

The Supreme Court's Business in 2010

The Supreme Court's Main Objectives

The Supreme Court is the court of final instance and is the appellate court for the rulings of the lower courts. The Supreme Court hears both civil and criminal cases and has general jurisdiction in all areas of law. The main objective of the Supreme Court is to ensure uniformity, clarity and development in the law. As a consequence, the Supreme Court focuses on cases which involve issues of legal principle and cases that give guidance on important questions of law.

Caseload

The Supreme Court deals with a large variety of different cases and the caseload has increased over recent years. The caseload in 2010 was about the same as in 2009.

In 2010, the Supreme Court received 426 notices of civil appeal against judgment. The corresponding figure for 2009 was 482. Approximately 14 % of the appeals against judgment in civil cases were referred to a chamber of the Court for hearing. The Court received 502 notices of civil interlocutory appeals (appeals against procedural orders and decisions) in 2010, while the corresponding figure for 2009 was 478.

The Supreme Court received 446 notices of criminal appeal against judgment and 658 notices of interlocutory appeal in 2010. The corresponding figure for 2009 was 410 notices of appeal against judgment and 644 notices of interlocutory appeal. Approximately 18 % of the appeals against judgment in criminal cases were referred to a chamber of the Court for hearing.

In 2010, a total of 68 civil cases were heard by a chamber of the Supreme Court, while the corresponding figure for 2009 was 60. 75 criminal cases were heard by a chamber of the Supreme Court in 2010, while the corresponding figure for 2009 was 77. The caseload includes a considerable number of complex and demanding cases. Many of the cases have raised legal issues where international sources of law have been significant.

The Grand Chamber

When the Resolution of Disputes Act entered into force on 1 January 2008, section 5 of the Courts of Justice Act was amended to provide that where leave to appeal is granted by the Appeals Committee, the case can be referred to a Grand Chamber comprised of 11 justices. The Grand Chamber is an alternative to ordinary hearing by five justices in a chamber of the Supreme Court, or to hearing in plenary where all of the justices of the Supreme Court participate. The Courts of Justice Act provides that hearing by the Grand Chamber shall be reserved for cases or matters of exceptional importance.

In 2010, the Grand Chamber of the Supreme Court heard only one case. The case concerned judicial review of a decision of the Criminal Cases Review Commission not to reopen a criminal conviction. In December 2008, the Grand Chamber decided that reasons shall be given for all decisions not to grant leave to appeal pursuant to section 321 subsection 2 of the Criminal Procedure Act. The convicted person in the case in question had filed a petition to have his criminal conviction reopened on the grounds that the Court of Appeal had not given reasons for the refusal to grant leave to appeal to the Supreme Court in his case.

The Supreme Court in Plenary

The Supreme Court sitting in plenary heard four cases in 2010, two of which were heard together.

The first two plenary cases concerned the tax scheme for ship owners and its relationship to Article 97 of the Norwegian Constitution, which prohibits legislation with retroactive effect. The issue in the third plenary case was whether an instruction regarding regulation of ground rent and redemption of leasehold property owned, among others, by the Administration of Ecclesiastical Property Fund, was in breach of Article 106 of the Constitution relating to the revenues of landed property constituting ecclesiastical benefices. The last plenary case in 2010 concerned indictment for unlawful detention of civilian Serbs during the civil war in the former Yugoslavia in 1992. The crucial issues were whether criminal liability was statute-barred, and whether the application of new provisions on crimes against humanity and war crimes in Chapter 16 of the Penal Code 2005, which entered into force on 7 March 2008, could be applied to acts that took place in 1992 or whether this would represent a violation of Article 97 of the Norwegian Constitution, which prohibits legislation with retroactive effect.

Case Handling Time

In 2010, the Supreme Court maintained the very satisfactory case handling time from 2009. Cases are listed for trial as soon as possible bearing in mind the preparation time needed by legal counsel and their availability. There is no backlog of cases in the Supreme Court. On average, it takes less than a month from notice of appeal is filed with the Supreme Court until the Appeals Committee decides on whether to grant leave to appeal. The average time from notice of appeal is filed with the Supreme Court until appeals are listed for trial is approximately three months in criminal cases and six months in civil cases.

Changes in the Constitution of the Supreme Court

As of 1 January 2001, there are 20 judicial posts at the Norwegian Supreme Court.

Supreme Court Justices Ms Karenanne Gussgard, Mr Hans Flock and Ms Kirsti Coward retired on 1 February 2010, 1 May 2010 and 1 January 2011 respectively. Supreme Court Justice Mr Ole Bjørn Støle died on 19 November 2010 following a period of illness.

Professor Aage Thor Falkanger JD, lawyer Ms Kristin Normann JD and Court of Appeal Judge Ms Ragnhild Noer were sworn in as Supreme Court Justices on 1 May, 9 August and 1 October 2010 respectively.

Supreme Court Justice Ms Hilde Indreberg is on leave from 1 October 2010 until 31 March 2011 as she is appointed as a member of the Parliamentary Commission on Human Rights.

Professor Kristin Sandberg JD is appointed as temporary Supreme Court Justice from 15 November 2010 until 20 February 2011.

Travel in Norway

As the highest judicial body in Norway and the only court whose jurisdiction covers the whole country, the Supreme Court endeavours to acquaint itself with the whole of Norway. As part of this, the Supreme Court visits different parts of the country to learn about local industry, public institutions and culture. In 2010, the Supreme Court visited the County of Buskerud.

International Business

In addition to its judicial business, the Supreme Court has carried out a substantial amount of international business in 2010. The Supreme Court has received visits from foreign legal delegations, particularly foreign courts. The Justices and other employees of the Supreme Court have taken part in congresses, seminars and other meetings abroad. The cooperation with the other Nordic countries occupies a special position in this respect.

The purpose of the Supreme Court's international business is twofold: it shall contribute to increasing competence in the Supreme Court, and it shall also to a certain extent contribute to developing the legal systems and the rule of law in other countries.

Visitors to the Norwegian Supreme Court

Visit from Chinese public prosecutors, organized by the Parliamentary Ombudsman (27 April)

Visit from the Inter-American Court of Human Rights (ICHR), represented by the President of the Court Mr Diego García-Sayán (4 May)

Meeting of the Nordic Supreme Court Librarians (3-4 June)

Visit from a delegation from the Supreme Court of Thailand (15 June)

Visit from a delegation of American students - Hamline (15 June)

Visit from a delegation from the Supreme Court of China (28-29 June)

Visit from a delegation from the Estonian Director of Public Prosecutions (10 September)

Visit from a delegation of Chinese judges from the Chongqing High People's Court, Chongqing (15-16 November)

Visit to the Chief Justice from the US Ambassador Mr Barry White in connection with a tour of the Supreme Court.

The Supreme Court has sent delegates to the following events abroad

90th anniversary jubilee of the Supreme Court of Estonia (14-15 January)

Opening of the Legal Year of the European Court of Human Rights, Strasbourg (29 January)

Conference organized by the International Association of Supreme Administrative Jurisdictions (IASAJ), Sydney and Canberra (7-11 March)

Colloquium of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Dublin (19 March)

Nordic Supreme Court Justices Seminar, Copenhagen (23-24 March)

Nordic Meeting of Secretary Generals, Stockholm (27-28 May)

Nordic Seminarium – Lecture for Finnish judges and lawyers, Helsinki (28 May)

Colloquium of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, Luxembourg (6-9 June)

23rd International Conference of the International Society for the Reform of Criminal Law, Lisbon (25-29 June)

Nordic Meeting of Supreme Court Presidents, Vasa (16-18 August)

15th Nordic Criminology Conference, Copenhagen (19-20 August)

The International Association of Tax Judges, Rome (27-28 August)

Seminar on Asylum and Immigration Law, Brussels (17 October)

EU Forum of Judges for the Environment, Brussels, (18-19 October)

Lecture for the Supreme Court of Justice of Moldova organized by Norlam, Chisinau (21-22 October)

15th Yerevan International Conference, in connection with the 15th Anniversary Jubilee for the Constitution of Armenia (21-23 October)

Meeting of the Network of the Presidents of the Supreme Judicial Courts of the European Union on a common portal of case law, Brussels (8 November)

Meeting of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Florence (13-14 December)

Meeting hosted by the president of the Supreme Administrative Court of Finland with the president of the Russian Supreme Commercial Court, Helsinki (15 December)

Meeting of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, Brussels (17 December)

Other events

Nordic Meeting on Civil Procedure and Human Rights, Copenhagen (11-13 June)

Tour of Buskerud County (3-14 September)

Meeting of administrative managers of the courts, Trondheim (21-22 October)

Open Day of the Supreme Court (23 October)

Lecture by Judge Sverre Erik Jebens on the business of the European Court of Human Rights (25 October)

The Justices of the Supreme Court have acted as judges in the finals of moot competitions at Norwegian universities

Guided tours and lectures

In 2010, the Supreme Court has conducted 32 guided tours of the Court building for 685 visitors.

At the Open Day on 23 October, 100 visitors were given a guided tour of the Supreme Court building and a lecture on the business of the Supreme Court.

**Statistics 2010 –
Types of cases heard in chambers, the Grand Chamber and in Plenary**

The list is not exhaustive

Civil case	
Contract law	11
Compensation law	10
Tax and duties	9
Family/inheritance/administration of estates	4
Administrative law	4
Compulsory purchase/valuation/ground leases	3
Social security law	3
Employment law	2
Intellectual property (copyright)	2
Environmental law	2
Immigration law	2
Law relating to the legal profession	1
Limitation	1
Insurance law	1
Pension rights	1
Company law	1
Public and constitutional law	1
Law relating to water courses	1
Petitions to reopen	1
Requirement to give reasons for decisions	2
Other issues of civil procedure law	10
Criminal cases	
Drug offences	16
Sexual offences	13
Assault/threats	12
Fraud//breach of trust/corruption	2
Murder/manslaughter	2
Forgery of documents ("skimming")	1
Offences in the course of public office	1
Corporate penalties	1
Arson/criminal damage	1
Intellectual property law	1
Human trafficking	1
Robbery	1
Tax evasion/VAT fraud	1
Public and constitutional law	1
Road traffic offences	1
Breach of special legislation	6
Extradition	1
Requirement to give reasons for decisions	4
Other issues of criminal procedure	10

**BUSINESS STATISTICS FOR THE SUPREME COURT
01.01.2010 - 31.12.2010**

**THE BUSINESS OF THE APPEALS COMMITTEE – CIVIL
CASES**

Civil appeals against judgment

Cases pending at the start of the period	26
Cases received	426
Cases determined	405
Cases pending at the end of the period	47

Result:

Appeal referred to the Supreme Court	57 cases
Leave to appeal refused	328 cases
Appeal disallowed	4 cases
Appeal cases dismissed	3 cases
Leave to appeal by permission granted (on grounds of value of the subject matter of the appeal or on direct appeal from the District Court)	1 case
Leave to appeal by permission refused	6 cases
Other	6 cases

405 cases

Civil interlocutory appeals

Cases pending before the Appeals Committee at the start of the period	32
Interlocutory appeals received	394
Cases determined by the Appeals Committee	363
Cases pending before the Appeals Committee at the end of the period	63

Result:

Interlocutory appeal referred to the Supreme Court	9 cases
Appeal refused or interlocutory order affirmed	274 cases

Appeal allowed or interlocutory order quashed	35 cases
Appeal summarily dismissed	23 cases
Appeal quashed	8 cases
Other	14 cases

363 cases

Civil appeals against procedural decisions

Cases pending before the Appeals Committee at the start of the period	15
Appeals against procedural decisions received	108
Other cases received	15
Cases determined by the Appeals Committee	122
Cases pending before the Appeals Committee at the end of the period	16

Result:

Appeal against procedural decisions referred to the Supreme Court	0 cases
Appeal refused or procedural decision affirmed	99 cases
Appeal allowed or procedural decision quashed	10 cases
Appeal summarily dismissed	6 cases
Appeal quashed	1 cases
Other	6 cases

122 cases

THE SUPREME COURT IN CHAMBERS – CIVIL CASES

Civil appeals against judgement

Cases pending at the start of the period	28
Cases referred for hearing	58
Cases determined	57
Cases heard in Grand Chamber	1
Cases heard in plenary	3
Cases quashed	0
Cases pending at the end of the period	29
Cases taking more than six months from filing of notice with the Supreme Court to listing of the appeal proceedings	16
Cases taking less than six months from filing of notice with the Supreme Court to listing of the appeal proceedings	44

Civil interlocutory appeals and appeals against procedural decisions and other cases

Cases pending at the start of the period	4
Cases referred for hearing	9
Cases determined	11
Cases heard in Grand Chamber	0
Cases heard in plenary	0
Cases quashed	0
Cases pending at the end of the period	2
Cases taking more than six months from receipt by the Supreme Court to listing of the appeal proceedings	1
Cases taking less than six months from receipt by the Supreme Court to listing of the appeal proceedings	10

CIVIL CASES - TOTAL

Cases pending at the start of the period	32
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Cases referred for hearing	67
Cases determined	68
Cases heard in Grand Chamber	1
Cases heard in plenary	3
Cases quashed	0
Cases pending at the end of the period	31
Cases taking more than six months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	17
Cases taking less than six months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	54

HANDLING TIME IN CIVIL CASES – THE APPEALS COMMITTEE AND THE SUPREME COURT IN CHAMBERS

Average time from filing of notice of appeal with the Supreme Court until appeals against judgment are determined by the Appeals Committee	1.0 months
Average time from filing of notice of appeal with the Supreme Court until appeals against interlocutory orders are determined by the Appeals Committee	0.9 months
Average time from filing of notice of appeal with the Supreme Court until appeals against procedural decisions are determined by the Appeals Committee	0.9 months
Average time in civil cases from filing of notice of appeal with the Supreme Court until the Appeals Committee decision on leave to appeal	1.2 months
Average time in civil cases from the decisions of the Appeals Committee on leave to appeal until the decision of the Supreme Court	4.8 months
Total average handling time in civil cases from filing of notice of appeal with the Supreme Court until the decision of the Supreme Court	5.9 months
Average handling time for all civil cases determined (Appeals Committee + the Supreme Court in chambers)	1.3 months
Average time in civil cases from filing of notice with the Supreme Court until listing of appeal proceedings	5.3 months
Average time in civil cases from referral by the Appeals Committee until listing of appeal proceedings	4.2 months

THE BUSINESS OF THE APPEALS COMMITTEE – CRIMINAL CASES

Criminal appeals against judgment

Cases pending at the start of the period	32
Cases received	446
Cases determined	419
Cases pending at the end of the period	59

Result:

Leave to appeal granted	74 cases
Leave to appeal refused	325 cases
Appeal summarily dismissed	5 cases
Appeal withdrawn/quashed	7 cases
Leave to appeal by permission granted (direct appeal from the District Court)	0 cases
Leave to appeal by permission refused	0 case
Other	8 cases

419 cases

Criminal interlocutory appeals

Cases pending before the Appeals Committee at the start of the period	9
Interlocutory appeals received	309
Cases determined by the Appeals Committee	307
Cases pending before the Appeals Committee at the end of the period	11

Result:

Interlocutory appeal referred to the Supreme Court	5 cases
Appeal refused or interlocutory order affirmed	248 cases
Appeal allowed or interlocutory order quashed	20 cases
Appeal summarily dismissed	28 cases
Appeal withdrawn	5 cases
Other	1 case

307 cases

Criminal appeal against procedural decisions

Cases pending before the Appeals Committee at the start of the period	27
Appeals against procedural decisions received	349
Other cases received	22
Cases determined by the Appeals Committee	342
Cases pending before the Appeals Committee at the end of the period	56

Result:

Appeal against procedural decisions referred to the Supreme Court	3 cases
Appeal refused or procedural decision affirmed	285 cases
Appeal allowed or procedural decision quashed	20 cases
Appeal summarily dismissed	11 cases
Appeal withdrawn	2 cases
Other	21 cases

 342 cases

THE SUPREME COURT IN CHAMBERS – CRIMINAL CASES

Criminal appeals against judgement

Cases pending at the start of the period	10
Cases referred to the Supreme Court	74
Cases determined	68
Cases heard in Grand Chamber	0
Cases heard in plenary	1
Cases quashed	0
Cases pending at the end of the period	16
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	43
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	27

Criminal interlocutory appeals and appeals against procedural decisions and other cases

Cases pending at the start of the period	1
Cases referred for hearing / referred to the Supreme Court	9
Cases determined	7
Cases heard in Grand Chamber	0
Cases heard in plenary	0
Cases quashed	0
Cases pending at the end of the period	3
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	2
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	6

CRIMINAL CASES - TOTAL

Cases pending at the start of the period	11
Cases referred for hearing / referred to the Supreme Court	83
Cases determined	75
Cases heard in Grand Chamber	0
Cases heard in plenary	1
Cases quashed	0
Cases pending at the end of the period	19
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	45
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	33

HANDLING TIME IN CRIMINAL CASES – THE APPEALS COMMITTEE AND THE SUPREME COURT IN CHAMBERS

Average time from filing of notice of appeal with the Supreme Court until appeals 1.0 months

against judgment are determined by the Appeals Committee	
Average time from filing of notice of appeal with the Supreme Court until appeals against interlocutory orders are determined by the Appeals Committee	0.3 months
Average time from filing of notice of appeal with the Supreme Court until appeals against procedural decisions are determined by the Appeals Committee	0.7 months
Average time in criminal cases from filing of notice of appeal with the Supreme Court until the Appeals Committee's grant of leave to appeal	1.1 months
Average time in criminal cases from the Appeals Committee's grant of leave to appeal until the decision of the Supreme Court	2.6 months
Total average handling time in criminal cases from filing of notice of appeal with the Supreme Court until the decision of the Supreme Court	3.7 months
Average handling time for all criminal cases determined (Appeals Committee + the Supreme Court in chambers)	0.9 months
Average time in criminal cases from filing of notice with the Supreme Court until listing of appeal proceedings	3.4 months
Average time in civil cases from referral by the Appeals Committee until listing of appeal proceedings	2.3 months
