

INSTITUTIONAL DISTORTIONS IN JUDGE RECRUITMENT AND ITS CONSEQUENCES ON JUDICIAL AND ECONOMIC EFFICIENCIES: A LESSON FROM THAILAND

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ABSTRACT

The shortage of judge in Thailand is apparent. Substantial delay in legal proceedings casts some doubts on judicial efficiency as the well-known legal maxim depicted "justice delayed is justice denied." For instance, at the court of first instance, around one third of civil cases took more than 6 months before adjudication in 2007 and only 80 per cent of all civil cases could be adjudicated in 2011. To alleviate this problem, the Court of Justice's capacity building through the recruitment of new judges – who would be initially posted as judge trainees – using competitive examinations is one option. However, there are as many as three routes for being recruited. All applicants must hold bachelor degrees in law and be barristers of the Thai Bar Association (again through the examination). The general recruiting examination induced as many as 7,642 applicants but only 41 passed in 2011 (0.54 per cent pass rate or the odds of 1:305). Moreover, applicants with postgraduate qualifications in law home and abroad (especially LL.M.) are also entitled to take the special and separated entrance examination. Numbers of applicant were reduced to 2,509 and only 35 passed in early 2012 (1.39 per cent pass rate or the odds of 1:71). For applicants with postgraduate qualifications in law from abroad (188 of them in 2012), they have the third chance of examination with the pass rate of 32.45 per cent or the odds of 1:3. This paper investigates the institutional framework of Thailand's judge recruitment that comprises of complex requirements, analyses its economic incentives, and identifies the corresponding distortions. Distortions are evident ex post and ex ante. The requirement favours more well-to-do applicants, while it disincentivises the study for the general examination and discriminates against applicants with no postgraduate law degrees. Resources are spent inefficiently to acquire qualifications to relatively easier examinations. Forum shopping by highly-endowed applicants is also anticipated which is against justice. Subsequently, the judicial efficiency would be adversely affected and judicial economy is not justified. Ultimately, its implication on the judicial system in general is worth noting.

Keywords: Judge, Institution, Distortion, Forum Shopping, Efficiency

INTRODUCTION

"When plunder becomes a way of life for a group of men living together in society, they create for themselves, in the course of time, a legal system that authorizes it and a moral code that glorifies it."

-Claude Frédéric Bastiat (1801 – 1850)

Judiciary in Thailand may, generally, be regarded as the only social system retaining its integrity and independence amidst the political unrest that plagues the country for many decades, particularly after the *coup d'état* in 2006. Despite being accused of judicialisation and judicial coup, Thai judges are enjoying their reverent status. Being a judge could, hence, be the most respected and secured profession one ever imagines. Its competition for judge appointment is fierce with subsequent effects upstream on bar examination and admission into law schools respectively.

The appointment of judge, however, is deemed to be inadequate. There is a non-validable claim¹ that the shortage of judges is around 2,000 positions while each new appointment fills only around 100 positions² (normally on the annual basis). Evidences show around one third of civil cases took more than 6 months before adjudication in 2007 and only 80 per cent of all civil cases could be adjudicated in 2011. By inference, the shortage is apparent from at least two changes in judicial regulations: the extension of judge retirement and more frequent and more accessible judge recruiting examinations.

This paper investigates the institutional framework of Thailand's judge recruitment that comprises of complex requirements and analyses its economic incentives. We argue that the more frequent and more accessible judge recruitment creates distortions by inducing forum shopping and favouring economically advantageous candidates. Therefore, selected judge-trainees would be biased and they become the threat of justice. Subsequently, the integrity and independence of the Thai judicial system may be at risk.

INSTITUTIONAL ECONOMICS OF JUDGE: A PRIMER

A judicial system is one of essential and fundamental institutions in our society. Generally, judiciary shall be public because sometimes public authority is required for compulsion, particularly on controversial matters (Gibson, 1989), although private adjudication – e.g. in the form of arbitration – exists (Kornhauser, 1999). Its trustworthiness is gained from its procedural fairness by public perception (Gibson, 1989). Judges are key players in this system. They adjudicate disputes among parties,

¹ There is no statistics regarding this information. The Court of Justice does not release such information.

² The sample of such speculative claims could be found on Internet, for instance, <http://www.thaijustice.com/webboard.asp?sub=0&id=1588413> (in Thai).

private and public, as well as implementations of laws by the government. Their roles affect the people's welfare and are deemed to assure justice for the society that further influence resource allocation. Kornhauser (1999) reviews many explanations behind judges' motivation; all, regardless of underlying theories, are constrained by institutional designs within respective jurisdictions. Subsequently, their performance is highly dependent on how the institution of judge structured their incentives. What motivates judges are i) rent redistribution (Aronson, 1990 as cited by Kornhauser, 1999); ii) wealth (Aronson, 1990 and Higgins & Rubin, 1980 as cited by Kornhauser, 1999); iii) tenure (Posner, 1973 as cited by Kornhauser, 1999); iv) power (Landes & Posner, 1980 as cited by Kornhauser, 1999); v) reputation (Cooter, 1983 as cited by Kornhauser, 1999); vi) discretion (Higgins & Rubin, 1980 as cited by Kornhauser, 1999); vii) workload; and viii) reversal rate (Cohen, 1992 as cited by Kornhauser, 1999). On salary, Landes & Posner (1980 as cited by Kornhauser, 1999) argue that the income is weakly influencing judges' performance; however, Greenberg & Haley (1986) suggest judge's low salaries are socially desirable since they indicate the willingness to accept non-pecuniary benefits.

It is generally perceived that judges must possess the qualities of honesty, integrity, independence, impartiality, and transparency. Kornhauser (1999) emphasises on judicial independence – being free from external influence especially politics – as crucial, at least from the conceptual point of view, to guarantee “a more ‘objective’ resolution,” which may contradict with political motivation described above. Insulation of many kinds is devised to insure independence including secured tenure and free from bureaucracy. Empirically, it is hardly deniable that they are independent (Barrow & Zuk, 1990; Ramsayer, 1994 as cited in Kornhauser, 1999) because its institutional framework is principally designed for check and balance with other powers within sovereignty.

Thus, the judge selection and appointment are vital for judiciary. There are different mechanisms to recruit judges with such qualities and so do their tenures which vary across jurisdictions. In some jurisdictions require thorough competitive examinations to assure legal competences and sufficient knowledge; some allow nomination by executive power and approval by legislative power to guarantee the balance of power (such as the US federal court system); and some others have the judge election for the sake of direct responsibility. Resnik (2005) exerts that judicial appointment and selection shall reflect the political value of democracy within the relevant jurisdiction but the relationship among them is very complex. Although diverse in nature, the selection of judge under democratic principles must reject the selection by inheritance or any method based on race, sex, ethnicity, and class (Resnik, 2005).

In the next two sections, we are trying to investigate whether the selection mechanism of judges in Thailand suffers from the distortion which may undermine Thailand's judicial functions in the future by reviewing the institutional arrangement of judges and its selection and assessing its empirical outcomes.

JUDGES IN THAILAND AND THEIR APPOINTMENTS

The Regulation of the Judicial Service Act B.E. 2543 (AD 2000) governs all Thai judges and their appointment (Sathitsuksomboon, 2001). This legislation is the heart of the institution of judges – how judges are prescribed with their duties and responsibilities and how they related with each other. The Office of Judicial Commission (OJC) is the organisational focal point within this institution administrating all judges (Central Intellectual Property and International Trade Court Thailand, 2001 (hereinafter “CIP & ITCT, 2001”). OJC is “responsible for the appointment, promotion, transfer, and removal of judge, and has disciplinary power over them.” (Sathitsuksomboon, 2001)

The judge selection process is the first entry to a career in judiciary and the rules of the game is set by OJC through the aforementioned Act. Interestingly, OJC does not publicly release information on judge selection – procedures and past statistics. Most are in the form of paper-based announcement. The rest are scattered on private websites and webboards. CIP & ITCT (2001) and Sathitsuksomboon (2001) are only two available in English which this paper relies on. Currently, there are three seemingly independent methods.

The first method is called an *open examination* (referred to it, in this paper, as *Path A*; it is generally and literally known among Thais as ‘*Large Field*’). To be an eligible candidate, one must have LL.B. from a OJC-accredited Thai university or no-less-than Bachelor's Degree in law from a OJC-accredited foreign university. Then, (s)he must pass the bar examination from the Thai Bar Association which is conducted in Thai. Finally, (s)he must have no less than 2 years experiences in legal professions.³ The examination is highly competitive (which would be discussed later).

The second method is based on the examination as well but with slightly different requirement. It is known as a *knowledge test*. Applicants through this method must pass the bar examination from the Thai Bar Association **and** ‘one’ of the following qualifications⁴:

- (i) having the Bachelor's or equivalent degree from foreign country or higher in which its curriculum lasts not less than 3 years **or** having a doctorate degree (PhD) in law from Thai university – under this qualification, no experience required;
- (ii) having the Bachelor's or equivalent degree from foreign country or higher in which its curriculum lasts or combined curricula last not less than 2 years **and** having not less than one year experience in legal profession;
- (iii) having the LL.M. from a OJC-accredited Thai university **and** having not less than one year experience in legal profession;
- (iv) having the LL.B. with honour **and** being a lecturer in law in a public university for not less than 5 years;

³ Section 27, Regulation of the Judicial Service Act B.E. 2543.

⁴ Section 28, Regulation of the Judicial Service Act B.E. 2543.

(v) having the LL.B., having been an official of the Office of Courts of Justice in the field of law prescribed by OJC for not less than 6 years, **and** having a good conduct approved by the Secretary-General of the Office of the Courts of Justice;

(vi) having the LL.B. **and** Master’s degree or PhD in OJC-approved field **and** having not less than 3 year experience in legal profession or OJC-approved professions;

(vii) having the LL.B. **and** Bachelor’s degree or equivalent in a OJC-approved field **and** having not less than 10 years experience **and** being an expert in OJC-approved professions.

The knowledge test within the scope of this paper is of (i), (ii), and (iii). The test based on qualification (iii) is informally, generally, and literally known as ‘*Small Field*’ for Thais, hereinafter *Path B*; and on qualifications (i) or (ii) is informally, generally, and literally known as ‘*Mini Field*’ for Thais, hereinafter *Path C*. Qualifications in cases of (v), (vi), and (vii) are quite rare and are not of our concern.

In practice, the open examination or the knowledge test is procedural indifferent. Both have written examinations covering similar kinds of legal fields as well as interviews. The differences are merely how both methods are called and candidates’ qualifications for respective methods.

The third method is a *special selection*. This requires the candidate to pass the bar examination **and** being a public university professor or associate professor or lecturer for not less than 5 years; or government official ranked not lower than director or equivalent; or an attorney for not less than 10 years **and** having experience and expertise in the OJC-approved fields of law and being honest and having appropriate qualities to perform as the judicial official.⁵ However, this method is not of our interest.

Table 1 summarises and compares qualifications for eligible applicants of different paths of this paper’s concern.

Table 1: Simplified Qualifications for Eligible Applicants for the Selection of Judge-Trainee

		Path A	Path B	Path C	
				(i)	(ii)
Education	LL.B.	✓	✓	✓	✓
	LL.M.	-	✓ Thai University	✓ Foreign University w/3 year curriculum	Foreign University w/2 year curriculum
	PhD	-	-	✓ Thai University	-
Thai Bar Examination		✓	✓	✓	✓
Professional Experience		≥2 years	≥1 year	-	≥1 year

Regardless of the selection path taken, all judge-trainees would be treated equally. After being recruited, for at least one year, they would receive formal training. Conditional on the satisfactory training result, judge-trainees will be approved by OJC and, subsequently, received the royal appointment for perform as judges (CIT & ITCT, 2001; see Figure 1).

Figure 1: The Process of Judicial Appointment



Source: http://en.wikipedia.org/wiki/File:How_to_Be_a_Judge_in_Thailand.png

DISTORTION IDENTIFIED

Before further analysis, it is worth noting that OJC retains discretionary power in specifying and approving candidates’ qualifications of all paths and methods. It is apparent from the previous section regulations regarding judge-trainees selection are full of ‘OJC-approved’ and ‘OJC-accredited.’ This discretion is pose no risk as long as it is consistent and pre-determined since obtaining required qualifications (as in Table 1) takes time. Unfortunately, OJC has the tradition to announce rules and lists of accredited educational institutions and approved professionals for all recruitments and such rules, accreditation, and approval are

⁵ Section 29, Regulation of the Judicial Service Act B.E. 2543.

changing all the time.⁶ It can be institutionally seen that OJC is highly independent and exercise its discretion actively. Thus, the judge selection process is somewhat hindered and less transparent by OJC discretionary authority. Despite the regulations on the selection is quite clear, labeling OJC-approved and OJC-accredited creates uncertainty for judge-wannabe. Moreover, issuing such rules, accreditations, and approvals for every recruitment is costly and time consuming. Those issuers are judges that shall be adjudicating cases rather than making rules.

Considering the judge selection process summarized in Table 1, all three paths or 'fields' have something in common which are all candidates must have LL.B. (from Thai universities implicitly because it is the qualification for those who want to take the bar examination from the Thai Bar Association) and must passed the bar examination from the Thai Bar Association. Comparing three paths, it is evident that OJC tries to balance between knowledge (or education) in law and experience in legal professions since all judge-trainees earn the same salary and career advancement at the beginning (see above).

By inference, from Table 1, the following trade-offs or equivalences are observed:

- one year experience in legal profession is equivalent to Master's degree in Law from Thai universities [*Path A* vs *Path B*];
- a two year degree of no less than Bachelor's degree in Law from abroad is equivalent to a Master's degree in Law from Thai universities [*Path B* vs *Path C* (ii)]
- a three year degree of no less than Bachelor's degree in Law from abroad⁷ (effectively mean two or more LL.M from abroad) is equivalent to a PhD in Law from Thai universities [within *Path C* (i)];
- one year experience in legal profession is equivalent to a two year degree of no less than Bachelor's degree in Law from abroad [*Path A* vs *Path C* (ii)].

From the outset, rationales behind these observations of trade-off are comprehensible and acceptable. However, from the economics' perspective, resources used in each scenario are different considerably. For the sake of simplicity and without losing generality, we assume a hypothetical candidate in *Path A* earns income from his/her legal profession at approximately 15,000 baht/month (US\$500)⁸ and spend 9,000 baht/month (US\$300)⁹. So, the saving or net income is US\$200/month or US\$4,800 for two years. It is also assumed that (s)he has no dependent of any kind (e.g., parents or children to take care of) and the cost of studying and taking examination at the Thai Bar Association is virtually negligible (because everyone has to take it). This is our baseline.

Anyone who wants to study Master's degree in Law in Thailand should spend at least 2 years and incurs the tuition fee of 40,000 baht (around US\$1,300).¹⁰ Comparing *Path A* and *Path B*, it can be seen that, within the same period of time, *Path B* candidates are economically disadvantageous by US\$1,300.

For the PhD in Law or LL.D. from Thai universities, anyone who wishes to do it has to spend 3-5 years and the tuition fee of 500,000 baht (US\$16,700).¹¹ This applies to candidates in the concern of *Path C* (i) which is approximately 10 times economically less advantageous than *Path B*.

Studying abroad costs around 1,000,000 baht (US\$33,400) a year inclusive as a rule of thumb.¹² OJC regulations requires 2 years in the case of *Path C* (ii) which make US\$66,800 and 3 years in the case of *Path C* (i) which makes US\$100,000.

Table 2 compares in term of how many times applicant in each path has to pay more than US\$4,800 to obtain respective qualifications.

⁶ Between 2002 and 2008, there are 8 announcements on such accreditation and approval. See the following website (the Court of Justice) for more information (in Thai):

<http://www.library.coj.go.th/rabieb/show.php?Idmain=14&&Title=%BC%D9%E9%AA%E8%C7%C2%BC%D9%E9%BE%D4%BE%D2%A1%C9%D2&&page=>

⁷ This automatically implies (a) two or more Master's degrees in Law, (b) another Bachelor's degree in Law from some countries (UK, for instance), or (c) PhD in Law from some countries (for example, UK, again) because all candidates must pass the bar examination which implicitly requires LL.B. from Thai universities. The possibilities of (b) and (c) are very low because any candidate with qualifications like this would be disadvantageous to those who have qualifications prescribed in *Path C* (ii). By elimination, the possibility of (a) is highest.

⁸ Assuming as a new graduate with LL.B. working in the public sector.

⁹ This is calculated from the minimum wage of 300 baht/day, 30 days/month; assuming it should be sufficient for survival.

¹⁰ We use the example of LL.M. Programme at Ramkhamhaeng University, see <http://www.grad.ru.ac.th/menny2.html>

¹¹ We use the example of LL.D. Programme at Ramkhamhaeng University, see

http://www.nst.ru.ac.th/New/index.php?option=com_content&view=article&id=70&Itemid=80

¹² There is no official estimate but many online sites provide more or less the same estimate; see <http://blog.studylink.com/2011/02/how-much-does-it-really-cost-to-study-abroad/>

Table 2: Comparison of Relative Costs to obtain Different Qualifications

	<i>Path A</i>	<i>Path B</i>	<i>Path C</i>		
			(i)	(ii)	
Relative Cost (x of baseline)	1x (baseline)	1.27x	20.83x (abroad)	3.48x (Thai PhD)	13.91x

When expressed in the monetary term, the distortion between foreign and Thai qualifications is well noted. Differences among Thai qualifications do not exceed 4 times of the baseline but foreign qualifications cost up to 20 times of the baseline. These imply the implicit costs of trade-offs noted above (that should, logically, be equivalent by inference) are not economically equivalent. *Path B* is 1.27 more expensive than *Path A* which is still reasonable because the difference is trivial. Nevertheless, *Path C(ii)* should be logically equivalent to *Path B* but it is 10.95 times more expensive [13.91/1.27]. Moreover, *Path C (ii)* is 13.91 times more expensive than *Path A*. Even withing *Path C (i)*, candidates with degrees from abroad facing 5.99 times higher cost of obtaining the equivalent qualification than candidates with PhD from Thai universities [20.83/3.48].

What distortion these qualifications created is that it favours well-to-do applicants. In other words, economically-inferior applicants have less opportunity to obtain qualifications for being eligible. Majority of applicants with less endowment would be entitled to *Path A* and *B* only since their costs are not much different. But for those who have high endowment, they can get rid of experience requirement by studying abroad or PhD domestically.

EMPIRICAL EVIDENCE

This section dedicate to the empirical testing of our argument developed in the last section. Unfortunately, statistics regarding judge selection is not publicly available because OJC does not release such information. We believe OJC treated it as confidential despite the fact that statistics on judge selection shall be published to ensure OJC's transparency. Alternatively, OJC's non-disclosure could be interpreted as the exercises of its independence, its discretion, and a lack of its transparency we noted earlier. Statistics we obtained, thus, cannot be verified for its accuracy. Table 3 shows numbers of applicants, passed applicants, and passed rates in 3 paths between 2005 and 2012.

Table 3: Statistics on Applications for Judge-Trainees, 2005 – 2012

	Total Candidates/Successful Candidates (persons) [Passed Rate (per cent)]		
	<i>Path A</i>	<i>Path B</i>	<i>Path C</i>
2005	<n.a.>/129 [<n.a.>]		
2006			
2007	<n.a.>/41 [<n.a.>]		
2008	<n.a.>/102 [<n.a.>]	<n.a.>/116 [<n.a.>]	<n.a.>/45 [<n.a.>]
2009		<n.a.>/68 [<n.a.>]	
2010	~7,000/25 [~0.357]		
2011	7,642/41 [0.537]		
2012		2,509/35 [1.395]	188/61 [32.446]

Sources: *various*.

Remarks: <n.a.> data is not available; blank items imply no recruitment in that year; ~ means approximate.

Due to insufficient data and the reliability of the data, it is impossible to make the firm conclusion based on what are shown in Table 3 particularly on consistence of passed rates in the longer term. Nonetheless, the preliminary results can be observed for the recruitments in 2011 and 2012. *Path A* is the toughest selection process – only 0.537 per cent of total applicants could pass; while *Path C* is the easiest – 32.446 per cent of total applicants could pass. The Odds of success in *Path A* is 1:186; *Path B* is 1:71; and *Path C* is 1:3.

Odds ratios between each path are calculated and illustrated in Table 4.

Table 4: Odds Ratios for Different Judge-Trainees Selection Paths

	Odds Ratios between Path in Column and Path in Row		
	<i>Path A</i>	<i>Path B</i>	<i>Path C</i>
<i>Path A</i>	1	2.597	60.421
<i>Path B</i>	0.385	1	23.259
<i>Path C</i>	0.016	0.043	1

Probabilities of being selected (pass the test) as judge-trainees for *Path C* applicants are 60 times higher than *Path A* applicants and 23 times higher than *Path B* applicants. Analogously, *Path B* applicants are 2.6 times more likely to be selected (pass the test) than *Path A* applicants. Candidates of *Path A* (pass the examination) are least likely to be selected. This reflects the *ex post* distortion created by OJC's judge selection processes.

Distortions from the empirical perspective are easily noticeable and more prominent than from the cost perspective discussed in the previous section. The results, even though preliminary, in Table 2 and Table 4 reconfirm each other, pointing into the same directional argument. If all judge-trainees were identical (which, by design, they are expected to be and that is a reason why they are earning the same salary and some promotional advancement at the beginning), the probabilities of all channels or paths should not be much different from each other. It cannot be argued for those candidates with degrees higher than LL.B. are having more knowledge in law. If it was the case, the requirement for experience in legal professions should be the same (2 years) since different qualifications were designed to reflect the trade-off between education and experience (see the previous section); otherwise, examination questions for *Path B* and *C* candidates must be more rigorous to gauge their superior knowledge.

DISTORTIONS REVISITED

Table 2 and Table 4 are confirming each other on how distortions affect incentive to judge-trainee candidates. We can demonstrate further how the judge selection process institutionally discourages not-well-to-do applicants. The odds ratio of *Path C* to *Path A* is 60 times (see Table 4); while the relative cost of *Path C* to *Path A* is ranging between 3.48 and 20.83 times (see Table 2). Even the most expensive *Path C*, the rate of return for investing in *Path C* is almost 3 times or 300 per cent higher than *Path A*. Similarly for *Path B*, the rate of return for investing in *Path B* is twice higher than *Path A* or 204.48 per cent. Therefore, it is obvious, for any candidate who can afford *Path B* and/or *Path C*, (s)he will definitely choose it over *Path A* depending on his/her financial constraint since the probability to be selected as a judge-trainee is increased much more than the respective costs. To get the same or equally-qualified judge-trainee, one with higher endowment shall not have better chance to another with lower endowment.

When this distortion is learnt by potential candidates, it will also provide *ex ante* wrong incentive for economically superior persons to go for relatively more expensive path. Moreover, opting for more costly paths does not rule out the possibility to take the cheapest path (*Path A*) because one can keep working until 2-year experience in legal profession is gained and would be automatically entitled to take *Path A* without losing an opportunity to resit the recruitment in other more expensive paths. This allows well-to-do candidates to do forum shopping, which is dissuaded by all judges and courts. Forum shopping is unwelcomed because it is wasteful for the society and gouges the judicial institution in favour of one's private benefit. If all judges and courts abhor it, why does the system of judge recruitment allow it to happen?

CONCLUSIONS AND RECOMMENDATIONS

The Thai judge selection mechanism, which has many channels for one to be selected as a judge-trainee, is institutionally distorted. A first source of distortion is believed to be the discretion of OJC that governs all judges. OJC retains authorities, through its independence, to determine many qualifications in order to recruit appropriate personnel but the frequent changes of such qualifications cause uncertainty for potential candidates. Additionally, OJC fails to publicise information regarding the process; hence, its transparency and integrity become questionable. A second source is the distortion by design. We demonstrate how its selection process inadvertently favours well-to-do candidates over less-endowed ones *ex post* in term of costs as well as opportunities to pass the open examination and/or the knowledge test. This process contradicts to the general principles if the judiciary is operating in democratic societies (Resnik, 2005). The very same mechanism also creates *ex ante* wrong incentive for potential applicants since it offers good rate of return for investing in costly paths. On the top of that, in term of justice or fairness, the selection allows some candidates to have more chances of taking examinations than others. Three paths could be taken by well-endowed applicants but only one path for economically inferior applicants.

OJC has a lot to explain why such distortion is allowed institutionally through its regulations because it is contradictory to the legal maxims of *Par in parem imperium non habet* (An equal has no power over an equal) and *Ubi eadem ratio ibi idem jus, et de similibus idem est iudicium* (When there is the same reason, then the law is the same, and the same judgment should be rendered as to similar things).

From the economics point of view, the adverse effect of the distortion is threefold. First, candidates incur high costs of obtaining their required qualifications. Many of them must be obtained abroad which weakens Thailand's economic conditions unnecessarily. Secondly, the cost to produce one judge-trainee is increasing since each one has to invest for more qualifications and eligibilities for easier channels but the benefit of each one remains unchanged. Thirdly, though such cost is not borne by the courts of justice or OJC, it unnecessarily rips candidates off their wealth which could be used in better and more efficient

alternatives. We believe, furthermore, implications of the distortion would be on income distribution by widening income gap because, in the long run, a majority of judges would be from high-income population and they will adjudicate disputes in favour of parties from the similar background. Thus, economic and judicial efficiencies are impaired.

Problems stemming from the distortion are undeniably apparent. Social media have discussed about it extensively but there was no academic proof until now. The Courts of Justice and OJC shall take this matter seriously and amend the regulations accordingly. One of the easiest and virtually costless solutions is to have a single entry for judge-trainee which corresponds with *Path A* in this paper. However, more data and statistics from OJC are needed in order to establish a long term confirmation of the distortion before any concrete recommendation could be made.

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