

THE SUPERVISORY COMMITTEE FOR JUDGES

The Supervisory Committee for Judges is a disciplinary body for Norwegian judges, including all professional judges in the district courts, the courts of appeal, the Supreme Court and the land consolidation courts. In addition to regular judges, the scheme also covers temporary judges, including assistant judges, extraordinarily appointed judges and extraordinary judges.

The statutory framework applying to the functions and procedures of the Supervisory Committee is first and foremost Chapter 12 of the Courts of Justice Act. The Public Administration Act and the Freedom of Information Act also apply to the Supervisory Committee's hearing of complaints, with the exceptions that follow from sections 238 and 239 of the Courts of Justice Act.

The Supervisory Committee may adopt disciplinary sanctions when a judge "either wilfully or negligently breaches the obligations that are incumbent on the position or otherwise acts in breach of proper conduct of judges", see section 236 of the Courts of Justice Act.

The core area for the Committee's complaints scheme is the conduct of the judges in connection with court cases, typically related to preparations for cases, court hearings or writing of judgments. The Committee may also consider complaints concerning dilatory proceedings, both in connection with preparations for cases and qualified delays in terms of writing of judgments.

The "obligations that are incumbent on the position" are comprised of the judges' obligations under both procedural legislation as well as typical labour law obligations, such as violation of the rules regarding extra-judicial activities, violation of working hours provisions, rules on holidays, etc.

During the assessment of what constitutes proper judicial conduct, an important tool for the Committee is the **Ethical principles for judicial conduct**. These principles are applied actively when the Committee makes decisions. The principles apply to all professional judges in the regular courts and land consolidation courts. Ethical principles govern judicial conduct both within and outside the adjudicatory role. The Ethical Principles are enclosed at the end of this document.

The Committee may also adopt decisions on disciplinary measures due to circumstances outside of the judges' official capacity, but only the Ministry of Justice, the Norwegian Courts Administration and the president of the relevant court have a right of complaint concerning such circumstances, see section 237 of the Courts of Justice Act.

LIMITATIONS TO THE AUTHORITY OF THE COMMITTEE

The Supervisory Committee may not examine matter that may be reviewed pursuant to other provisions relating to the administration of justice, see Section 236 fourth paragraph of the Courts of Justice Act. This entails that any complaints regarding case processing, as well as decisions and assessments made by judges, including the content of judicial decisions, will be dismissed.

Further information about the Supervisory Committee for Judges is available on the website <http://www.domstol.no/no/Enkelt-domstol/Tilsynsutvalget-for-dommere/>. This website contains general information about the Committee and practical information for potential complainants. The Committee's decisions are also published on this website in anonymised form. All decisions adopted at Committee meetings are published in this way.

The decisions are also published on Lovdata [Foundation establishing and operating legal information systems on a non-profit basis] and by Universitetsforlaget.

PROCEDURE FOR HANDLING OF COMPLAINTS

In general, the Supervisory Committee shall consider the cases at Committee meetings, and all

decisions on the merits of the cases must be made by a plenary Committee. If cases are simple and uncomplicated, however, decisions on the merits of the cases may be made following circulation among the members of the Committee.

It is possible to delegate the decision-making power to the President of the Committee or one of the other judicial members of the Committee. This applies, however, only to cases that clearly will be dismissed or are obviously unfounded.

TIME LIMIT FOR COMPLAINTS

The general time-limit for filing a complaint is three months after the circumstance that forms the basis for the complaint arose, cf. section 237 fourth paragraph of the Courts of Justice Act. The Supervisory Committee may, however, decide to consider a complaint filed after the time-limit has expired, but with the proviso that the Supervisory Committee cannot consider a complaint when more than a year has passed since the circumstance arose.

THE COMMITTEE MAY EXAMINE MATTERS ON ITS OWN INITIATIVE

The Committee may examine matters on its own initiative, even if the ordinary conditions for such examination have not been met. However, if more than one year has passed since the circumstances arose, it is not possible to have the matter examined by the Committee.

The Committee may decide to examine a case even if the time-limit of three months has expired and even though the complainant is not entitled to file a complaint. The Committee may also examine potentially censurable conditions without a complaint being filed. This entails that anybody may contact the Supervisory Committee, which will then consider and determine at its own discretion whether or not the matter should be examined.

DISCIPLINARY REACTIONS: CRITICAL ASSESSMENT OR WARNING

The Courts of Justice Act describes two forms of disciplinary reaction; critical assessment or warning. The most severe form of reaction is a warning. A critical assessment is the most common form of reaction. This is a milder reaction which may be used in less serious cases. The Supervisory Committee may also issue general statements regarding the conduct of judges without this constituting a disciplinary reaction, cf. section 236 third paragraph of the Courts of Justice Act. Decisions on critical assessments or warnings are routinely submitted to the Norwegian Courts Administration and the Ministry of Justice.

ORGANISATION OF THE SUPERVISORY COMMITTEE

The Supervisory Committee is an independent and autonomous administrative body.

The Supervisory Committee consists of six members with personal deputies. It is composed of two judges from the ordinary courts of law, one judge from the land consolidation courts, two representatives of the general public and one lawyer; see section 235 of the Courts of Justice Act.

When the Supervisory Committee hears complaints concerning a judge of the ordinary courts of law, two judges from the ordinary courts, the lawyer member and the two representatives of the general public attend. When hearing complaints concerning a judge of a land consolidation appeal court or land consolidation court, a land consolidation court judge will replace one of the judges from the ordinary courts of law.

In 2017, the Committee was composed of the following members and deputy members:

Name	Title	Position Supervisory Committee	Appointed
Unni Sandbukt	Chief Local Judge, Nord-Troms District Court	President	01.05.10 - 30.04.18
* Ragnhild Olsnes	District Court Judge, Stavanger District Court	Personal Deputy	01.06.13 - 31.05.17
Anne Marie Selvaag	District Court Judge Sør-Trøndelag District Court	Personal Deputy	01.06.17 – 30.04.18
Randi Grøndalen	Court of Appeal Judge, Frostating Court of Appeal	Member	01.01.10 - 31.12.17
Bjørn Eirik Hansen	Court of Appeal Judge, Eidsivating Court of Appeal	Personal Deputy	15.08.14 - 14.08.18
Ketil Myhre	Lawyer, Advokatfirmaet Lohne Krokeide AS	Member	01.11.16- 31.10.20
Bjørn Hübort Senum	Lawyer, Advokatfelleskapet	Personal Deputy	01.11.11 - 31.10.19
Turid Ellingsen	Director, Norwegian Mapping Authority	Member	01.11.14 - 31.10.18
** Anne-Birgitte Sveri	Chief Administrative Officer, Municipality of Nittedal	Personal Deputy	01.06.13 - 31.05.17
Aud Helene Martinsen	Cleaner, Municipality of Kåfjord	Personal Deputy	01.06.17 – 31.10.18
Svein J. Magnussen	Professor of Psychology, University of Oslo	Member	01.06.11 - 31.05.19
Gerd Ingunn Opdal	Regional Director, Statped (National Support System for Special Needs Education)	Personal Deputy	01.11.10 - 31.10.18
Trond Berge	Court President, Sør-Rogaland Land Consolidation Court	Member	02.09.11 - 01.09.19
Liv Oddveig Nergaard	Court President, Nord-Troms Land Consolidation Court	Personal Deputy	27.11.15 - 26.11.19

*District Court Judge Ragnhild Olsnes (deputy member) at Stavanger District Court, held office until 31 May 2017.

** Chief Administrative Officer Anne-Birgitte Sveri (deputy member) of the Municipality of Nittedal, held office until 31 May 2017.



From Committee meeting in Tromsø 2017. Back from the left: Svein J. Magnussen and Ketil Myhre. Front from the left: Turid Ellingsen, Unni Sandbukt and Randi Grøndalen.

SECRETARIAT OF THE SUPERVISORY COMMITTEE

The Secretariat of the Supervisory Committee is placed with the National Courts Administration. The Secretariat is composed of legal professionals and a coordinator.

When a complaint is submitted to the Supervisory Committee, the Secretariat will receive the complaint and evaluate how the complaint is to be handled. The Secretariat prepares the cases for the Supervisory Committee and draws up a draft decision for cases that will be dismissed and cases for consideration by circulation. When cases are considered by the Supervisory Committee at meetings, the assessment and conclusion of the decision will be prepared by the Supervisory Committee itself.

The Secretariat is in contact with the President of the Supervisory Committee on a regular basis for consultation regarding the processing of complaints and handling of inquiries. Although it is the Secretariat that replies to most inquiries, it is the Supervisory Committee itself, not the Secretariat, that makes the decisions of relevance for the Supervisory Committee and the complaints that are received.

ACTIVITIES

The core activity of the Supervisory Committee is to consider complaints against judges in connection with court cases. In addition, it is assumed that the Supervisory Committee will promote attitude awareness, contribute to development of judicial ethics, participate in educational programs and issue statements on improprieties in the courts of justice in general, see for example NOU 1999:19 section 10.6.2.3. Thus, the Supervisory Committee has taken part in development of courses and knowledge-building measures in the field of judicial ethics. The Committee's President has delivered lectures on the role of judges and judicial ethics at the introductory courses and the national seminars for judges. She also attended regional gatherings of judges as well as internal seminars at several courts

COMPLAINTS IN ONGOING CASES

The Supervisory Committee receives some inquiries from parties, practitioners and judges regarding complaints submitted while court cases are ongoing, including the question of whether the judge in question will be considered prejudiced during the further consideration of the case.

The Supervisory Committee considers complaints regardless of whether cases are ongoing or have been resolved in the courts. As the deadline for filing a complaint is three months after the circumstance arose, it is not uncommon for complaints to be submitted to the Supervisory Committee before the case is closed in the courts.

Any complaints filed while the court case is in progress, will normally not entail that the judge will be prejudiced in relation to the complainant. In verdict HR-2012-681-U from the Appeals Selection Committee of the Supreme Court, the Appeals Selection Committee states "that a complaint to the Supervisory Committee for Judges will not in itself normally entail that the judge in question will be considered prejudiced, cf. Rt-2005-172 and Rt-1998-1079 among others. Such complaints will also normally not result in prejudice on the part of the other judges at this office, cf. Rt-2011-1279".

This entails that the filing of a complaint with the Supervisory Committee will not prevent the consideration of the case from continuing as normal at the court.

REVIEW OF THE DECISIONS MADE BY THE SUPERVISORY COMMITTEE

The Supervisory Committee for Judges is an administrative body, but the decisions of the Committee may not be appealed pursuant to the provisions of the Public Administration Act, cf. section 239 of the Courts of Justice Act. The only way to have a decision reviewed is to either file a petition for

reversal with the Supervisory Committee or through legal proceedings. The courts may only review the legality of the decision, including whether the content of the decision is lawful, whether the decision has been made by the competent authority under the Courts of Justice Act, and whether the decision has been made in a lawful manner.

The lack of an appeal scheme is a much-debated issue, especially in light of the guarantee of due process of law for judges. In the proposal for a new Courts of Justice Act, it was mentioned that the possibility of reviewing the decisions of the Supervisory Committee was debated, but that this issue was outside the scope of the report ("Ny domstollov" (New Courts of Justice Act) – report by Trond Sundet, point 8). It was stated that this issue, if relevant, should be discussed as part of a potential evaluation of the work of the Court Commission. It was pointed out in particular that "a question that may be of relevance for consideration if this is done, is whether a special review scheme should be established for disciplinary reactions, for example when judges are issued warnings" (page 84).

In the submission from the Supervisory Committee for Judges, represented by its President Unni Sandbukt, it was pointed out that the Supervisory Committee agrees to a study of the opportunity to review the decisions of the Supervisory Committee.

ACTIVITIES OF THE SUPERVISORY COMMITTEE

Complaints in 2017

The main activities of the Supervisory Committee in 2017 were as follows:

The Supervisory Committee received 148 complaints. Of these, eight were complaints against judges in the land consolidation courts.

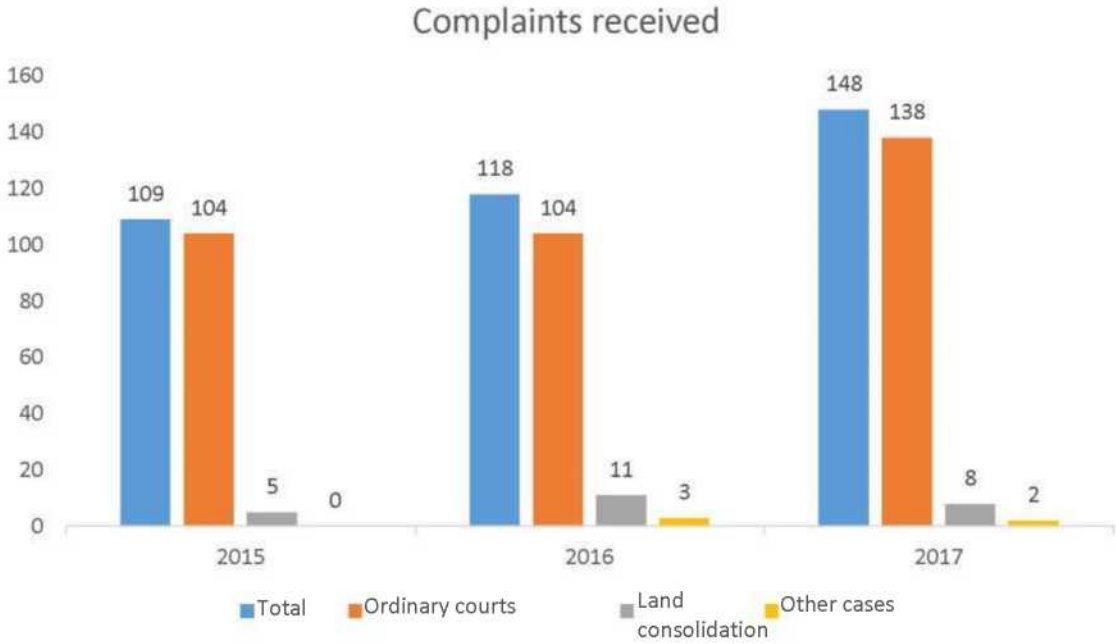
The Committee made a total of 130 decisions in 2017, of which 65 were made by the Committee’s President or other member by delegation.

48 complaints were heard on their merits in 2017. 41 of the complaints concerned judicial conduct, nine concerned dilatory proceedings, one concerned administrative matter and one complaint concerned extrajudicial conduct. One and the same complaint may concern several matters. A disciplinary reaction in the form of criticism was adopted in three cases. A statement on good judicial practice was issued in three cases. 13 cases were concluded in some other manner.

The Supervisory Committee held six ordinary meetings in 2017.

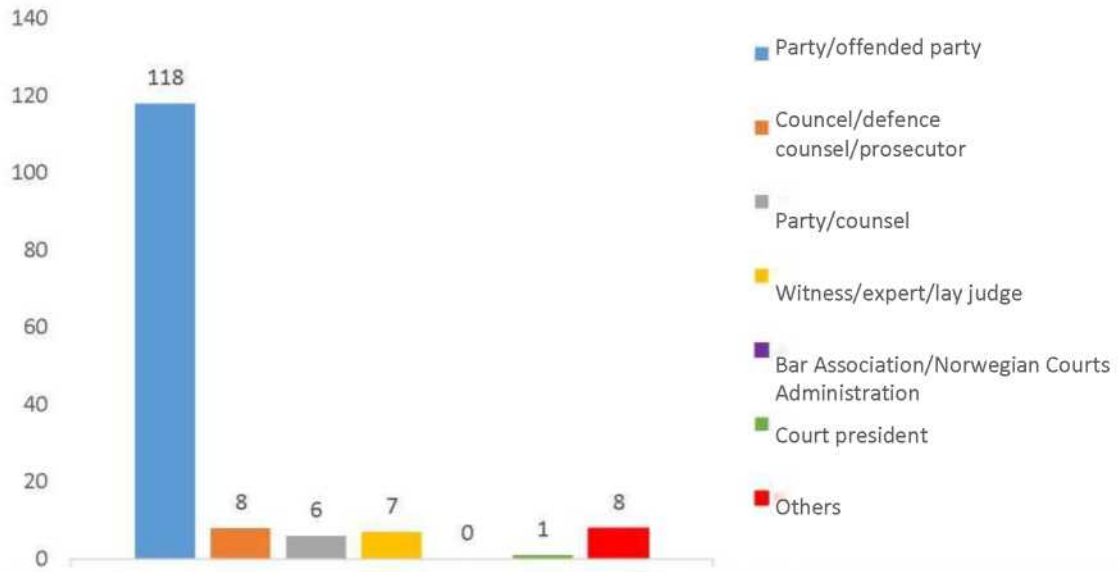
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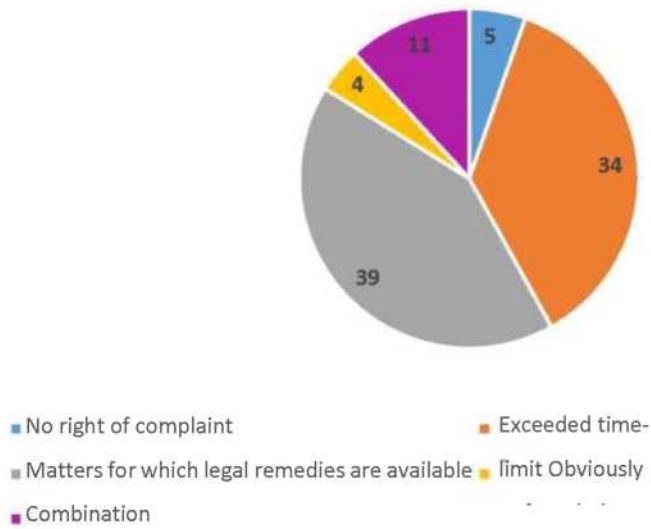
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Who complained in 2017?



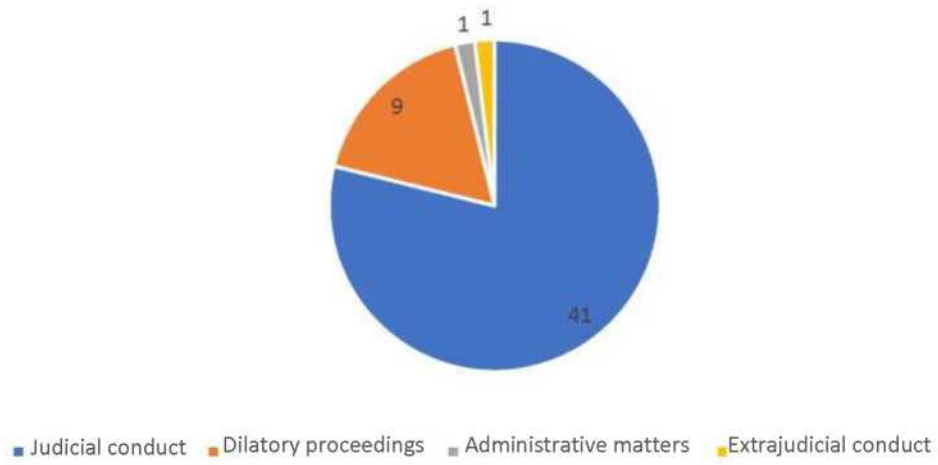
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Grounds for dismissal 2017

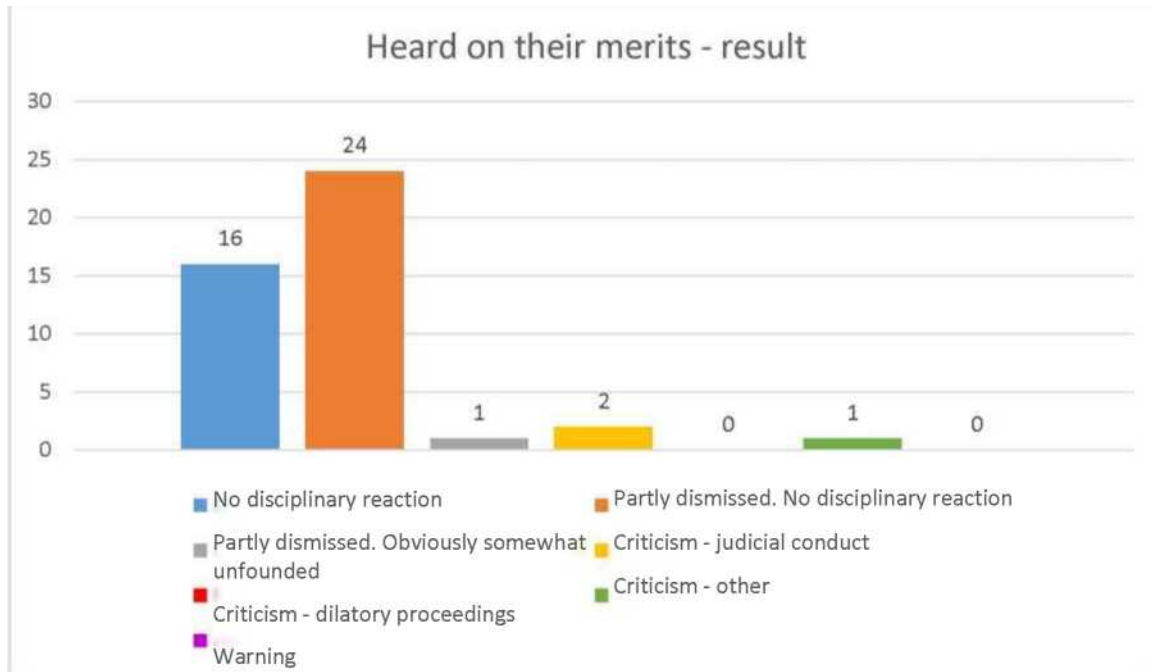


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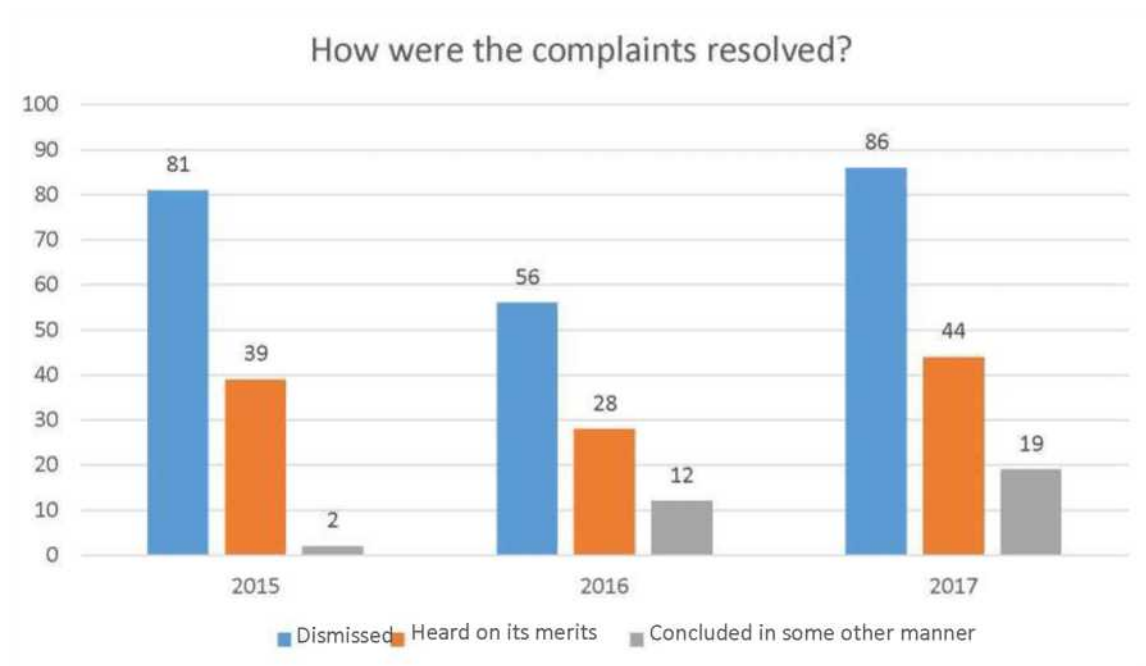
Heard on their merits - subject matter of complaint?



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The Supervisory Committee 2002-2017

Over the course of the period 2002-2017, the Supervisory Committee received a total of 1727 complaints. A total of 1670 decisions were passed, of which 841 were dismissals. 711 cases were heard on their merits by the Committee in plenary sessions. The remaining cases were concluded in some other manner, typically by the complaint being withdrawn or having lapsed due to some other reason. The Supervisory Committee decided in favour of a disciplinary reaction in a total of 76 cases, and a warning was issued in six of these cases.

The number of complaints has varied somewhat from year to year, ranging from 66 complaints in 2003 (the lowest) to 176 complaints in 2011 (the highest). It has been a trend during this period that the number of complaints has stabilised itself at a higher level than previously. The reasons for this may include that the complaints scheme has become better known among the parties, lawyers and others, as well as a gradual lowering of the threshold for filing a complaint against a judge over the period that the Committee has existed.

During the period from 2015 to 2017, the number of complaints increased from 109 to 148. This corresponds to a considerable increase of 37%?. It is difficult to say whether this is an indication of a new trend or just a random variation in the number of complaints.

Another trend is that the Committee issues statements on what constitutes proper judicial conduct in more cases. In section 236 third paragraph of the Courts of Justice Act, it is stipulated that the Committee may issue statements on proper judicial conduct without adopting any disciplinary measures vis-à-vis the judge. This is in line with the assumption in the preparatory works that the Supervisory Committee is to establish guidelines for what is considered "proper judicial conduct".

In general, the overall picture remains stable in terms of the Committee's handling of complaints, and is as follows:

- The complainants are primarily the parties to the case (normally more than 90 percent).

- Lawyers and other practitioners do not complain about judges to any significant degree. The Supervisory Committee envisions that this may be because the practitioners have a very high threshold for filing a complaint against a judge, and that they will often decide not to file a complaint if subjected to censurable judicial conduct.
- Most of the complaints and reactions concern judicial conduct in connection with court cases. This is followed by complaints concerning dilatory proceedings. The share of complaints related to dilatory proceedings was higher in the past, but this is still one of the most common reasons for complaining.
- It is very rare with complaints against judges concerning extrajudicial conduct. The ratio between the number of complaints that are heard on their merits and the complaints that are dismissed remains stable (approx. 60/40). The dismissed complaints usually concern matter that may be used as grounds for an appeal or have been filed after the time-limit.

March 2018

Unni Sandbukt | Randi Grøndalen | Turid Ellingsen | Ketil Myhre | Svein J. Magnussen | Trond Berge

DECISIONS OF THE SUPERVISORY COMMITTEE 2017

Case 17-118: Dilatory proceedings. No grounds for disciplinary measures. The case concerned public administration of an estate, where the deceased had a building situated on land leased from the complainant. The complainant had demanded that the lot be cleared. The administration of the estate had been concluded, and the building had still not been removed and the lot returned to its original state several years later. The complainant filed a complaint in the case in October 2016, and the Committee considered the complaint in case 16-089. In September 2017, the complainant filed a new complaint in the case. In the decision in case 16-089, the Committee assumed that the chief local judge had responded to the complainant's inquiries and forwarded these to the administrator. The chief local judge stated that it had taken far too long to carry out the removal/burning of the building. The Committee stated that this was unfortunate, but that this must primarily be the responsibility of the administrator, and that a promise from the administrator to put things straight in this case should generally be sufficient. However, it was also stated that there is a limit, and when a long time passes without anything happening, the judge may be obliged to take more specific action in order to conclude the case. The Committee concluded by stating that it found grounds for critical comments concerning the conduct of the judge, as a result of the fact that he had not made a stronger effort to remedy an issue that should have been resolved before the estate had been settled and distributed four years ago. As regards the new complaint, the Committee could not see that any new factors had been added during the past year that put the chief local judge's follow-up of the case in a different light. The critical comments were upheld, but the Committee did not find that the judge had acted or neglected to act in a manner that exceeded the threshold for taking disciplinary action after the consideration of the previous complaint. The Committee noted that the judge had attempted to follow up vis-à-vis the administrator, and that the chief local judge had not remained passive during this phase of the case. The Committee found no grounds for any disciplinary measures.

Case 17-113: Judicial conduct and dilatory proceedings. Partly dismissed and no grounds for disciplinary measures. The complaint was related to public administration of an estate. Parts of the complaint concerned the administrator's handling of the assignment, and the district court's decision to not annul the appointment of the administrator. These are matters that the Committee may not review, and this part of the complaint was dismissed. The complainant also alleged that the judge had neglected to respond to her inquiries. The complainant sent a number of inquiries to the court from 27 June 2017 and up until 7 September 2017. On 9 August 2017, the judge made the decision to not annul the appointment of the administrator. This decision addressed the complainant's request for appointment of a new administrator as well as the complaints filed concerning the administrator's handling of the assignment. On 18 September 2017, the judge also decided to not suspend the administration of the estate until the court of appeal had considered the appeal of the decision of 9 August 2017. This decision addressed the complainant's requests submitted during the period from 4 August 2017 up until 6 September 2017. It is evident from the decision that the judge is of the opinion that the administration of the estate was handled in fully satisfactory manner. The complainant submitted new inquiries to the district court after she had filed the complaint with the Supervisory Committee. The complainant's inquiries were extensive, and it was not be expected that the judge would respond to these consecutively. The judge is, however, obliged to respond to the inquiries within a reasonable time. The Committee was not able to ascertain for sure whether or not the inquiries from the complainant after 26 September 2017 had been responded to. In order for there to be grounds for a disciplinary reaction due to dilatory proceedings, the case processing time must be significantly exceeded without any reasonable grounds. In addition, the judge must also be to blame for the dilatory proceedings. The Committee found that said threshold had not been exceeded in this case even if the last inquiries had not been answered. It was also claimed that the judge had not maintained satisfactory control of the administrator's handling of the estate. The Committee assumed that the judge had requested statements from the administrator and the other

heirs concerning the complainant's objections against the administrator and the administration of the estate. The judge had then reviewed, assessed and addressed the objections in the decisions of 9 August 2017 and 18 September 2017. Thus, the Committee assumed that the judge had fulfilled the obligation to make sure the administrator handled the assignment in a prudent manner. Thus, the Committee found no grounds for taking disciplinary action.

Case 17-095: Judicial conduct and dilatory proceedings. Partly dismissed and no grounds for disciplinary measures. Legal proceedings had been instituted before a land consolidation court. A letter was sent from the court stating that the court intended to have a meeting in the case in 2017. In a subsequent letter, it was stated that the court could not handle the case until 2019, and that this was due to the many cases currently handled by the court. The complainant submitted various different circumstances relating to bias on the part of the judge. These are matters that the Committee may not review, and this part of the complaint was dismissed. The complainant also claimed that it entailed a violation of the efficiency requirement that the court would not make a disqualification assessment in the case until 2019 and only then maybe transfer the case to some other land consolidation court. The Supervisory Committee assumed that the long case processing time was due to the precariously low manning level at the court, and not dilatoriness on the part of the defendant. Based on this, the Committee was of the opinion that the defendant was not to blame for the long case processing time at the court. The Committee then examined the handling of the motion for a disqualification. The Committee stated that it constituted proper judicial conduct to resolve any bias as soon as possible after a motion has been filed. This issue cannot be put at the back of the same "queue" as any other task nor be delayed until the allotted time for the ordinary hearing of the case. The Committee showed understanding for the motion for disqualification having "drowned" amongst all the other prioritisation issues that the defendant had to deal with. In spite of the precarious work situation, the Committee was of the opinion that the defendant should have prioritised the motion for disqualification higher. The defendant should at least have notified the parties that the issue of disqualification would have been considered as quickly as possible. Any unfortunate judicial conduct must be above a certain threshold for the Committee to react with criticism. Based on an overall assessment, the Committee found that the conduct of the judge had not exceeded said threshold in this case. This assessment was to a large extent based on the defendant's work load being unmanageable.

Case 17-094: Judicial conduct. Partly dismissed. No grounds for disciplinary measures. The complaint concerned a parental dispute that the complainant was a party to. The part of the complaint that concerned the pre-trial review was submitted after expiry of the time-limit for filing a complaint, and this part of the complaint was dismissed. The part of the complaint that concerned the content and assessment of evidence in the judgment, as well as the consequences of the judgment, concerned legal matter covered by the limitations stipulated in section 236 fourth paragraph of the Courts of Justice Act. This part of the complaint was dismissed as well. The complainant also alleged that the judge was disrespectful, arrogant, prejudiced and biased, that he acted in an unprofessional manner and that he did not treat the complainant in a fair manner. His explanations were dismissed, and he had had the impression that this became a personal issue for the judge. The Committee found that the complainant's criticism of the judge concerning the conduct of proceedings, and the reference to the ethical principles, appeared to constitute criticism of the conclusion of the judgment. The Committee stated that it is not sufficient with subjective impressions and general allegations without any specific examples. As regards the judge's statements to the mother as well as the child, the Committee found no factual basis indicating that the judge had communicated as alleged by the complainant. The Supervisory Committee found no grounds for any disciplinary reaction vis-à-vis the judge.

Case 17-089: Dilatory proceedings. No grounds for disciplinary measures. Statement on good judicial practice. The case concerned a claim for a price reduction/compensation after purchase of

real property, where the complainant was the defendant. The part of the complaint that concerned incorrect content in the judgment was dismissed, as this could be used as a basis for an appeal. The complainant alleged that it took too long from the main hearing was concluded until the judgment was rendered, and that the parties were not notified of the delay and the reason for it. The Supervisory Committee stated that based on previous practice, a delay of three to four month may result in disciplinary action if the judge is to blame for the delay. During the evaluation of whether or not the matter was censurable, the Committee emphasised factors such as whether there were good reasons for the delay and whether the judge had informed the parties of the delay. A review of the documentation in the case revealed that neither the judge nor any other employees at the court had contacted the parties to inform them of the delay and the reasons for it. In itself, a delay of 11 weeks was in the lower range for a disciplinary reaction. The reasons stated for the delay would normally be acceptable as long as the delay was not very long. However, the lack of notification concerning the delay was a factor in favour of taking action against the judge. Based on an overall assessment, the Committee found that the threshold for taking disciplinary action had not been exceeded. The Committee noted, however, that it is considered proper judicial conduct to inform the parties of any significant delays. It is important for judges to understand the potential significance of a court decision for the parties and the burden of having to wait for a long time for a decision, and each individual judge should have good routines in place for ensuring such information is provided. Other than these comments, the Committee found no grounds for any disciplinary reaction vis-à-vis the judge.

Case 17-087: Judicial conduct. Partly dismissed. No grounds for disciplinary measures. The complaint concerned a criminal case, where the complainant was the defendant. Several of the submissions in the complaint concerned matter that may be used as a basis for an appeal, for example the allegations concerning inaccurate facts in testimonies, the assessment of the evidence and the decision to have a public trial. This part of the complaint was dismissed. The complainant also alleged that the assistant judge was not interested in granting him a fair, independent and impartial hearing of the case, that the assistant judge was prejudiced and out to get him, and that the assistant judge was sarcastic and unpleasant during the pronouncement of the sentence. The complainant did not describe any specific statements or actions that appeared biased. The allegations of the complainant were subjective viewpoints that were not corroborated by the other information in the case, and the allegations of the complainant had therefore not been substantiated. As regards the part of the complaint that concerned the complainant not having received the answer to the question of excluding the school class from the main hearing in time, the Committee stated that the assistant judge was not blame for the answer coming a few days later than originally indicated. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the assistant judge.

Case 17-081: Judicial conduct. Partly dismissed. No grounds for disciplinary measures. The complaint concerned a parental dispute regarding permanent residence of and time spent with a child, where the complainant was one of the parties. The part of the complaint that alleged that the complainant was not allowed to use a manuscript during his statement constituted matter that the Committee could not review, and was therefore dismissed. The part of the complaint that concerned the court-appointed expert was also outside the scope of what the Committee could review, and was therefore dismissed. In addition, the complainant alleged that he was asked a leading and direct question that he considered to be a clear signal to him that he should withdraw the request for permanent residence. The Committee found it to be undisputed that one of the judges had asked the complainant whether he waived the demand for permanent residence, and the Committee did not doubt that the complainant may have had the impression that this signalled that he should preferably withdraw the demand. There was, however, no specific information in the case supporting the claim that the judge by asking this question, expressed a legal preposition, exerted pressure to enter into a settlement or acted in breach of proper judicial conduct in some other manner. As

regards the submission that the judges should have intervened vis-à-vis the psychologist, the Committee stated that the allegations of the complainant were not very specific. The statements in the complaint case also did not support the allegations of the complainant. The Supervisory Committee found no grounds for any disciplinary reaction vis-à-vis the judges.

Case 17-080: Judicial conduct. Framing of reasons given for a judgment. No criticism. The complaint concerned a paragraph in a ruling by the court of appeal. The counsel who complained alleged that the wording in the paragraph constituted an attack against a practising lawyer presenting the client's points of view. There was agreement that the relevant paragraph in the reasons given for the judgment was not necessary for the decision made by the court. The Supervisory Committee noted that it is neither uncommon nor worrying that the reasoning includes comments that strictly speaking are not necessary as reasons for the outcome of the case. It is also not censurable in itself that the lawyer's handling of the case is commented on in the decision. The Supervisory Committee noted, however, that the range for what is considered acceptable must be somewhat narrower for statements that do not constitute a necessary part of the reasoning for the decision of the court. The Committee is of the opinion that judges should generally exercise restraint concerning criticism against lawyers for factual submissions presented on behalf of their clients. This applies in particular when the matter addressed does not constitute an essential part of the reasoning for the decision of the court. Respect for the lawyer's role in administration of justice and the right to not be identified with the client must always be taken into account in connection with this type of criticism. Based on an overall and specific assessment, the Supervisory Committee found that the content of the criticism presented in this case did not exceed the limits for proper judicial conduct. In connection with this assessment, special emphasis was placed on the indication by the judges that the purpose of the statement was also to safeguard the consideration for third persons. Parts of the wording was found to be unfortunate, and the Committee pointed out that the judges should have framed their message in a more objective and respectful manner. The threshold for criticism had not, however, been exceeded.

Case 17-079: Judicial conduct. No grounds for disciplinary measures. The complaint was related to a case concerning price reduction and compensation after purchase of a residence. The complainants were the plaintiffs in the case. On the last day of the main proceedings, the parties reached an agreement and the matter was settled in court. The complainant alleged that the judge was biased as he asked leading questions and concluded before important witnesses had testified. They also complained that the judge provided clear instructions during the conciliation proceedings and threatened to order them to pay the legal costs of the opposing party if they did not reach a settlement. On the basis of the statements by the counsels as well as the judge's description of the course of events, the Committee did not find any factual basis for the judge having exceeded the limits of proper judicial conduct. The lawyers of the parties seemed to agree that the judge had not appeared biased. They also did not support the allegations of the complainants that the judge had exerted pressure to reach a settlement against the complainants or threatened them to settle the case. The lawyers stated that the judge had pointed out the strengths and weaknesses of the case vis-à-vis both parties, and that the judge had pointed out the risk of being ordered to pay the opposing party's legal costs to both parties. These are statements within the judge's manoeuvring room in connection with conciliation proceedings in court. There was no basis for taking disciplinary action.

Case 17-076: Judicial conduct and dilatory proceedings. Partly dismissed. No grounds for criticism. The complaint concerned administration of the estate of a deceased, where the defendant was the responsible judge. Events prior to 1 June 2016 took place more than one year before the complaint was filed, and this part of the complaint was dismissed due to the time-limit of one year. In principle, the time-limit of three months had also been exceeded for the events that took place during the period from 1 June 2016 to 1 March 2017. The Committee did find, however, that the complaint

concerned several submissions of the same nature as well as the overall proceedings, and that this part of the complaint could therefore be examined on its merits. The allegations of the complainant concerning the stipulation of the administrator's fee and decisions regarding provision of security were legal issues outside the scope of what the Committee could examine. Thus, this part of the complaint was dismissed. The submission that it was censurable of the judge to not hold a creditors' meeting, constituted a procedural decision that the Committee could not examine. This part of the complaint was dismissed as well. The allegations of the complainant concerning close links and camaraderie between the judge and the administrator were not substantiated other than the fact that the judge did not agree with all parts of the complainant's criticism of the administrator. The Committee found that this part of the complaint was obviously unfounded. As regards the submission regarding dilatory proceedings, the Committee found no reason to examine the individual elements of the case in more detail, as it appeared clear that the processing of the case by the judge provided no basis for criticism due to a lack of progress. The Supervisory Committee found no grounds for any disciplinary measures.

Case 17-073: Judicial conduct. Partly dismissed. No grounds for criticism. The complaint concerned the handling of a petition for liquidation. The part of the complaint that concerned the assistant judge's knowledge, conduct of proceedings and the actual decision of the court, constituted matter that could be used as a basis for an appeal, and was therefore dismissed. The complainant alleged that the assistant judge acted in breach of proper judicial conduct because she had not postponed the court hearing when the opposing party had not been legally summoned, and that the complainant had incurred additional expenses as a consequence of this. The Committee noted that there were differing opinions as to what had been said by the assistant judge during the court hearing, including concerning the issue of court costs. As the case was presented, however, the Committee had no basis for concluding that the assistant judge had exceeded the norm for proper judicial conduct. It was also alleged that the assistant judge was poorly prepared and biased. The Committee did not find that the statements quoted or other circumstances addressed in the complaint provided any basis for concluding that the assistant judge had been unprepared or biased. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the assistant judge.

Case 17-061: Judicial conduct. Criticism. The case concerned a claim for compensation for a mistake made by an assessor. The complainant was the claimant in the case. The complainant alleged that her counsel was ridiculed, interrupted and reprimanded and that the expert witness was interrupted so many times that he finally ended up feeling not entitled to say anything more in the case. The complainant's experience was supported by the account from the complainant's counsel and from the expert witness. The counsel of the opposing party has also expressed understanding for the reaction of the complainant and witness concerning the judge's behaviour. The Supervisory Committee commented that a judge has the opportunity, and at times also an obligation, on objective grounds to ask parties and witnesses questions that may be considered critical and difficult. The judge may also ask questions and correct counsels if there are grounds for doing so in the case. However, the fact that the defendant in this case became irritated, interrupted the explanation of parties and witnesses, and rendered the case "lopsided" through the conduct of the proceedings, was outside the range of what is acceptable. In the opinion of the Committee, the viewpoints expressed in the statements from those present showed that the defendant's treatment of the complainant's counsel and the expert witness had been unnecessarily harsh and not very flexible. The complainant also alleged that the judge signalled early on that he had made up his mind regarding the outcome of the case. In light of the accounts from those present, the Committee had to assume that the judge as early as during the opening speech, and subsequently through the questioning of the expert witness, signalled his position on the complainant's case in such a clear and obvious manner that it could not be misinterpreted by the parties. This was also supported to some extent by the judge's own account. In the opinion of the Committee, the conduct of the defendant

left the parties with justifiable doubt as to the impartiality of the judge. The Supervisory Committee found that the defendant's overall conduct in the case was in breach of proper judicial conduct, and that there were grounds for taking disciplinary action in the form of criticism.

Case 17-054: Judicial conduct and dilatory proceedings. Partly dismissed and no grounds for disciplinary measures. The complaint was related to public administration of an estate. It was complained that the judge had not found reason to react to the administrator's behaviour and comments towards the heirs. The judge had instead stated that the statements and behaviour of the administrator were in agreement with the law and proper practice. The judge's assessment of the administrator's behaviour and statements was outside the scope of what the Committee had the authority to review, cf. section 236 fourth paragraph of the Courts of Justice Act. Thus, this part of the complaint was dismissed. It was also complained that no specific feedback was provided to the complainants after they had contacted the judge in November 2016. They also complained that they after submitting new inquiries to the court in January and February 2017, were only given a reference to a previous letter. The Committee assumed that the judge had answered the inquiry in November 2016 in a joint letter to the parties, the lawyer of the complainants and the administrator dated 13 December 2016. After having received additional inquiries from the complainants in 2017, the Committee assumed that the judge had sent a letter to the complainant's lawyer and asked that all inquiries from the complainants be channelled via the lawyer. The judge also referred to the reply letter dated 13 December 2016. In the letter dated 13 December 2016, the judge provided feedback regarding several inquiries. The judge also responded to subsequent inquiries from the complainants by referring to this letter. The Committee did not find it censurable of the judge to provide feedback to the complainants via a letter to their lawyer. It is normal and appropriate for correspondence between the court and the parties to be channelled via the parties' lawyer. It cannot be considered a requirement that the judge must answer the parties separately in such a situation. There was no basis for taking disciplinary action.

Case 17-052: Dilatory proceedings. No grounds for disciplinary measures. The case concerned the handling and payment of the fee in connection with a comprehensive criminal case. The complainant alleged that he had not received any answers and decisions regarding invoices and that it took too long. The Committee stated that the settlement and stipulation of the fee appeared to be based on a reasonable and agreed procedure in agreement with a joint agreement and the Regulations relating to fees, etc. The complainant had been paid a substantial fee in advance. The Supervisory Committee also assumed that the complainant had been informed of the situation concerning the need to await stipulation of the final fee until all practitioners had submitted an account of their fees. Under the circumstances, the Committee cannot see that the handling of the complainant's fee claim had taken too long, or that the judge had violated judicial ethics in some other manner. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 17-038: Judicial conduct and dilatory proceedings. Partly dismissed and no grounds for disciplinary measures. The case concerned permanent residence for and time spent with joint children. The first element of the complaint concerned the assistant judge's handling of a court hearing in September 2016, including a decision concerning the judge's talks with the children. The complaint was filed more than five months after the events took place, and this part of the complaint was dismissed. It was also complained that a request for a change of judge in a pleading of December 2016 had not been answered until March 2017. This part of the complaint concerned both the assistant judge and the chief local judge. Censurable judicial conduct above a certain threshold is required for the Supervisory Committee to react with a disciplinary measure. Not all types of conduct constitute grounds for criticism. The Supervisory Committee found that the conduct of the defendants did not constitute grounds for a disciplinary reaction. As regards the chief local judge, the Committee referred to the fact that he did not become aware of the pleading until March 2017. The Committee also could not see that his conduct after he became aware of the case could result in any

disciplinary reaction. The Committee emphasised, for example, that the complainant had not submitted any formal motion for disqualification of the judge, and that the court therefore had no obligation to decide whether or not the judge should be disqualified. The Committee did comment, however, that it is proper judicial conduct to reply to inquiries and requests, including to provide feedback within a reasonable time. It took three months before the complainant received any feedback from the court. This was in spite of that fact that it should have been easy for the assistant judge to inform the complainant of the situation concerning her continued handling of the case and that she was to resign. The assistant judge should also have notified the chief local judge of the pleading, to ensure he could have continued the handling of the inquiry. There were no grounds for taking disciplinary action against neither the assistant judge nor the chief local judge.

Case 17-035: Judicial conduct. Partly dismissed and no grounds for disciplinary measures. Dissent.

The case concerned whether the complainant was obliged to pay several toll road charges. The allegations of the complainant that he had been forced to appear in court in spite of an illness, that the court hearing was too short, that the documentation in the case was insufficient, that acts and regulations were set aside, that he did not have any opportunity to present his arguments and that there were a number of procedural errors, constituted matter that could be used as grounds for an appeal. Thus, this part of the complaint was dismissed. The complainant also alleged that the chief local judge had been biased and prejudged him, and that he was arrogant, aggressive, inconsiderate, full of prejudices and had poor intentions and a discriminatory attitude in connection with the communication after the court hearing. The committee assumed that the chief local judge had tried to explain the process to the complainant and what was to be considered during the court hearing, and that this is within the scope of the judge's duty to provide guidance. In connection with the assessment of whether or not the chief local judge had violated the ethical principles for judicial conduct, the Committee was divided into a majority and a minority. With some doubt, the majority found that it had not been substantiated to a sufficient degree that the chief local judge had expressed any legal preposition or subjected the complainant to improper pressure to reach a settlement. As regards the letters from the chief local judge after the court hearing, the Committee was of the opinion that the content and tone of the letters were unnecessarily condescending. The majority did find, however, that the statements in the letters did not exceed the threshold for taking action in the form of criticism. The minority was of the opinion that the chief local judge had expressed a legal preposition and exerted pressure on the complainant to reach a settlement during the court hearing. The minority did not agree with the majority that the statements of the chief local judge could be considered guidance regarding the rule of law. The minority was also of the opinion that the statements in the letters were written in such a condescending tone that they were liable to offend the recipient and weaken the confidence in the judge and the court, and that the letters in themselves entailed a violation of the ethical principles for proper conduct. In agreement with the assessment of the majority, the Committee found no grounds for taking disciplinary action vis-à-vis the judge.

Case 17-027: Judicial conduct. No grounds for disciplinary measures. The case concerned an appeal, where the complainant had requested assistance from the court to forward documentation. The complainant alleged that the judge had become furious during the meeting, including flying off the handle, calling the complainant a hooligan and hitting the table with his hand as hard as he could. The Supervisory Committee assumed that only the complainant and the judge had been present at the meeting. The judge stated that the complainant had come to the court repeatedly, and that dealing with him took up a disproportionate amount of the court's time. The judge confirmed that he wanted to put the complainant in his place by acting like he did, and that he did hit the table, but denied having turned white in his face, screaming to the complainant and calling him a hooligan. The Committee stated that it is understandable that the court and its personnel need to establish boundaries when people are not satisfied with the help provided by the court or cannot accept the answer. In light of the evidential basis in the case, it was difficult for the Committee to ascertain

whether or not the course of events during the meeting between the judge and the complainant had played out as alleged by the complainant. The Committee stated that it is important for judges to establish boundaries in a professional and proper manner, and that hitting the table in order to put someone in their place appears unfortunate. The Committee did not, however, find that the conduct of the judge had exceeded the threshold for taking action in the form of criticism. Thus, the Supervisory Committee found no grounds for any disciplinary reaction vis-à-vis the judge.

Case 17-026: Judicial conduct. No grounds for disciplinary measures. The case concerned valuation of a compulsory purchase compensation in connection with surrender of land for road construction, and the complainant was a member of the audience in the case. The complainant addressed circumstances related to a member of the panel of assessors. The Supervisory Committee found it not substantiated that there were circumstances concerning members of the panel of assessors that the professional judge should have addressed, and this part of the complaint was therefore not examined in any more detail by the Committee. Since the case concerned the property of the family, the Committee assumed that the complainant was directly affected and had a right to complain. The complainant alleged that the judge appeared biased and had especially good contact with the counsel of the opposing party, as well as cut off the explanation of a witness by stating that the explanation was of no interest and that they had to round off because there was football on TV. The time-limit had expired, but based on the submissions concerning the conduct of the judge in court, the Committee found it appropriate to examine the merits of the complaint. The Committee found no grounds for assuming that the judge went further in the conduct of proceedings than was necessary to manage the case, and referred to the fact that neither the members of the panel of assessors nor the counsels confirmed the allegations of the complainant. As regards the football comment, the Committee found, based on the account of the judge and the statements by the other practitioners in the case, that it had not been substantiated that the judge had made this comment as he ended the testimony of the witness. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 17-015: Judicial conduct. No grounds for criticism. The complaint concerned a criminal case involving driving while under the influence, and the complainant was a lay judge in the case. The complainant alleged that she was not allowed to ask questions during the deliberations, and that the arguments of the lay judges were "gagged" using the rhetoric of power and condescending behaviour. Regardless of what they wanted to discuss, it was waived aside in an arrogant and firm manner. The Committee pointed out that the lay judges constitute an important resource for the courts, and that it is an important task of the judges to safeguard the lay judges. This does not entail that a lay judge is at liberty to use the time entirely to his or her liking and decide the agenda of the deliberation. If the judge leads the deliberations in a dignified and proper manner, it is not wrong of him to wrap things up. The Committee did not find that the allegations of the complainant had been substantiated, and referred to the fact that the complainant's version was not confirmed by neither the professional judges nor the other lay judges. The Supervisory Committee found no factual basis indicating that the presiding judge or the other professional judges did not take seriously the task of guiding the complainant, answering her questions and giving her time and room to argue her views. Based on the complaint and the statements, it may seem like the complainant's expectations regarding the role of a lay judge differed from the actual situation during such deliberations. The Committee pointed out that it was unfortunate that the conclusion of the judgment was passed around for signing before the complainant had finished her comments, but referred to the fact that this was not at the initiative of the judges. This was also a marginal matter that was not close to warranting any disciplinary reaction. As regards the submission of the complainant that the professional judges should have intervened against the treatment of her, the Committee stated that there had been no reason to react. The complainant also alleged that the process went way too fast. The Committee stated that it appeared that the opposite was true, as plenty of time was used in

consideration of the complainant. The Supervisory Committee found no grounds for any disciplinary reaction vis-à-vis the judges.

Case 17-013: Extrajudicial conduct. Criticism. Dissent. The Supervisory Committee found grounds for examining the case on its own initiative. The judge had become involved in a legal dispute following the break-up of a relationship. This involved both charges of a criminal offence, case concerning property rights pursuant to agreement and a parental dispute. The judge had acted as an advisor, and as a counsel before the court in the parental dispute. The Committee did not find it to be significant that the judge had not used the title of judge while serving as a counsel, as "everyone" knew who the judge was in this context. The crucial element was whether or not the judge had exercised due care while providing advice and being involved, including the conduct and wording of the judge when communicating with the other practitioners involved in the case. The threshold for criticism concerning the extrajudicial conduct of judges is high. This case did not directly concern a confusing of roles, but own externally-oriented involvement in legal disputes and thus within the core area for the activities of the judge. Thus, the Committee assumed that the matter was of significance for the adjudicative role. The judge became personally involved with a very strong emotional commitment and obviously strong opinions in a case with a high level of conflict. The Committee was of the opinion that the judge should not have acted as counsel in the parental dispute. However, this probably did not in itself qualify for criticism, and the Committee did not examine this matter in any further detail. The Committee also did not examine the judge's role and advice in connection with the filing of the formal complaint with the police. The most serious and decisive for the Committee was the matter of "property rights pursuant to agreement". This agreement had been established after one of the parties had asked the judge for advice. The disputed matter and the judge's involvement in connection with the establishment of the agreement indicated in itself that the judge's personal follow-up of the dispute was in conflict with judicial ethics. It did little to remedy the situation that a lawyer was hired as counsel as the judge continued the involvement in spite of the lawyer. The judge contacted the opposing party and a witness in the case. In connection with this contact, he used offensive and threatening statements to influence their statements. They were subjected to pressure to retract what they had said, make concessions and provide a certain explanation. The judge was persistent and had the clear opinion that both spoke falsely, and the judge made statements that were strongly influenced by the affiliation with one of the parties to the case. It is not in line with proper judicial conduct to contact the opposing party and a witness such as this judge did. This applies in particular to the witness. This is a type of conduct that is not expected of a judge and affects the role as a judge. It entails a challenge to the dignity of the courts and damages the respect towards and confidence in judges. What took place was not in agreement with judicial ethics, irrespective of it constituting extrajudicial or judicial conduct. Section 13 first and third paragraph of the Ethical principles for judicial conduct had been violated. Based on an overall assessment, the Supervisory Committee found that the judge by said conduct had acted in breach of proper judicial conduct, and that there were grounds for taking disciplinary action vis-à-vis the judge. The majority of the Supervisory Committee found it appropriate to react with criticism. The matter was serious, but the majority emphasised that this concerned personal extrajudicial matters and that the judge had not previously been the subject of any disciplinary reactions. The minority found the matter to be so grave that it was outside the range of criticism, which entailed that it was appropriate to react with a warning.

Case 17-007: Judicial conduct. No grounds for disciplinary measures. Statement on good judicial practice. The case concerned an appeal of the decision of the County Board in favour of caretaking pursuant to the Child Welfare Act. The complainant alleged that the judge had appeared prejudiced during the questioning of her. She had the impression that the judge was focused on putting her and her previous employer in a poor light and that questions were asked in a condescending tone. The Supervisory Committee referred to sections 3 and 6 of the Ethical principles for judicial conduct. The Committee assumed that the judge had asked questions and made comments as described in the

complaint. Any unfortunate judicial conduct must be above a certain threshold for the Committee to react with criticism. With some doubt, the Supervisory Committee arrived at the conclusion that the conduct of the judge did not exceed this threshold. In connection with this assessment, it was emphasised in particular that a judge has a lot of leeway when it comes to asking critical questions that will shed more light on a case. Although the judge had gone a long way towards indicating the judge's view of the case through the questions and comments in this case, the Committee found that the judge had not clearly violated the principles of proper judicial conduct. The Committee did find that the nature of the conduct of the judge was such that it was appropriate to comment the conduct. The Committee pointed out that the judge must not ask questions in such a way that it gives cause to doubt the impartiality of the judge. In the opinion of the Committee, it is possible to ask detailed and critical questions without making the judge's view of the evaluations of the witness obvious. In general, judges should avoid making unnecessary comments concerning the explanations of witnesses. The Committee also pointed out that judges have an important responsibility for ensuring that witnesses are treated respectfully and that the proceedings are conducted in an objective, proper and neutral tone. Thus, there were no grounds for any disciplinary reactions in the case.

Case 17-006: Judicial conduct. No grounds for disciplinary measures. The case concerned a claim for compensation following termination of a franchise agreement. The complainant alleged that the conduct of the court of appeal judge had been censurable during the appeal hearing as they were interrupted during their statements and not granted the time allotted them for their explanations. One of the complainants was interrupted in an arrogant manner. They also claimed that the judge constantly talked about time pressure and that he was impolite and lacked respect for their case and what they had to say. Specific circumstances, e.g. in the form of offensive statements or other censurable conduct on the part of the judge, must be proven for the Supervisory Committee to react with a disciplinary measure. The Supervisory Committee did not find that such circumstances had been substantiated. The Committee assumed that the complainants had been interrupted during their statements. This was not denied by the defendant and was confirmed by both counsels. It is not censurable in itself to interrupt a party if this is handled in a fair and proper manner. Judges have considerable leeway in terms of reprimanding parties, asking questions and guiding explanations into relevant directions. The Committee also referred to the fact that the complainants' description of the judge as arrogant and impolite was not supported by the other accounts. Thus, there were no grounds for any disciplinary reactions in the case.

Case 17-001: Judicial conduct. Partly dismissed. No grounds for criticism. The complaint concerned a land consolidation case involving a usage scheme for common outdoor areas for individually owned units. The complainants alleged incorrect procedure in connection with the giving of affirmations, and that the land consolidation court had withheld several of the documents submitted. A large portion of the complaint also concerned the consideration of and decision regarding the impartiality of the judge. These submissions concerned matter that may be used as grounds for an appeal or re-opening, and this part of the complaint was therefore dismissed. The complainants also alleged that the judge treated the parties differently during the court hearing, including different requirements relating to presentation of testimonies, that the judge had conferred with the opposing party alone during the inspection, that he consistently addressed the opposing party using the first name, that he actively supported the interests of the opposing party and that he rejected complaints in a gruffy manner. In addition, they wondered about the fact that the judge had contacted them via telephone. The Supervisory Committee did not find it substantiated that the judge had acted in a censurable manner. The Committee stated that several of the circumstances are within the scope of a judge's management obligation. This includes an obligation to ensure focused explanations by the parties, as well as that all parties are granted the opportunity to explain themselves in a balanced manner, without interruptions. The Committee did not find it substantiated that the judge had managed the proceedings contrary to these obligations, nor that he had treated the parties differently or acted in

a biased manner during the court hearing. As regards the telephone conversation, the Committee stated that it is not censurable nor uncommon that judges contact parties or others for clarification and information. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-118: Judicial conduct. No grounds for disciplinary measures.

The complaint concerned the conduct of the judge in a parental dispute, where the complainant addressed a number of elements related to the judge's handling of the case as well as conduct during a court hearing. The complainant claimed that the judge failed to consider a motion for disqualification of the expert witness in the case. After some time, this expert witness was replaced by another expert witness. The judge's judicial deliberation of whether or not an expert witness is competent is an element that the Supervisory Committee is not at liberty to review. It was also alleged that the case processing was unnecessarily burdensome and complicated. The Supervisory Committee did not find anything that would constitute grounds for criticism, since the case processing and use of time was determined to be in the best interest of the child. In addition, the complainant alleged that the district court judge had pressured him to reach a settlement in court and threatened a different outcome than would be indicated in the settlement reached during the court hearing on 26 September 2016. The judge also threatened that the complainant risked becoming liable for the legal costs of the opposing party if the complainant did not sign the settlement. The Supervisory Committee understood the submission to entail that the complainant was not in disagreement with the child access agreement that was established, but that he had not wanted a settlement in court where the court costs were divided between the parties, including that he did not receive enough information about the process and his rights. Other than the complainant's description of the events, no other information has come to light that indicates that the judge pressured the complainant to reach a settlement. Based on the information presented, the Committee assumed that the complainant was sceptical about reaching a settlement due to the issue of court costs. In connection with this, the judge had informed about the consequences of continuing the process with main proceedings and a judgment. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-117: Judicial conduct. No grounds for criticism. The complaint concerned a case where the complainant had not been informed that a scheduled telephone meeting had been postponed. The complainant alleged that the conduct of the judge was in breach of proper judicial conduct by him not being informed that the meeting had been postponed, by stating incorrectly that a message saying that the meeting had been postponed had been left on his answering service, by stating in an e-mail from the judge on the same day that she could not see that the complainant had called her back and by the judge not reacting to a case handler stating that the complainant was "a bit agitated" in an e-mail to the judge. The Committee commented that it was unfortunate that the complainant had not been informed of the postponement. The Committee also assumed that the judge not had provided correct information regarding her actions to inform the complainant of the cancellation. The Committee found this to be unfortunate, and showed understanding for the fact that the complainant felt that the responsibility for the situation had been assigned to him. The judge should both have ensured that the complainant had been informed of the cancellation and, when this was not done, ensured that the complainant received an apology when he asked for an explanation. As regards the statement by the case handler, the Committee did not find any grounds for criticising the judge. The Supervisory Committee stated that unfortunate judicial conduct above a certain threshold is required for the Committee to react with criticism, and that the conduct of the judge did not exceed this threshold. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-116: Judicial conduct. Partly dismissed and no grounds for disciplinary measures. The complaint was related to a petition for an interim court order to secure claims. There were oral

hearings that were concluded with a settlement in court. The complainant alleged that he had accepted the settlement in court on a faulty basis because he did not receive the necessary information from the judge regarding the tax-related effects of the settlement. The Supervisory Committee stated that the issue of whether or not the complainant should have received or did receive information regarding the tax-related consequences from the judge, concerns the validity of the settlement in court, which may only be challenged through action for annulment. This is a matter that the Supervisory Committee may not review, and this part of the complaint was dismissed. The complainant also alleged that the judge shrugged and said that he had no clue about tax issues. This was not confirmed by neither the counsel of the opposing party nor his own lawyer. Nor had any other objectionable conduct on the part of the judge been proven in connection with the settlement. The lawyers had no objections against the conduct of the proceedings nor the manner in which the judge briefed the parties. Thus, the Supervisory Committee found no grounds for any disciplinary measures.

Case 16-107: Judicial conduct. Partly dismissed. No grounds for criticism. The complaint concerned a land consolidation case involving the location of boundary markers, clarification of right of way and re-opening of a road. The complainant alleged that the court's distribution of the documents in the case was deficient and that some documents were illegible, as well as that the land consolidation court judge was not very flexible in terms of deciding the time and location of court hearings. The Supervisory Committee stated that the Committee cannot review procedural aspects such as the timing and location of court hearings, and this part of the complaint was dismissed. The Committee also pointed out that it cannot instruct a judge how to process a case. The Supervisory Committee also interpreted the complaint to indicate that it concerned the conduct of the judge during the preparations for the case, in connection with the distribution of documents. The Committee stated that specific circumstances must be proven for the Committee to take disciplinary action, and that no such circumstances had been substantiated. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-102 Judicial conduct and dilatory proceedings. Partly dismissed and no grounds for disciplinary measures. The complaint concerned a land consolidation case involving several sub claims, including usage scheme and joint measures for a private road, location of boundary and right of way to the complainant's holiday home. A considerable portion of the submissions in the complaint were dismissed. The topic of these was that the complainants had stated that the Supervisory Committee was to clarify and address certain issues vis-à-vis the judge. The complaint included circumstances for which the time-limit had expired, as well as circumstances that concerned other parties to the case, for which the complainants had no right of complaint. The complainants also claimed that incorrect decisions had been made in the case or that the case processing or conduct of proceedings was incorrect or faulty. The Committee stated that this constituted matter that may be used as grounds for an appeal and that the Supervisory Committee cannot review. These parts of the complaint were dismissed as well. The complainants also alleged that the land consolidation court judge had prolonged the case by delaying the distribution of the judgment, waiting too long to serve the appeal on the opposing party and granting the opposing party deadlines that were too generous. They also claimed that the land consolidation court judge had failed to report a matter that the complainants considered to be illegal. The Supervisory Committee pointed out that specific circumstances, e.g. in the form of offensive statements or other censurable conduct on the part of the judge, must be proven for the Committee to react with a disciplinary measure. The Supervisory Committee did not find that such circumstances had been proven. There was nothing among the issues addressed in the complaint that indicated that the land consolidation court judge had been in breach of proper judicial conduct or acted contrary to the duties that follow from the adjudicatory role in some other manner. Thus, there was no basis for finding that the conduct of the land consolidation court judge had been in conflict with proper judicial practice.

Case 16-100 Judicial conduct. No grounds for disciplinary measures. Statement on good judicial practice. The complaint concerned a criminal case where the complainant petitioned to be appointed defence counsel. The complainant alleged that the chief local judge provided brief and gruffy negative feedback during a telephone conversation and did not allow the complainant to talk before the judge ended the conversation by hanging up. When the complainant immediately tried to call back, the chief local judge once again quickly hung up. The Supervisory Committee referred to the fact that the allegations of the complainant were not contested by the chief local judge, and it was therefore assumed that the telephone conversation in general took place as described by the complainant. The Committee stated that not all censurable conduct will result in a disciplinary reaction. Formalised criticism is a serious measure vis-à-vis a judge, and in practice, there is a certain leeway for making mistakes and judicial conduct that is not in agreement with ideal judicial conduct. With some doubt, the Supervisory Committee found that the matter was not serious enough to warrant criticism. It was emphasised that this was a brief single occurrence via telephone involving an experienced defence counsel, and that the nature of the telephone conversation was partly based on the judge's own assumptions and judicial deliberations. The Supervisory Committee did, however, find that the judicial conduct warranted some critical comments. The chief local judge should have communicated the rejection in a neutral tone and provided grounds for his assessment, and stated that this would be followed up with a rejection in writing stating said grounds. The telephone contact in particular should have been handled and concluded in a different manner. Other than these comments, the Supervisory Committee found no grounds for any disciplinary reaction vis-à-vis the chief local judge.

Case 16-099 Judicial conduct. Criticism. The complaint concerned a remand hearing, where the complainant was the defence counsel. The complainant did not receive all case documents prior to the remand hearing. The complainant alleged that the conduct of the judge was in breach of proper judicial conduct as he stated in front of the client that the complainant lacked respect for the court and was unprofessional, and that the complainant was interrupted in a gruffy manner when he tried to answer the questions of the judge. The complainant experienced the judge to be condescending and that he did not contribute to an acceptable and good atmosphere in court. Based on the statements in the case, the Committee found the complainant's description of the conduct of the judge in court to be properly substantiated. The Committee assumed that the judge had been visibly irritated during the court hearing and that he showed this by raising his voice, for example. This in itself was unfortunate and contributed to an unpleasant atmosphere in court. The Committee was also of the opinion that it was censurable that the judge interrupted the complainant when he tried to explain why he did not have all documents. The conduct of the judge in this context was considered to be offensive and not very respectful vis-à-vis the complainant as a practitioner in court. The judge's management of the proceedings exceeded the bounds for illumination of the case, and the complainant's need to provide an explanation was not accommodated to a sufficient degree. The Committee was left with the impression that the judge appeared prejudiced and not very interested in hearing the explanation of the complainant. The statements of the judge, in an open court with the defendant present, that the complainant lacked respect for the court and was not serious, was in itself censurable considering the circumstances. Based on an overall assessment, the Supervisory Committee found grounds for criticising the judge for conduct in conflict with proper judicial practice.

Case 16-092 Judicial conduct. No grounds for disciplinary measures. The case concerned a petition for enforcement of a settlement in court concerning time spent with child. The complainant alleged that there had not been sufficient progress in the case and that the conduct of the chief local judge during the process had been such that the complainant did not have any confidence in him as a judge. The Supervisory Committee did not find such excess case processing time proven that it constituted grounds for disciplinary action vis-à-vis the judge. The complainant alleged that the chief local judge had talked about her and her life in a derogatory manner when she was asked questions

at a court hearing in February 2016. The Supervisory Committee stated that unfortunate judicial conduct above a certain threshold is required for the Committee to take disciplinary action. The Supervisory Committee arrived at the conclusion that the conduct of the chief local judge at the court hearing in February 2016 did not exceed this threshold. The complainant also alleged that the judge had indicated his view of the case in his statements in a letter dated 26 September 2016. The Supervisory Committee assumed that it had been resolved that the court was to wait before it considered the petition for enforcement damages during the preparations for the case prior to the letter of 26 September 2016. Based on what had happened previously during the preparations for the case, the Supervisory Committee did not understand the letter to indicate that the chief local judge stated the legal proposition that there would be no basis of enforcement damages, but rather that he referred to what had taken place so far in the case. This constituted a comment regarding the use of time aimed at the counsel of the complainant. It was most obvious to interpret the reference to the petition as being premature, to constitute a reference to the fact that the case had not been sufficiently illuminated, as a criminal case involving the complainant had not yet been resolved. There were no grounds for any disciplinary measures.

Case 16-080 Judicial conduct. No grounds for disciplinary measures. Statement on good judicial practice. The complaint concerned a criminal case following the death of a person who was hit by a car, and the complainants were surviving relatives of the deceased. The complainants alleged that the judge acted in an undignified manner, that he treated the practitioners in court differently, appeared prejudiced and disrespectful, did not use an objective tone and did not inspire much trust and confidence. In addition, the judge "googled" for information on the matter addressed in the case, did not pay attention to the pleading by the prosecutor, had many disputes with the counsel for the victims and excluded his pleading. The Supervisory Committee assumed that the complaint in its entirety concerned the conduct of the judge and statements made during the court hearing, and not dissatisfaction with the decision. Based on the statements from the judge and the professional practitioners, the Committee found that the factual circumstances in general were confirmed. The Committee stated that unfortunate judicial conduct above a certain threshold is required for the Supervisory Committee to respond with a disciplinary reaction in the form of criticism, and with some doubt, the Committee found that this conduct did not exceed this threshold. However, it found it appropriate to issue a statement on good judicial practice. The Committee found that there was reason to question the conduct of the judge during the argument by the prosecutor, when he googled information on fainting. The Committee referred to the fact that this did not inspire much confidence, and that he should have addressed the matter in an objective and appropriate manner if he was of the opinion that the information concerning the matter was insufficient. The Supervisory Committee was also somewhat critical of the conduct of the judge in connection with the exclusion of the pleading by the counsel for the victims. It is especially important for the judge to use sound judgement in connection with the conduct of proceedings involving vulnerable parties. Other than these comments, the Committee found no grounds for any disciplinary reaction vis-à-vis the judge.

ETHICAL PRINCIPLES FOR JUDICIAL CONDUCT

The ethical principles for judges in Norwegian courts aim at promoting conduct among judges that generates and enhances public confidence in the courts and court decisions. The principles shall also serve as a source of information to judges and users of the courts of what is considered to be proper conduct of judges. These ethical principles have been adopted by the Norwegian Association of Judges, Tekna's Sector Union for the Land Consolidation Courts and the Norwegian Courts Administration, and they are jointly prepared by these institutions. These principles apply to both professional judges in the ordinary courts and judges in the land consolidation courts, and they are applicable to conduct both within and outside the adjudicatory role.

1. Fundamental requirements

Judges should conduct themselves in conformity with the law, the legal system and norms for proper conduct among judges, and in such a way that it promotes public confidence in the courts.

2. Independence

A judge should exercise his/her adjudicative role with independence, without an extraneous judicial influence from public or private interests.

3. Impartiality

A judge should exercise their adjudicatory role with impartiality, both in fact and by appearance, and in such a way that the impartiality of the judge cannot be reasonably questioned. Judges should not express any legal proposition in cases that either are allocated to the judge or are likely to be allocated to him or her. Judges should exercise their adjudicative role without prejudice. Judges should actively create conditions for amicable solutions. However, the parties should not be subjected to pressure from judges in achieving such solutions.

4. Integrity

Judges should behave in a way that does not threaten the public confidence in the courts and judiciary. A judge must not, for own benefit or for others, receive gifts or other benefits that may be regarded as being related to the exercise of their adjudicative role.

5. Equality

Judges should pay attention to the principle of equal treatment of parties and other actors before the courts. Judges should base their decisions on objective considerations when awarding tasks or contracts on behalf of the court.

6. Proper conduct

Judges should remain objective and conduct themselves in a dignified and correct manner with everyone that they relate to in the exercise of their adjudicative role. Judges should see to that lay judges take part in the proceedings as full members of the court. Judges should respect the role of the lawyers and public prosecutors. A lawyer should not be identified with his or her client.

7. Formulation of court decisions

Judges should, in his or her formulation of court decisions, pay due regard to all involved persons, so far it is in conformity with the requirements for the legal grounding of decisions.

8. Discretion

Judges should – in addition to comply with statutory duty of confidentiality – act with discretion in sensitive matters that the judge becomes aware of in his or her work. Judges should not use such information for any other purpose than for official duties. Judges should keep confidential the

content of the courts conferences and voting that took place behind closed doors. Judges should not announce the decision before the decision is passed.

9. Competence

Judges should maintain and enhance their professional competence and skills.

10. Efficiency

Judges should exercise their adjudicative role with efficiency and due speed; so far it is in conformity with the requirements for proper procedures and professional quality. When significant delay occurs in a case, the judge should notify the parties affected.

11. Statements, et cetera

Judges enjoy freedom of expression, freedom of religion and freedom of assembly and association, on equal terms with all citizens. Judges should however, in his or her exercise of these rights, pay attention to the dignity and impartiality of the court, as well as to its independence and neutrality. Judges should be cautious when commenting on pending court cases, and on his or her own decisions.

12. Judges' relation to the media

Judges should respect the media's role in the courts, and should provide the public with information concerning the cases that are dealt with by the courts.

13. Conduct of judges outside the role of judge

Judges should also, outside the role as a judge, act so that their conduct is not inappropriate and damages the respect or confidence in the courts. Judges should not make use of the title of judge in a way that may cause confusion of their roles/mix of positions, or when such use otherwise is not justified. Judges should act with caution in giving advice, or otherwise engage in other litigation.

14. Retired judges

Retired judges should restrain from conduct that may be perceived as an inappropriate or unfortunate exploitation of the title of judge.

15. Collegial intervention

Judges that become aware of violations of these ethical principles committed by colleagues, should address this in a suitable way, and intervene when substantial violations occur.

1 October 2010