

The complaints procedure

The Supervisory Committee is a disciplinary body which hears and decides complaints against judges. The Committee is appointed by the King in Council.

The Supervisory Committee is made up of two representatives of the general public, one lawyer, two judges from the ordinary courts of law and one land court judge.

When the Supervisory Committee hears complaints concerning a judge of the land appeal court or the land court, a judge from the land courts will replace one of the judges from the ordinary courts of law. The land court judge does not participate at the examination of other complaints. The Committee's Secretariat is placed with the National Courts Administration in Trondheim.

In addition to hearing complaints submitted, the Supervisory Committee may take up misconduct at their own initiative. The Committee may make general statements on what is comprised by the concept "appropriate judicial conduct". It has thereby also the character of an ethics council.

Time-limit for complaints

The time-limit is as a general rule three months from the alleged misconduct took place or from the complainant became aware or should have become aware of it. There is an absolute one-year time-limit calculated from the alleged misconduct occurred.

Who may submit complaints?

You are entitled to submit a complaint if you, as party, lawyer or for example witness in a lawsuit has been directly affected by the judge's conduct. The same applies to others who are directly affected, such as lay judges or experts. Your complaint may also be allowed if you can establish that you have a particular interest in obtaining an assessment of the judge's conduct.

The Ministry of Justice, the National Courts Administration, the senior judge of the court and

the Norwegian Bar Association always have a right of complaint.

If your complaint concerns conduct outside of office, only the Ministry of Justice, the National Courts Administration or the senior judge of the court in question are entitled to file a complaint. The Committee may, nevertheless, decide to allow a complaint at the request of others, if it should consider this to be justifiable.

What may you complain about?

You may complain if you consider that a judge has acted in breach of appropriate judicial conduct or has otherwise acted in contravention of the obligations of his or her position. As a rule, you may only complain against misconduct in the judge's performance of his or her office.

You may not file a complaint because you are dissatisfied or disagree with a judicial decision. Such decisions may be brought before a superior court by interlocutory appeal or appeal, and the Committee is not entitled to hear such complaints. Complaints concerning dissatisfaction with judicial decisions will therefore be dismissed.

What judges are comprised by the complaints procedure?

The complaints procedure includes professional judges in the district courts, the courts of appeal and the Supreme Courts, as well as judges in the land courts and the land appeal courts.

Assistant judges are also comprised by the system. It does not apply to lay judges or members of the courts of arbitration, for example.

What happens next?

The proceedings are in writing. All parties involved are informed and are given an opportunity to make a statement. When the case is ready for hearing – after all parties have made their statements – this takes place at a meeting which all the Committee members attend. Complaints are generally dealt with on the basis of written statements. But the parties are entitled to make verbal statements to the Supervisory Committee, unless the Committee should consider this as obviously unnecessary to the elucidation of

the case. In special cases, it may be relevant to obtain statements from others, examine witnesses, etc.

The outcome of the hearing

If the Committee should find that the judge has acted in breach of appropriate judicial conduct, it may adopt disciplinary measures in the form of *criticism* or a *warning*. A warning is the strictest form of reaction. If the complaint is not allowed, the Committee's conclusion will be that there are no grounds for disciplinary measures.

In certain cases the Committee may make a statement in connection with the complaint on what it deems to be appropriate judicial conduct.

Reviewing the Committee's decisions

The Committee's decisions may not be appealed. If you should wish it to be reviewed, you must bring an ordinary action before the district court. The time-limit for this is two months.

Publication

Complaints that are dismissed because they concern dissatisfaction with judicial decisions, or because the time-limit has been exceeded, will only in exceptional cases be published. They will as a rule be made available on request. Decisions made in complaints that are heard and decided by the Supervisory Committee are published successively. You will find these decisions in anonymous form at www.domstol.no.

The statutory framework

The provisions applying to the Supervisory Committee are found in the Courts of Law Act, Chapter 12, "On the complaints and disciplinary authority for judges".

The Public Administration Act applies to the actual complaints procedure, but with certain exceptions.

The Freedom of Information Act also applies. No regulations have yet been laid down.