

The Supreme Court's Business in 2012

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 developments in lawmaking. As a consequence, the Supreme Court focuses on cases which involve issues of legal principle and cases that give guidance on important legal issues.

Caseload

The Supreme Court deals with a large variety of cases and the caseload has increased in recent years. In total, the Court dealt with more cases in 2012 than in 2011.

In 2012, the Supreme Court received a total of 470 notices of civil appeal against judgment. The corresponding figure for 2011 was 431. Approximately 15% of the appeals against judgment in civil cases were referred to a chamber of the Court for hearing. The Court received 530 notices of civil appeals against interlocutory orders and decisions in 2012, the same number as in 2011.

The Supreme Court received 439 notices of criminal appeal against judgment and 652 notices of interlocutory appeal. The corresponding figures for 2011 were 444 notices of appeal against judgment and 661 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 2012, like in 2011, a total of 82 civil cases were heard by a chamber of the Supreme Court. 66 criminal cases were heard by a chamber of the Supreme Court in 2012, while the corresponding figure for 2011 was 92. 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 and plenary

In 2012, the Supreme Court heard one civil case in the grand chamber and two civil cases in plenary. The case that was heard in the Grand Chamber concerned the issue of the competence of the courts in the review of a decision made by the Norwegian Criminal Cases Review Commission not to retry a criminal case. Among the issues raised by the two Plenary cases was the question whether the Immigration Board's decision regarding asylum/protection against return shall

be evaluated based on the situation at the time of judgment or the situation at the time of the decision. Both cases also concerned the question related to residence permit on humanitarian grounds.

In 2011, the Supreme Court did not hear any cases, neither in the Grand Chamber nor in plenary.

Case Handling Time

In 2012, the Supreme Court maintained the very satisfactory case handling time from 2011. 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 approximately one month from notice of appeal is filed with the Supreme Court until the Appeals Committee decides whether to grant leave to appeal. The average time from notice of appeal is filed with the Supreme Court until a date for the appeal proceedings is set is approximately three months in criminal cases and approximately six months in civil cases.

Changes in the Composition of Justices

Mr. Per Erik Bergsjø, lawyer, took up his position as a Supreme Court Justice on 1 March 2012.

Professor Finn Arnesen JD served as a temporary Supreme Court Justice from 12 September 2011 to 29 February 2012.

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 all parts of Norway. With this in mind, the Supreme Court visits different parts of the country to learn in particular about local industry, public institutions and culture. In 2012, the Supreme Court visited Sør-Trøndelag and Nord-Trøndelag.

International Business

In addition to its judicial business, the Supreme Court has carried out a substantial amount of international business in 2012. The Supreme Court has received visits from foreign legal delegations, particularly foreign courts. The Justices and other employees of the Supreme Court have attended 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: to enhance the expertise of the Supreme Court and to help develop the legal systems and rules of law in other countries.

Visitors to the Norwegian Supreme Court

Visit from representatives of the Swedish Ministry of Justice and the Swedish Supreme Court under the auspices of the Ministry of Justice and the Norwegian Civil Affairs Authority (24 January)

- Justice Per Christiansen, EFTA Court (17 February)
- South-Korea's ambassador (7 March)
- Guatemala's ambassador (7 March)
- Delegation of judges from Uzbekistan (15 May)
- Delegation from the Russian Jurist Association (22 May)
- The European Young Bar Association (15 June)
- The President of the Turkish Council of State (17 July)
- Family law lawyers from Denmark (2 November)

The Supreme Court has sent delegates to the following events abroad

- Opening of the judicial year of the European Court of Human Rights, Strasbourg (27 January)
- Seminar ACA-Europe (Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union): "Increasing the efficiency of the Supreme Administrative Courts' powers", Brussels (1-2 March)
- Study visit to the Polish Constitutional Court of Justice, including a visit to the Polish Supreme Court and Poland's administrative Supreme Court, for the Supreme Court's justices (19-21 March)
- Nordic Seminar for Supreme Court Justices, Helsinki (27-28 March)
- 5th Conference of Secretaries General of Constitutional Courts, Yerevan (13-14 April)
- Conference under the auspices of the World Jurist Association on "Law and Technology: Innovation in the Digital Age", Washington (22-24 April)
- Visit to Georgia's Supreme Court and Norlag, Tbilisi (24-25 April)
- 50th anniversary of Turkey's Constitutional Court, Ankara (25-26 April)
- 11th Meeting of the Joint Council on Constitutional Justice, Brno (31 May-1 June)

- Nordic litigation competition, Stockholm (8.-10 June)
- Meeting of Nordic Supreme Court librarians, Stockholm (12.-15 June)
- 20th anniversary of Rumania's Constitutional Court, Bucuresti (21.-22 June)
- General Assembly ACA-Europe, Madrid (25.-26 June)
- Nordic procedure meeting, Uppsala (17-18 August)
- Meeting of Nordic Supreme Court Justices, Gentofte, Denmark (30-31 August)
- Conferenc of European Constitutional Courts, Vienna (10-11 September)
- Meeting of the International Association of Tax Judges, Munich (18.-20 October)
- Meeting of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Paris (26 October)
- Forum of Judges for the Environment, the Hague (26-27 October)
- Seminar for the Supreme Court's legal investigation unit in the EFTA Court and the EU Court, Luxembourg (11-13 November)

Other events

- Press lunch at the Supreme Court (9 January)
- Meeting with the representatives at the kick-off course for newly-appointed Justices (23 January)
- Lunch at the Supreme Court relating to the activities of the Correctional Services represented by the Rogaland Correctional Services Office (5 March)
- Attending the centenary of the Norwegian Association of Judges, Oslo (2 May)
- General meeting of judges, Oslo (3-4 May)
- Nordic Conference of Supreme Court Presidents at the Supreme Court (10-11 May)
- Lunch: "News from the European Court of Human Rights" presented by ECHR Judge Erik Møse (17 September)
- Open house event at the Supreme Court (27 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 2012, the Supreme Court conducted 36 guided tours for a total of close to 900 visitors. Interest in guided tours is high and among the visitors were students and

pupils, members of various organisations such as Rotary and Lions and various pensioners' associations.

In connection with the open-house event in October, 150 visitors were briefed on the Supreme Court and given a guided tour of the building.

Types of cases heard in chambers, the Grand Chamber and in Plenary 2012

The list is not exhaustive

Civil cases

Compensation law	16
Taxes and duties	12
Contract law	11
Immigration law	7
Labour law	6
Property law	5
Compulsory purchase/valuation/ground leases	3
Family/inheritance/administration of estates	3
Social security law	2
Child care	2
Insurance law	1
Lawyers' professional secrecy	1
Limitation	1
Competition law	1
Bankruptcy law	1
Concession law	1
Environmental law	1
Intellectual property law(copyright)	1
Company law	3
Enforcement	
Other issues relating to civil procedure	

Criminal cases

Assault and battery	8
Drug offences	6
Murder/manslaughter	5
Sexual offences	5
Fraud//breach of trust/corruption	4
Environmental crimes	4
Abuse in close relationships	4
Robbery	4
Confiscation	3
Inside trading/market manipulation	3
Driving under the influence	3
Prohibition against double prosecution	2
Custody - extension/parole	2

Theft/burglary/handling offences	2
Violation of the Working Environment Act	1
Hacking	1
Forgery of documents	1
False accusations	1
Fraud on creditors/money laundering	1
Racist statements	1
Tax fraud	1
Criminal procedure seizure	
Other issues of criminal procedure	3

**BUSINESS STATISTICS FOR THE SUPREME COURT
01.01.2012 - 31.12.2012**

THE BUSINESS OF THE APPEALS COMMITTEE – CIVIL CASES

Civil appeals against judgment

Cases pending at the start of the period	46
Cases received	470
Cases decided	457
Cases pending at the end of the period	59
Result - decided cases	
Appeal referred to the Supreme Court	69 cases
Leave to appeal refused	366 cases
Appeal disallowed	7 cases
Appeal cases dismissed	4 cases
Quashed	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	7 cases

457 cases

Civil interlocutory appeals

Cases pending before the Appeals Committee at the start of the period	25
Interlocutory appeals received	398
Cases determined by the Appeals Committee	384
Cases pending before the Appeals Committee at the end of the period	39

Result decided cases

Interlocutory appeal referred to the Supreme Court	8 cases
Appeal refused or interlocutory order affirmed	205 cases
Appeal allowed or quashed	31 cases
Appeal disallowed	105 cases
Appeal quashed	22 cases
Other	13 cases

 384 cases
Civil appeals against procedural decisions

Cases pending before the Appeals Committee at the start of the period	7
Appeals against procedural decisions received	132
Other cases received	22
Cases determined by the Appeals Committee	147
Cases pending before the Appeals Committee at the end of the period	14

Result – cases decided

Appeal against procedural decisions referred to the Supreme Court	0 cases
Appeal refused or procedural decision affirmed	105 cases
Appeal allowed or procedural decision quashed	9 cases
Appeal summarily dismissed	9 cases

Appeal disallowed	22 cases
Appeal quashed	2 cases
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	147 cases

THE SUPREME COURT IN CHAMBERS – CIVIL CASES

Civil appeals against judgement

Cases pending at the start of the period	32
Cases referred for hearing	70
Cases determined	73
Cases heard in Grand Chamber	1
Cases heard in plenary	2
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 start of the appeal proceedings	30
Cases taking less than six months from filing of notice with the Supreme Court to listing of the appeal proceedings	43

Civil interlocutory appeals and appeals against procedural decisions and other cases

Cases pending at the start of the period	6
Cases referred for hearing	8
Cases determined	9
Cases heard in Grand Chamber	0
Cases heard in plenary	0
Cases quashed	0

Cases pending at the end of the period	5
Cases taking more than six months from receipt by the Supreme Court to listing of the appeal proceedings	2
Cases taking less than six months from receipt by the Supreme Court to listing of the appeal proceedings	7

CIVIL CASES - TOTAL

Cases pending at the start of the period	38
Cases referred for hearing	78
Cases determined	82
Cases heard in Grand Chamber	1
Cases heard in plenary	2
Cases quashed	0
Cases pending at the end of the period	34
Cases taking more than six months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	32
Cases taking less than six months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	50

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	0.9 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	0.6 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	5.1 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	6.4 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 start of appeal proceedings	5.8 months
Average time in civil cases from referral by the Appeals Committee until start of appeal proceedings	4.6 months

THE BUSINESS OF THE APPEALS COMMITTEE – CRIMINAL CASES

Criminal appeals against judgment

Cases pending at the start of the period	23
Cases received	439
Cases determined	411
Cases pending at the end of the period	51

Result

Leave to appeal granted	72 cases
Leave to appeal refused	315 cases
Appeal summarily dismissed	4 cases
Appeal withdrawn/quashed	17 cases
Leave to appeal by permission granted (direct appeal from the District Court)	1 case
Leave to appeal by permission refused	1 case
Quashed	1 case
Acquittals	0
	411 cases

Criminal interlocutory appeals

Cases pending before the Appeals Committee at the start of the period	6
Interlocutory appeals received	344
Cases determined by the Appeals Committee	342
Cases pending before the Appeals Committee at the end of the period	8

Result – decided cases

Interlocutory appeal referred to the Supreme Court	4 cases
Appeal refused or interlocutory order affirmed	252 cases
Appeal allowed or interlocutory order	40 cases

quashed	
Appeal summarily dismissed	16 cases
Appeal withdrawn	22 cases
Other	8 cases
	342 cases

Criminal appeal against procedural decisions

Cases pending before the Appeals Committee at the start of the period	27
Appeals against procedural decisions received	308
Other cases received	23
Cases determined by the Appeals Committee	327
Cases pending before the Appeals Committee at the end of the period	31

Result – cases decided

Appeal against procedural decisions referred to the Supreme Court	0 cases
Appeal refused or procedural decision affirmed	273 cases
Appeal allowed or procedural decision quashed	21 cases
Appeal summarily dismissed	8 cases
Appeal withdrawn	3 cases
Other	22 cases

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327 cases

THE SUPREME COURT IN CHAMBERS – CRIMINAL CASES

Criminal appeals against judgement

Cases pending at the start of the period	17
Cases referred to the Supreme Court	73
Cases determined	64

Cases heard in Grand Chamber	0
Cases heard in plenary	0
Cases quashed	0
Cases pending at the end of the period	26
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	39
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	25

Criminal interlocutory appeals and appeals against procedural decisions and other cases

Cases pending at the start of the period	2
Cases referred for hearing / referred to the Supreme Court	4
Cases determined	2
Cases heard in Grand Chamber	0
Cases heard in plenary	0
Cases quashed	0
Cases pending at the end of the period	4
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	1
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	1

CRIMINAL CASES - TOTAL

Cases pending at the start of the period	19
Cases allowed for hearing / referred to the Supreme Court	77
Cases determined	66
Cases heard in Grand Chamber	0

Cases heard in plenary	0
Cases quashed	0
Cases pending at the end of the period	30
Cases taking more than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	40
Cases taking more less than three months from filing of notice of appeal with the Supreme Court to listing of the appeal proceedings	26

PROCESSING 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 against judgment are determined by the Appeals Committee	1.2 months
Average time from filing of notice of appeal with the Supreme Court until appeals against interlocutory orders are determined by the Appeals Committee	0.2 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	1.0 months
Average time in criminal cases from the Appeals Committee’s grant of leave to appeal until the decision of the Supreme Court	2.7 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 start of appeal proceedings	2.4 months
