backlogs imposes an increase in the judicial workload that congests courts, with the obvious consequence of a further regrettable delay in resolving lawsuits.

As far as socio-economic controls are concerned, however, the picture is much more nuanced. The only statistically significant factor resisting the removal of outliers from the dataset is the rate of long-term jobseekers. The indicator corresponds to one of the many sustainable development goals promoted in France coherent to the United Nations 2030 agenda goals on decent work and sustainable growth. A unitary increase in this proportional indicator suggests a decrease in litigation pace.

From a more general perspective, all indicators imply that in departments in which bad indicators of durable development increase, the litigation pace is reduced. Hence, to check whether the implication is that longer trials characterize metropolitan areas, we have performed the same regressions regrouping indicators in one dummy variable, representing whether the department is considered rural or urban by the INSEE. The most striking result to emerge from the coefficients reported in Table 5 (in the Appendix) is that longer trials characterize urban areas.

Nevertheless, this conclusion should not be unusually surprising. The TGI is the natural and unique authority on the most important civil disputes, such as – among others – intellectual property, patents, trademarks, reorganization and liquidation of non-commercial companies, tax litigation, liability resulting from biomedical research. Many of these subjects are indeed the prerogative of powerful national groups or wealthy individuals, concentrated in large cities that drive the economic performance of the regions (Huriot, 2009: 26).

# 7    Conclusions

The general perception of lawyers is that they play specific delay tactics to drag out a lawsuit. However, using a dataset on French High Courts between 2012 and 2016, we showed that these concerns are not grounded. Instead, the procedures established for civil cases are marked by precise times that the court organizes. Moreover, once our variable of interest is stipped of endogeneity issues, we uncover that attorneys limit themselves at defending the parties technically.

Eventually, institutional distortions have a role in shaping litigation pace, being characterized by frameworks ending up conditioning lifestyles and shaping social possibilities along the lines dictated by the interests of powerful economic centers of interest. Indeed, it remains to be clarified which is the driving factor of the procedural delays, both from the procedural point of view and territorial socio-economic determinants. Thus, this manuscript was a significant opportunity to identify new gaps in the prior literature and present the need for further development in the study area.

This study has potential limitations, as court-wide data aggregation prevents us from accounting for variations within the same court. However, due to the law's limitations on case-by-case analyses, there is currently no other way to conduct a more in-depth analysis. The hope is that this study will be a tile within a substantial and more extensive investigation of lawyers' role in the judicial machine's smooth functioning.

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# Appendix

**Table 5:** Coefficient estimation results

|  | (OLS) | (2SLS) | (OLS) | (2SLS) | (OLS) | (2SLS) |
|---|---|---|---|---|---|---|
| $1^{st}$ stage |  | Lawyers (12-16) |  | Lawyers (12-16) |  | Lawyers (12-16) |
| Lawyers (1861) |  | 0.399*** |  | 0.410*** |  | 0.406*** |
|  |  | (0.0363) |  | (0.0367) |  | (0.0368) |
| First stage F statitic |  | 120.82*** |  | 124.48*** |  | 121.11*** |
| Covariates |  | Yes |  | Yes |  | Yes |
| Time indicators |  | Yes |  | Yes |  | Yes |
| $2^{nd}$ stage |  |  |  |  |  |  |
|  | Duration | Duration | Duration | Duration | Duration | Duration |
| ln(Lawyers) | 0.114*** | 0.00735 | 0.0912** | 0.110 | 0.0758** | 0.0573 |
|  | (0.0387) | (0.0807) | (0.0361) | (0.0684) | (0.0337) | (0.0668) |
| Lawsuits' conciliation rate | -0.0249* | -0.0276** | -0.0307*** | -0.0302*** | -0.0292*** | -0.0296*** |
|  | (0.0134) | (0.0133) | (0.0109) | (0.0108) | (0.0103) | (0.0103) |
| Lawsuits' abandon rate | -0.00245 | -0.00342 | -0.000966 | -0.000814 | -0.00409 | -0.00421 |
|  | (0.00599) | (0.00615) | (0.00587) | (0.00582) | (0.00577) | (0.00577) |
| Lawsuits' backlog rate | 0.0128*** | 0.0125*** | 0.0109*** | 0.0109*** | 0.00852*** | 0.00845*** |
|  | (0.00192) | (0.00193) | (0.00168) | (0.00167) | (0.00147) | (0.00148) |
| Lawsuits' nullity rate | -0.00353 | -0.00401 | 0.000427 | 0.000507 | 0.00312 | 0.00305 |
|  | (0.00944) | (0.00945) | (0.00799) | (0.00789) | (0.00705) | (0.00698) |
| Lawsuits' radiation | -0.0463*** | -0.0445*** | -0.0331*** | -0.0336*** | -0.0216** | -0.0211** |
|  | (0.0128) | (0.0130) | (0.0115) | (0.0114) | (0.00998) | (0.00998) |
| Interim measures rate | 0.0212*** | 0.0282*** | 0.0193*** | 0.0181*** | 0.0155*** | 0.0167*** |
|  | (0.00567) | (0.00729) | (0.00518) | (0.00624) | (0.00487) | (0.00608) |
| Urban area | 0.250*** | 0.307*** | 0.254*** | 0.243*** | 0.316*** | 0.327*** |
|  | (0.0846) | (0.0922) | (0.0769) | (0.0832) | (0.0709) | (0.0797) |
| Year-indicators | Yes | Yes | Yes | Yes | Yes | Yes |
| Observations | 770 | 770 | 728 | 728 | 690 | 690 |
| Trimming proportion | No | No | 5% | 5% | 10% | 10% |
| Adjusted R-squared | 0.186 | 0.178 | 0.178 | 0.178 | 0.167 | 0.167 |

Double-clustered standard errors, at year and id level, in parentheses

***p<0.01, **p<0.05, , *p<0.1

Note: the table shows the coefficients of the OLS, the first and second stage of the 2SLS, and the least trimmed quantile regressions (with trimming proportion between 5% and 10%), with the inclusion of a dummy variable representing urban areas, on a panel of yearly observations of 201 civil courts, between 2012-2016.