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Article

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Original Research Article

# Litigation Infraction Charges and Financial Performance of Deposit Money Banks in Nigeria

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#### Abstract

This study investigated the effect of litigationinfraction charges (LICs)arising from the settlement of legal violations of agreed terms and conditions banking transactions with counterparties on the financial performance of Deposit Money Banks (DMBs) in Nigeria. Litigation Infraction Charges for DMBs comprises of Legal Professional Charges (LPCs) and court-imposed Charges (CICs). The specific objectives of this study are to ascertain; firstly, the effect of Legal Professional Charges (LPCs) on the financial performance of DMBs in Nigeria and secondly, the effect of Court-Imposed Charges (CICs)on the financial performance of DMBs in Nigeria. The study adopted the ex-post facto research design. This study made use of secondary data obtained from the Nigerian Stock Exchange factbooks, and Annual reports & accounts of the eight (8) sampled DMBs for its analysis. Purposive sampling technique was adopted to selecteight (8) Domestic Systemically Important Banks (D-SIBs) according to the Central Bank of Nigeria (CBN) 2014 ranking for banks in Nigeria. The population consists of sixteen (16) DMBs whose shares were listed on the Nigerian Stock Exchange as at December 31, 2018. This study made use of Panel Least Square (PLS) regression analysis with the aid of E-View 9.0 statistical software. The results of the regression analyses showed that legal Professional Charges (LPCs), and courtimposed Charges (CICs) eachhas a significantnegative influence on return on Equityof DMBs in Nigeria. The study recommends that deposit money banks should always abide by allterms, conditions and transaction dynamics agreed on terms with customers and counterparties. This willminimise substantial litigation infraction charges awarded to counterparties on legal violation settlements which affect the DMBs' financial performance. Also, deposit money banks should incorporate Alternative Dispute Resolution (ADR) in their transaction contract documents and also explore ADR option, which is cheaper than court legal proceedings.

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**Keywords**: Litigation, Professional charges, Court-imposed charges, Domestic systemically important banks, Alternative dispute resolution.

# JEL Classification Codes: M42, 43

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#### **1.0 INTRODUCTION**

Violation of terms, conditions and transaction dynamics by DMBs has been adduced as the major cause of increasinglitigations involving bankswith its attendant heavy monetary penalties arising from these litigations that affect the financial performance of DMBs in Nigeria. Despite the existence of policies, circulars, guidelines, regulations, off/onsite monitoringby the Central Bank of Nigeria, the issue of litigation infraction charges for settlement of damages on court judgments onDMBsannually imposed calls for concern. These litigation infraction charges: Legal Professional Charges (LPCs) and court-imposed Charges (CICs) arising from breach of counterparty agreed terms and conditions are drag-downs on the reported financial performance of the DMBs in Nigeria. Thus, Litigation infraction charges adverselvaffect shareholders' value maximisation creation in these banks in terms of their return onequity (ROE). However, despite the unprecedented adverse effect of litigation infraction charges on bank's financial performance, little or no attention, to the best knowledge of the researchers, has been given to the Billion of

Nelson. 2017; Zeidan, 2012 2013) focussed on banks' illegal actions or misconducts, none of these studies, to the researchers. best knowledge of the considered the effect of legal infractions charges on the financial performance of DMBs in the Nigerian environment. This neglect by prior scholars to conduct a study on the effect of litigation infraction charges on the financial performance of DMBs in Nigeria prompted this research. This is the knowledge gap this study seeks to fill. This paper is structured into five sections, with the first being the introductory section. Section two discusses the literature and develops hypotheses with emphasis on conceptual review, theoretical review and

Naira incurred as court-imposed charges or claims for damages from DMBs in Nigeria

on legal infractions. While previous studies (such as Bhagat, Bizjak & Coles, 1998;

Harwood, 2018; Ismaila& Damola, 2018; Goldstein, 2018; McNuly & Akhigbe, 2014;

&

review of empirical studies. Section three harps on the methodology. This is followed by section four which focuses on estimation results and discussion of findings, and

finally, section five presents the conclusion and recommendations.

### 2.0LITERATURE REVIEW AND HYPOTHESES DEVELOPMENT. Litigation Infraction Charges (LICs) and Banks'FinancialPerformance

Litigation infraction charges (LICs) are charges for settlement of claims and damages imposed on DMBs for litigation judgements against a bank for wrongdoing or legal violations. LICs are charges on DMBs for legal breaches. A fine is money that a court of law or other legalauthority imposes on an individual or corporate personality as punishment for a crime or other offence; the amount of a fine can be determined on a case by case, but it is often announced in advance before offence is committed and adjudged (Bray, 2012). Litigation infraction charges are not operational business expenses, rather chargesattracted by violations or illegal behaviours by individuals or agents of corporate bodies to serve as a deterrent to others. The legal personality of companies allows individuals, groups and corporate organisations who have suffered injuries due to unprofessional dispositions of DMBs to sue and claim damages on DMBs which in most cases are awarded by courts of law.Recently, Access Bank Nigeria Plc was fined N4.7Million as damages for gross negligence, loss of business, general damages and cost of litigation over illegal debiting of a company's account, breach of trust and gross negligence in the way and manner a company's account was handled by the bank in conducting search Corporate Affairs Commission in addition to he restriction on the corporate account after account opening (Achor, 2020). The spate of these awards by courts has become a major concern to financial analysts and frequencies, shareholders due to the

amounts involved and the financial impact on DMBs' performance.Litigation charges are levies or penalties imposed on DMBs by the Courts for legal violation of various CBN circulars, regulations and policies, as well as Banks & Other Financial Institutions, Acts guiding their bankerrelationship with their clients, customers and even employees. The DMBs disclose these charges imposed on banks by courts under the Litigation Liability Section (LLS) of the Banks' published annual reports (BOFIA, 1991). These litigation infraction charges are fully charged on the Statement of Comprehensive Income of these DMBs annually with their drags-down effect on financial performance. Bhagat, Bizjak and Coles (1998) reviewed the effects of corporate lawsuits on shareholders' wealth and the interactive effects of litigation on the corporation's external environment. They opined that irrespective of who brings lawsuit charging a company a for wrongdoing, be it a government agency, another corporation or a private citizen, the defendant firm suffers from statistically significant losses in its stock price.

Bhagat et al. (1998) further stated that the impact of lawsuits on shareholder dividends varied significantly with the type and severity of the lawsuit, among others.A business organisation's ethical actions are bound to generate additional costs which in a competitive environment may not lead to maximisation of shareholder value, may lead behaviours more unethical being to condoned by the investors and investment in ethical actions could provide financial benefits to the banks (Marsat & Williams, 2011). For example, avoiding environmental disasters, reducing wasteand financial lawsuits may reduce future costs. The latter argument has been affirmed by Khaveh, Nikhashemi, Yousefi and Haque (2012)

who opined that companies with a higher level of sustainability disclosure have higher share price and net profit. Harwood(2018) reviewed how challenging the litigation climate is for many of the World's banks and found that JPMorgan announceda \$400m loss for Q3 in October 2017 as the bank had set aside \$23 billion for litigation costs arising from series of investigations regulatory resulting in litigation and economic crisis-related suits. While this is not peculiar to JP Morgan alone, it is the same for other banks both internationally and locally, with the rising cost of litigation infraction charges yearly. According to Lloyd (2018), there has been a remarkable shift in the way that people view banks in the last five or six years and before the global economic crisis of 2007-2008, most people started from the point that banks were straightforward and honest, but now the whole climate has changed, banks' reputations have been tarnished, not only in the eyes of the public and press but also in the eyes of the judges. Therefore, litigation charges negatively affect the financial performance of deposit money banks in both intrinsic and extrinsic dimensions. It also tarnishes the reputational image for banks.

### Litigation Infractions Charges (LICs)

Litigation infraction charges (LICs) are charges incurred by DMBs on the settlement of lawsuits claims and damages from litigation judgements over professional misconducts, gross negligence, breach of trust and general damages on violation of agreed terms and conditions in the banks' relationship with the general banking public. Litigation Infraction Charges comprises of Legal Professional Charges (LPCs) and court-imposed Charges (CICs). They are briefly discussed below:

#### Legal Professional Charges (LPCs)

LPCs are charges incurred by deposit money banks on bills of solicitors and lawyers who defended the banks on lawsuits on legal breaches with counterparties.

#### **Court-Imposed Charges (CICs)**

CICs are charges imposed on deposit money banks by law courts as compensations/settlements for damages claimed on litigations by counterparties.

#### **Return on Equity(ROE)**

financial ROE is а performance measureused to ascertain how much profit a company generates with the money ordinary shareholders have invested (Khan, Shaik, Shah, Zahid, & Shaik, 2017). The investors and corporate leaders use ROE to measure how much profit is accruable to owners of capital and to determine the returns on their investments; the higher the return or income earned, the better the position of the owner of the company (Purnamasari, 2015). According to Lingga andTirok (2012), ROE is most the valued profitability ratio in evaluating stock returns, followed by Return on Assets (ROA).Kharatyan (2017) opined that firms with relatively higher ROE are highly competitive. This aligns with the assertions of Brigham and Daves (2004), who maintains that every company's main objective is to maximise shareholders wealth.

#### **Theoretical Review**

Value Maximization The Shareholders' Theory and Agency Theory are mostly measuring considered when financial performance, revenue and returns on management. This is investment financial performance, becauseexcellent efficiency and better revenueretention returns on investment are all indications of a better value proposition to both managers

shareholders notwithstanding and the existence of a conflict of interests between the agents (Managers) and theprincipals (shareholders). Therefore, efficiency in the utilisation of resources by the agents helps the principal (managers) (shareholders) to maximise value for their investments which are measured by return on equity (ROE). However, since managers are not obligated to maximise shareholders' value under the Agency Theory, this study, therefore, is anchored on the Shareholder Value Maximisation theory which is the most appropriate theory that focuses on the principles of wealth creation for the owners and stakeholders of businesses to drive this The shareholders' value study. maximisation theory is explained below.

## Shareholders' Value Maximisation Theory

Friedman (1970) founded the shareholders' value maximisation theory which focuses on the principles of wealth creation in the form of use of business resources to engage in activities designed to increase business profits observing the rules of the game in and free competition, without open deception or fraud by businesses which eventually results in in value Maximisation to both the owners and the society. Shareholders' Value Maximisation is measured by the returns accruing to shareholders from the business' financial performance considering theReturn on Asset (ROA), Earning Per Share (EPS), Return of on Equity (ROE) etc. Every company's main objective is to maximise shareholders wealth (Brigham & Daves, 2004). Therefore, litigation infraction charges would hamper better returns and earnings to shareholdersas it constitutes major drag-down on the banks' earnings and their profitability which negatively affect financialperformance (ROE).

# **Review of Empirical Studies.**

Harwood (2018) conducted a study on litigation fines on the six largest banks in the US, including JPMorgan and Bank of America from 2008-2012. The study was aimed at identifying and grouping components of these litigation costs for these banks. The study adopted a descriptive method using a pie chart and percentages to represent various components of litigation fines for the banks. The data analysis showed: Claims for Mis-selling 46%, claims by hedge funds 13%, claims to arise from defective legal documentation 27%, claims consequent on regulatory investigations 49%. The result of the study also showed that JPMorgan topped the list with litigation costs of over \$100 billion. A retest of the research result through a survey on litigation fines showed 31% of respondents saying that litigation fines would not rise, 35% maintained that litigation cost would rise while 34% opined that litigation costs would remain the same. The study concluded that the different picture from these respondents reflects the wide range of cases that different types of banks are facing. The study recommended that banks should explore an arbitration process which is managing cheaper in their litigation infractioncharges

Nelson (2017) examined the components of litigation fines incurred by 8 Banks in United States of America (US) and European (EU) banks from 2008 to 2016. The study adopted a survey approach in generating the data used in the research. A multi-coloured Bar Chart was used to distinguish litigation fines incurred by various banks in the two climes. Among all the US banks surveyed, the Bank of America has been the worse hit with total litigation fines since 2008 as \$73 billion followed by JPMorgan whose secondlargest operation cost of \$40 billion is litigation fines. The study revealed that Royal Bank of Scotland was at the top among EU bank with its litigation fines from 2008-2017 as \$30 billion. The study found out that the highest of litigation fines was paid by US & EU banks in 2014 with US & EU banks paying \$33.2 billion and \$25.8 billion respectively. The total litigation fines paid by the US & EU banks for the study period (2008-2016) were\$273 billion. The study concluded that the highest of these litigation fines originated from mortgage-bond infraction, followed by misselling of financial products and lastly on mis-sold payment protection insurance and interest rate hedging products with a strong effect on profitability.

McNulty and Akhigbe (2014) conducted an investigation on bank litigation, bank performance and operational risk: Evidence from the financial crisis. The research objectives were to: analyse a new data set on bank legal expense, show that legal expense predicts future bank performance using both econometric and & case-study evidence and to find the relation between legal expense and bank performance. The researchers opined that excess litigation against a bank, a form of operational risk, is one indicator of risk because litigation often reflects a failure to maintain a strong system of internal control. The researcherscarried out bank financial performance analysis of unique hand-collected data-set on bank legal expense from 102 American institutions using regression. Their results reflected differences among banks in total bank legal expense, which included the expenses of litigation. The results are consistent with the hypothesis that high legal expense predicts weak future bank performance. They further stated that if investors had legal expense

information regularly, there would be greater market discipline. The study recommended that bank regulators should require legal expense to be reported in annual financial reports and that legal expense ratios be publicly available to facilitate greater market discipline in banking with respect to operational risk. Existing reporting creates unnecessary information asymmetries since investors are not as informed as they could be about operational risk, no doubt leading to mispricing of bank securities.

Zeidan (2013) investigated the effects of behaviour illegal on the financial performance of US Banking Institutions. The study was motivated by whether financial performance is affected by corporate violations of laws and regulations. A sample of 128 publicly traded banks that were subject to enforcement actions by US regulatory authorities over a period of 20 years was used. Ordinary Simple Regression method was adopted. The study revealed that there is a significant negative relationship between corporate violations and market reaction. However, the market reaction did not vary meaningfully in accordance with the severity of repetitiveness of the corporate violations. The results of the study are in conformity with previous research on industries other than banking, which notably showed a negative market reaction. This confirms that shareholders in the banking industry react in a manner considerably like their counterparts in other industries on corporate violations.

Zeidan (2012) researched to examine the effects of corporate illegality on financial performance within the banking industry in order to assess whether the regulatory framework is effective in curbing violations. The study was a comparative analysis of the performance of 84 publicly traded US banks that were subject to enforcement actions from US regulatory authorities over a 20-year period. The financial performance of each violating bank was analysed several quarters after each violation and compared to the financial performance benchmark of non-violating competitors. The findings were contrary to prior studies that show a negative effect of illegality on financial performance. The results of this show investigation failed to any significant and sustained effect of actions. enforcement The researcher concluded that this could be due to the unique situation of the banking industry. Nevertheless, the degree of impact depended on firm attributes, as smaller and riskier firms were affected more than others

Goldstein (2018)investigated how challenging the litigation climate is for many of the World's banks and found out from JPMorgan Chase's result for the third 2017 that JPMorgan announceda \$400m loss for Q3 in October 2017 as the bank had set aside \$23 billion for litigation costs from regulatory arising series of investigations resulting in litigation and economic crisis-related suits. This is not peculiar to JP Morgan alone; it is the same for other banks both internationally and locally, with the rising cost of litigation infraction charges. Goldstein (2018) opines that there has been a remarkable shift in the way that people view banks in the last five or six years. Before the economic crisis, most people started from the point that banks were straightforward and honest, but now the whole climate has changed. Banks' reputations have been tarnished, not only in the eyes of the public and press but also in the eyes of judges. Therefore, litigation

charges negatively affect the performance of commercial banks in both intrinsic and extrinsic dimensions. It also tarnishes reputational image for banks

# **3. METHODOLOGY**

This study adopted the ex-post facto research design. A total population of sixteen (16) Deposit Money Banks listed on the Nigeria Stock Exchange (NSE) as at December 31, 2018was used. The eight (8) Domestic Systemically Important Banks (D-SIBs) in Nigeria, according to Central

Bank of Nigeria (CBN) ranking of 2014 was used as the sample size for this study. Secondary data were sourced for eleven years (2008-2018) from the NSE factbooks and annual reports & accounts of the eight (8) domestic systemically important banks in Nigeria. The data were analysedusing Panel Least Square (PLS) regression, Granger Causality test and

Hausman test with the aid of E-View 9.0 statistical software. The variables of this studywhich consists of legal Professional Charges (LPCs), Court-ImposedCharges (CICs) and Returnon Equity (ROE) were captured in a modified model as adapted fromthe model of Ismaila & Damola, 2017on Regulatory Non-Compliance. The modified model is made up of return on equity, Legal Professional Charges (LPCs) and court-imposed Charges (CICs) of the D-SIBs,as shown below:

Financial	Performance	=
<i>f</i> ( <i>LICs</i> )	(1)	

The static linear model is presented in the second equations

 $ROE_{it} = \hat{\beta}_0 + \beta_1 LIC_{it} + \epsilon_{it}, BSZ_{it}, LEV_{it} \dots$ (2)

Model (2) above is further decomposed into models (3) and (4) below to capture the effectof each of the independent variables(LPCs & CICs) on Return on Equity, respectively.

 $\mathbf{Y} = f(\mathbf{X}) + \boldsymbol{\mu}$ 

The above model could be re-constructed as thus;

 $\begin{aligned} \text{ROE}_{it} &= \beta_0 + \beta_1 \text{LPCs}_{it} + \beta_2 \text{BSZ}_{it} + \beta_3 \text{LEV}_{it} + \\ \mu_{it} & ----- & (3) \\ \text{ROE}_{it} &= \beta_0 + \beta_1 \text{CICs}_{it} + \beta_2 \text{BSZ}_{it} + \beta_3 \text{LEV}_{it} + \\ \mu_{it} & ----- & (4) \\ \text{Where:} \end{aligned}$ 

 $\beta_0$  = Intercept of the regression  $\beta_1,\beta_2,\beta_3$ , = Coefficients of Litigation Infraction Charges Indices

 $\mu_{tt}$  = error term capturing other explanatory variables not explicitly included in the model of bank i in period t

Y = dependent variable (Financial Performance)

X = independent/explanatory variable (Litigation Infraction Charges)

 $CICs_{it} = Court$ -impossed Charges of bank i in period t (independent variable)

 $ROE_{it}$  = Return on Equity of bank i in period t (dependent variable)

 $LPCs_{it} = LegalProfessional Charges of bank$ i in period t (independent variable)

 $BSZ_{it} = Bank'$  Size of bank i in period t (control variable)

 $LEV_{it}$  = Leverage of bank *i* in period t (control variable)

 $i = individual bank (1, 2 \dots 8)$ 

t = time period (1, 2 .... 10)

### 4. ESTIMATION RESULTS AND DISCUSSION OF FINDINGS

	ROE	LPCs	CICs	BSZ	LEV
Mean	0.138	0.269	0.520	10.861	7.131
Median	0.120	0.210	0.585	10.800	5.975
Maximum	0.230	0.420	0.640	12.020	15.150
Minimum	0.060	0.140	0.240	9.930	3.270
Std. Dev.	0.064	0.223	0.187	0.769	3.924
Skewness	0.462	0.554	0.312	0.195	0.895
Kurtosis	1.728	1.548	2.932	1.640	2.629
Jarque-Bera	1.029	1.389	2.873	0.834	1.392
Probability	0.598	0.499	0.238	0.659	0.499
Sum	1.380	7.690	17.200	08.610	71.310
Sum Sq.					
Dev.	0.037	1.609	17.326	5.321	38.606
Observations	88	88	88	88	88

 Table 4.1: Descriptive Statistics

Source: E-Views 9.0 Descriptive Output, 2020

#### Interpretation

Table 4.1 displays the descriptive statistics for the independent, dependent and control variableofthe study. Table 4.1 shows the result of the panel data set of 88 observations with the combination of time series data and cross-sectional data (i.e 8 banks x 11 years). Mean is used to measure the central tendency. However, the standard deviation is an amount by which every value within a data-set varies from the mean. It is the most robust and widely used

measure of dispersion and measure of risk. Higher standard deviationimpliesa higher risk. The observed average return on equity is 13.8%, with a maximum of 23%, a minimum of 6% and a standard deviation of 6.4%. The observed degree of the average legal professional charges is 26.9% with a minimum of 14%, a maximum of 42% and a standard deviation of 22.3%. The observed degree of the average Court-imposed Charges is 52% with a minimum of 24%, a maximum of 64% and a standard deviation of 18.7%.Skewness indicates the symmetry of the distribution. A positive skewed distribution indicates scores that are clustered to the left and the tail of the distribution extending to the right while a negatively skewed distribution demonstrates scores that are clustered to the right and the tale of the distribution extends to the left. Kurtosis, on the other hand, defines the peak of the distribution. A peak indicates positive kurtosis. A flat distribution indicates negative kurtosis.Legal professionalcharges (LPCs) and Court-imposed Charges (CICs) have positive values of 0.554 and 0.312, respectively.

 Table 4.2:Pearson Correlation Matrix

	ROE	LPCs	CICs	BSZ	LEV
ROE	1.000	-0.466	-0.472	-0.758	-0.845
LPCs	-0.466	1.000	0.070	-0.701	-0.370
CICs	-0.472	0.070	1.000	0.225	0.468
BSZ	-0.758	-0.701	0.225	1.000	0.738
LEV	-0.845	-0.370	0.468	0.738	1.000

Source: E-Views 9.0 correlation output, 2020

# Interpretation of Pearson Correlation Matrix

Correlation analysis helps to determine the degree of association between two or more variables. Pearson correlation coefficient was used to examine the strength of direction of the association between the study variables. From the findings on the correlation analysis in table 4.2, the study found that there was a negative correlation coefficient between LPCs,CICs, BSZ, LEV and ROE by correlation factors of-0466, -0.472and -0.758 respectively.

#### **Test of Hypothesis 1**

**Ho<sub>1</sub>:**Legal Professional Chargeshave no significant effect on Return on Equity of listed Deposit Money Banks in Nigeria.

# Table 4.3: Panel Least Square (PLS) Regression Analysis showing the effect of LPCson ROE

Dependent Variable: ROE Method: Panel Least Squares Date: 03/12/20 Time: 10:13 Sample: 2008 2018 Periods included: 11 Cross-sections included: 8 Total panel (balanced) observations: 88

Variable	Coefficient	t Std. Error	t-Statistic	Prob.
С	0.228197	0.036876	6.188204	0.0000
LPC	-0.017600	0.003515	-5.007032	0.0000
BSZ	-0.005304	0.003191	-1.662266	0.1006
LEV	-0.008851	0.001245	-7.110665	0.0000
R-squared	0.540595	Mean de	pendent var	0.127125
Adjusted R-squared	0.522461	S.D. dependent var		0.036010
S.E. of regression	0.024884	Akaike info criterion		-4.500463
Sum squared resid	0.047061	Schwarz	criterion	-4.381362
Log likelihood	184.0185	Hannan-	Quinn criter.	-4.452712
F-statistic	29.81047	Durbin-V	Watson stat	1.362031
Prob(F-statistic)	0.000000			

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Source: E-Views 9.0 Panel Regression Output, 2020

#### **Interpretation of Regression Result**

ROE = 0.228197 - 0.017600LPCs

Table 4.3 shows the regression result of ROE and LPCs. It shows that legal professional charges has a significant negative effect on ROE measured with a beta coefficient  $\beta_{1=}$  -0.017600 and t-statistic = -5.007032 respectively and p-value = 0.0000 which is statistically significant at 5% significance level. The beta coefficient shows that if legal professional charges increase by one unit, then the banks' ROE would reduce by 0.02%. The adjusted R<sup>2</sup> value = 0.522. The adjusted R<sup>2</sup> value of

0.522 implies that 52.2% of the total variation in ROE is explained by LPCs, BSZ and LEV fluctuation by 52.2% while other factors outside the model explain the remaining 47.8%

#### Decision

The null hypothesis is therefore rejected at 5% level of significance, since the Prob(F-statistic) = 0.000000 is less than the critical value of 5%, implying that a significant negative relationship exists between LPCs and ROE of deposit money banks in Nigeria.

### Table 4.4: Granger Causality Test showing the Causality between LPCs and ROE

Pairwise Granger Causality Tests Date: 03/12/20 Time: 10:31 Sample: 2008 2018 Lags: 2

Null Hypothesis:	Obs	F-StatisticProb.
LPCs does not Granger Cause ROE ROE does not Granger Cause LPCs	64	4.13990 0.0208 0.15974 0.5037

Source: E-Views 9.0 Output, 2020

#### **Interpretation of Diagnostic Test**

Table 4.4 indicates that there is no reverse causation between legal professional charges and ROE, but rather, there is a causality link between LPCs and ROE at a P-value of 0.0208 which is statistically significant at 5%. Consequently, the null hypothesis is rejected for the alternative hypothesis which states that legal professional charges has a significant effect on financialperformance(ROE) of listed deposit money banks in Nigeria at 5% level of significance.

## Table 4.5: Hausman Test Comparing FEM and REM between LPCs and ROE

Correlated Random Effects - Hausman Test Equation: Untitled Test cross-section random effects

Test Summary	Chi-Sq. Statistic	Chi-Sq. d.f.	Prob.
Cross-section random	12.144344	3	0.0143

Source: E-Views 9.0 Post Regression Output, 2020

#### Hausman Test Rule

**H**<sub>0</sub>: Random effect model is preferred to the fixed-effect model (If the P-value > 5% Accept  $H_0$ )

**H<sub>1</sub>:** Fixed effect model is preferred to the Random effect model (If the P-value < 5% Accept H<sub>1</sub>)

#### **Interpretation of Hausman Test**

On comparison of the results between the fixed effect model (FEM) and random effect model (REM), the results of the Hausman specification test in table 4.5 showed that the chi-square probability is significant at

5% with P-values of 0.0143 in table 4.5. The result suggests that the fixed effect regression model is most appropriate for the sampled data. Thus, this result corroborates the regression results in table 4.3 which uphold that Legal Professional Charges has a significant effect onfinancial performance(ROE) of listed deposit money banks in Nigeria at 5% level of significance

#### **Test of Hypothesis 2**

Ho<sub>2</sub>:Court-imposed chargeshave no significant effect on Return on Equity of listed Deposit Money Banks in Nigeria

# Table 4.6: Panel Least Square (PLS) Regression Analysis showing the effect of CICs on ROE

Dependent Variable: ROE Method: Panel Least Squares Date: 03/12/20Time: 10:42 Sample: 2008 2018 Periods included: 11 Cross-sections included: 8 Total panel (balanced) observations: 88

Variable

Coefficient Std. Error t-Statistic Prob.

Akonye, Okaro &	Okoye.	Litigation	Infraction	Charges	and
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C	0.263701	0.042143	6.257265	0.0000
CIC	-0.081886	0.002033	-6.092679	0.0000
BSZ	-0.006256	0.003656	-1.711127	0.0911
LEV	-0.009425	0.001423	-6.624012	0.0000
R-squared Adjusted R-squared S.E. of regression Sum squared resid Log likelihood F-statistic Prob(F-statistic)	0.395890 0.372044 0.028535 0.061884 173.0656 16.60166 0.000000	Mean de S.D. dep Akaike i Schwarz Hannan- Durbin-V	ependent var bendent var info criterion criterion Quinn criter. Watson stat	0.127125 0.036010 -4.226639 -4.107538 -4.178888 1.368553

Source: E-Views 9.0 Panel Regression Output, 2020

#### **Interpretation of Regression Result**

 $ROE = 0.263701 - 0.001886CIC + \mu$ 

Table 4.6 shows the regression result of ROE and CICs. It shows that, given a unit increase in CICs, ROE will decrease by 8.2%. The regressed result also shows that ROE relates negatively with CICs at a coefficient factor of  $\beta_1$ =-0.081886 and associated t-statistic = -6.092679. The probability value for the slope coefficient shows that P(x<sub>1</sub>=0.0000<0.05). This implies that CICs has a statistically significant negative relationship on ROE at 5% significance level. The adjusted R-squared of

0.37 suggests that variation in ROE is explained by CICs, BSZ and LEV fluctuation by 37% while other factors outside the model explain the remaining 63%.

#### Decision

The null hypothesis is therefore rejected at 5% level of significance, since the Prob(F-statistic) = 0.000000 is less than the critical value of 5%, implying that a significant negative relationship exists between CICs and ROE of deposit money banks in Nigeria.

#### Table 4.7: Granger Causality Test showing the Causality between CICs and ROE

Pairwise Granger Causality Tests Date: 03/12/20 Time: 10:49 Sample: 2008 2018 Lags: 2

Null Hypothesis:	Obs	F-StatisticProb.
CIC does not Granger Cause ROE ROE does not Granger Cause CIC	64	9.33794 0.0000 0.29759 0.7437

Source: E-Views 9.0 Output, 2020

#### **Interpretation of Diagnostic Test**

Table 4.7 indicates that there is no reverse causation between corporate governance charges and ROE, but rather, there is a causality link between CIC and ROE at a P-value of 0.0000 which is statistically significant at 5%. Consequently, the null

hypothesis is rejected for the alternative hypothesis which states that court-imposed charges have a significant effect on financialperformance (ROE) of listed deposit money banks in Nigeria at 5% level of significance.

# Table 4.8: Hausman Test Comparing FEM and REM between CICsand ROE

Correlated Random Effects - Hausman Test Equation: Untitled Test cross-section random effects

Test Summary	Chi-Sq. Statistic	Chi-Sq. d.f.	Prob.
Cross-section random	8.898562	3	0.0000

Source: E-Views 9.0 Hausman Output, 2020

#### **Interpretation of Hausman Test**

On comparison of the results between the fixed effect model (FEM) and random effect model (REM), the results of the Hausman specification test in tables 4.8 showed that the chi-square probability is significant at 5% with P-values of 0.0000 in table 4.8. The result suggests that the fixed effect regression model is most appropriate for the sampled data. Thus, this result corroborates the regression results in table 4.6 which upholdsthatthere is a significant negative relationship between courts imposed charges and financial performance (ROE) of listed deposit money banks in Nigeria at 5% level of significance.

#### **Discussion of Findings**

This study examined the effects of Litigation Infraction Charges on the financial performance of DMBs in Nigeria for the period 2008-2018. The independent variable (Litigation Infraction Charges) was decomposed into Legal Professional Charges (LPCs) and court-imposed Charges(CICs) while the dependent variable (financial performance) was measured by Return on Equity (ROE). Bank size (BSZ) and leverage (LEV) were employed as control variables toboost the study results.

Hypothesis 1 regression result reveals an adjusted  $R^2$  value of 0.522. The adjusted  $R^2$  (coefficient of multiple determinations) implies that 52.2% of the total variation in the dependent variable (ROE) of listed deposit money banks in Nigeria is jointly explained by the explanatory variables

(LPCs, BSZ and LEV). The adjusted  $R^2$  of 52.2% shows that 47.8% of the variation in the dependent variable is explained by other factors not captured in the study model and did not constitute a problem to the study because the Fstatistics value of 29.81047 with an associated Prob.>F = 0.000000 which indicates that the model is fit to explain the relationship expressed in the study model and further suggests that the explanatory variables are appropriately selected,

combined and used. This suggests that apart from legal professional charges, bank size and leverage there are other factors that mitigate return on equity of DMBs in Nigeria. The results show that legal professional chargeshave a significant negative effect on ROE measured with a beta coefficient ( $\beta_1$ ) and t- the value of -0.017600 and -5.007032 respectively and p- the value of 0.0000which is statistically significant at 5%.

Hypothesis 2 regression resultsshow that a unit increase in CICs will decrease ROE by 8.2%. The regressed result also shows that ROE relates negatively with CICs at a coefficient factor of  $\beta_1$ =-0.081886 and associated t-statistic = -6.092679. The probability value for the slope coefficient shows that  $P(x_1=0.0000<0.05)$ . This implies that CICs has a statistically significant negative relationship on ROE at 5% significance level. The adjusted R-squared of 0.37 suggests that variation in ROE is explained by CICs, BSZ and LEV fluctuationby 37% while other factors outside the model explain the remaining 63%.

The finding of this study contradicts the findings of Ismaila& Damola (2018), which penaltiesimposed posited that bv regulators on infractions in the Nigerian banking industry have no significantimpact on the performance of DMBs. However, our finding corroborates the results of (Harwood, 2018; Goldstein, 2018; McNuly & Akhigbe, 2014; Nelson, 2017) whopostulate that banks' legal costs for wrongdoings or misconduct cause reputational risks to banks. However, an important aspect of litigation infraction charges was not given attention in all the foreign and local studies reviewed. No known study, to the best of the knowledge

of the researchers, has comprehensively carried out any research to articulate these litigation infraction charges: Legal Professional Charges (LPCs and courtimposed Charges (CICs)yearly reported by DMBs and its effect on the DMBs' financial performance (ROE) which is the gap that motivated this study. This study is unique because thedata used foranalysis are actual charges on Legal Professional Charges (LPCs) and court-imposed Charges (CICs)incurred by the DMBs on litigations with counterparties and their effect on theDMBs' financial performance (ROE)

#### 5.0 CONCLUSION AND RECOMMENDATIONS Conclusion

This study revealed Litigation that Charges Infraction which is further decomposed into(Legal Professional Charges-LPCs and court-imposed Charges-CICs) has significant negative a relationship with the return of equityat 5% significant level. The result implies that Litigation Infraction Charges are very high amongst deposit money banks in Nigeria and this is as a result of high costs involved in litigations, prosecutions and also the value of the claim for damages by counterparties. Thisimplies that thequantum of banking guidelines and policieschurned out regularly by the Central Bank of Nigeria has not been able to induce the level of adherence and compliance by deposit money banks on counterparty transactions and its negative effects on the financial performance of deposit money banks inNigeria.

#### Recommendations

Shareholders of Deposit Money Banks in Nigeria can maximise their values when they receive impressive returns through the conservative attitude of banks' management. Litigation infraction charges are drag-down to the financial performance of Deposit Money Banks in Nigeria, especially with the hiring of external solicitors to defend the banks in the litigations with counterparties. Given the financial burdens arising from the legal professional charges and courts imposed charges, it would be proper for the deposit money banks to: (i)Abide by all terms, conditions and transaction dynamics agreed with counterparties to minimise the spate of infraction litigation charges (legal professional and courts imposed charges) in favour of counterparties for settlements of legal breaches. (ii)Deposit Money Banks should incorporate Alternative Dispute Resolution (ADR) in their transaction contract documents and also explore ADR option which is cheaper than court legal proceedings, (iii) Deposit Money Banks should employ and payroll their lawyers who represent their banks on litigations in courts rather than a more expensive engagement of external solicitors, thereby minimising the effect of legal professional charges on DMBs' financial performance (ROE).

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