Forewords

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Published online: 10 October 2017
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The narrow intertwining between the economy and judicial systems has been properly identified since the very beginning of the economic science, at least since Adam Smith's *Wealth of Nations* when he was asserting that “[c]ommerce and manufactures can seldom flourish long in any state which does not enjoy a regular administration of justice, in which the people do not feel themselves secure in the possession of their property, in which the faith of contracts is not supported by law, and in which the authority of the state is not supposed to be regularly employed in enforcing the payment of debts from all those who are able to pay” (Smith 1827).

Yet for a longtime the “administration of justice” was taken for granted and virtually no author in economics considered the technology of dispute resolution worth of scholarly investigation. Equally, even the law and economics movement, although more sensitive to the role of institutions, for longtime has mainly devoted his attention to substantial law (property, liability, contracts) and took the role of courts essentially for granted. Of course exceptions exist, but we feel entitled to claim that the proper consideration of the judiciary's role started essentially 20 years ago and took momentum in the last decade.

This special issue is somewhat part of the mentioned dynamics as about 5 years ago we felt the need to gather together some of the scholars working on judiciary and on litigation for creating a locus of scientific debate and for fostering the literature in this domain. Since then a yearly international workshop on Economic Analysis of Litigation has been organized and a number of publishing projects has been launched. The first one has been a special issue of the *Review of Law and Economics* appeared in December 2015. This is the second step gathering together a peer-reviewed selection of the papers presented at the workshop hosted by the IEL

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International Program in Torino. Next steps will reasonably follow and in particular the European Journal of Law and Economics welcomes submissions dealing with the law and economics and the empirical legal studies concerning the judiciary around the world.

A quick look at the past issues of the European Journal of Law and Economics witnesses the previous assertion and we rather believe that, although having kept a steady attention to litigation,¹ some very interesting and seminal papers in their own field have been recently published, like Voigt (2016) supplying a broad review on the recent literature on judicial performance and Cremers et al. (2017) extensively and exhaustively depicting the state of art of patent litigation in Europe.

We hope this special issue will provide some further advance and will attract new authors to the study of judicial systems.

For helping the reader's orientation, a very quick guideline is provided herewith. On the whole, the issue presents 8 original articles, of which the first two were independent submissions to the EJLE and that were included in the issue for a matter of pertinence, while the other are a selection of the original submissions. The first four papers deal with the internal working of courts considering specific features such as the plea bargaining (Tsur), the judge's behavior (Georgiou) and incentives (Melcarne), and the judicial review (Lavie). The subsequent four represent a sort of zoom out from the inside of the court and face topics concerning the litigation process such as timing (Grajzl and Zajc) and the determinants of litigation (Rosales and Jimenez-Rubio) or the quality of decision (Kim and Min) and the impact of litigation on credit (Mora-Sanguinetti, Martinez-Matute and Garcia-Posada).

References

- Benson, B. L. (1999). 'To arbitrate or to litigate? That is the question. *European Journal of Law and Economics*, 8, 91–151.
- Calabresi, G., & Schwartz, K. S. (2011). The costs of class actions: Allocation and collective redress in the US experience. *European Journal of Law and Economics*, 32, 169–183.
- Cassone, A., & Ramello, G. B. (2011). The simple economics of class action: Private provision of club and public goods. *European Journal of Law and Economics*, 32, 205–224.
- Cremers, K., Ernicke, M., Gaessler, F., Harhoff, D., Helmers, C., McDonagh, L., et al. (2017). Patent litigation in Europe. *European Journal of Law and Economics*, 44, 1–44.
- Deybeli, F. (2012). Analysis of relationship between efficiency of justice services and salaries of judges with two-stage DEA method. *European Journal of Law and Economics*, 34, 47–493.
- Di Vita, G. (2012). Normative complexity and the length of administrative disputes: Evidence from Italian regions. *European Journal of Law and Economics*, 34, 197–213.

¹ The number of articles published on the topic in the journal is quite extensive and, as written, at an increasing pace. For giving a insight of it we may cite here to a few of them since Tullock (1994) on court errors, Benson (1999) on the decision to arbitrate or to litigate, van Wijck and van Velthoven (2000) on American rule versus British rule in litigation, Fon et al. (2005) on the impact on legal change, Schneider (2005) focusing on judges productivity, Cassone and Ramello (2011) on the economics of class action litigation and Calabresi and Schwartz (2011) on their cost, Di Vita (2012) on administrative disputes and Deybeli (2012) focusing on the technical efficiency of the European Judicial system. However for a more complete overview we must let the reader to conduct a more extensive exploration of the journal pages.

- Fon, V., Parisi, F., & Depoorter, B. (2005). Litigation, judicial path-dependence and legal change. *European Journal of Law and Economics*, 20, 43–56.
- Schneider, M. (2005). Judicial career incentives and court performance: An empirical study of the german labour courts of appeal. *European Journal of Law and Economics*, 20, 127–144.
- Smith, A. (1827). *An inquiry into the nature and causes of the wealth of nations*. Printed at edition.
- Tullock, G. (1994). Court errors. *European Journal of Law and Economics*, 1, 9–21.
- Van Wijck, P., & Van Velthoven, B. (2000). An economic analysis of the American and the continental rule for allocating legal costs. *European Journal of Law and Economics*, 9, 115–125.
- Voigt, S. (2016). Determinants of judicial efficiency: A survey. *European Journal of Law and Economics*, 42, 183–208.