

THE SUPERVISORY COMMITTEE FOR JUDGES

ANNUAL REPORT

2016

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, the land consolidation courts and the land consolidation appeal courts. In addition to regular judges, the mechanism also applies to temporary judges, including assistant judges and extraordinarily appointed judges.

The statutory framework applying to the functions and procedures of the Supervisory Committee is above all 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.

This includes the judges' obligations under procedural legislation and typical obligations under labour law. In the assessment of what constitutes proper judicial conduct, the **Ethical principles for judicial conduct** is an important tool for the Committee. The application of these principles is emphasised more and more actively in the decisions made by the Committee. The principles apply to all professional judges in the ordinary courts and judges in the land consolidation courts both in and outside of the judges' judicial functions.

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 chief judge of the court in question 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 consider matters that may be reviewed pursuant to other provisions in legislation pertaining to the administration of justice, cf. 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 by 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 Supervisory Committee may consider a matter on its own initiative as long the time-limit of one year has not expired. The latter concerns matter that the Supervisory Committee becomes aware of without a formal complaint being filed, cf. section 237 third paragraph of the Courts of Justice Act.

DISCIPLINARY REACTIONS: CRITICAL ASSESSMENT OR WARNING

The Courts of Justice Act describes two forms of disciplinary reaction. The most severe form of reaction is a warning. A critical assessment is the most common form of reaction. 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 Secretariat of the Supervisory Committee is placed with the Norwegian Courts Administration.

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 the land consolidation appeal court or the land consolidation court, a land consolidation court judge will replace one of the judges from the ordinary courts of law.

In 2016, the Committee was composed as follows:

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

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
* Jeppe Normann	Lawyer, Advokatfirmaet Selmer	Member	01.11.10 - 31.10.16
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
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

*Lawyer Jeppe Normann at Advokatfirmaet Selmer held office until 31 October 2016.

SECRETARIAT OF THE SUPERVISORY COMMITTEE

The Secretariat of the Supervisory Committee is placed with the National Courts Administration. The Secretariat is normally comprised of three legal professionals, in addition to the Supervisory Committee's 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.

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 that the opportunity to review the decisions of the Supervisory Committee should be studied.

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.

ACTIVITIES OF THE SUPERVISORY COMMITTEE

Complaints in 2016

In 2016, the Supervisory Committee received 118 complaints. Of these, 11 were complaints against judges in the land consolidation courts.

A total of 84 decisions were rendered in 2016, of which 51 were made by the Committee's President or another member by delegation. 33 decisions were adopted by the Committee in plenary session.

28 complaints were heard on their merits in 2016. Nine complaints concerned exercise of judicial office, 26 complaints concerned judicial conduct, four complaints concerned dilatory proceedings, and 3 complaints concerned administrative matters. One and the same complaint may concern several matters. A disciplinary sanction was imposed in two cases, both in the form of a critical assessment. 12 cases were concluded in some other manner.

The Supervisory Committee held six ordinary meetings and one extraordinary meeting in 2016.

Other 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 has also attended regional gatherings of judges as well as internal seminars at several courts.

In September 2016, the Supervisory Committee held its meeting in Copenhagen. In connection with this meeting, the Committee met with the Court of Indictment and Revision, which is the Danish supervisory body. This provided the Committee with an opportunity to learn about the Danish disciplinary system and exchange useful experiences with its Danish colleagues.

Statistics

	2015	2015	2015	2016	2016	2016
Complaints received	Total	Ordinary courts	Land consolidation courts	Total	Ordinary courts	Land consolidation courts
Incoming complaints during the period	109	104	5	115	104	11
Requests for statements on good judicial practice	0	0	0	0	0	0
Cases heard ex officio	0	0	0	0	0	0
Other cases	0	0	0	3	3	0
Legal action	0	0	0	0	0	0
Total	109	104	5	118	107	11
Who are the complainants?						
The parties	98	93	5	99	88	11
The counsels:						
- Lawyers/defence counsels	5	5	0	6	6	0
- Prosecutors	1	1	0	0	0	0
- Others	0	0	0	0	0	0
The aggrieved party	0	0	0	1	1	0
Witnesses/experts	5	5	0	3	3	0
Lay judges	0	0	0	0	0	0
The Bar Association	0	0	0	0	0	0
The Norwegian Courts Administration	0	0	0	0	0	0
Others	3	3	0	8	8	0
Total	112	107	5	117	106	11
Dismissals						
Rendered by the Committee	9	9	0	5	3	2
Rendered by member by delegation	46	42	4	51	49	2
Total	55	51	4	56	52	4
Grounds for dismissal						
No right of complaint	6	6	0	4	4	0
Complaint received too late	17	16	1	20	18	2
Cases concerning matters for which legal remedies are available	28	25	3	33	31	2
Combination of grounds for dismissal	5	5	0	9	9	0
Total	56	52	4	66	62	4
Cases heard on their merits						
Rendered by the Committee	39	36	3	28	25	3
Rendered by President/Vice-President by delegation	26	25	1	0	0	0
Total	56	61	4	28	25	3
Subject matter of complaint						
Exercise of judicial office	31	28	3	9	8	1
Judicial conduct	56	52	4	26	24	2
Dilatory proceedings	20	20	0	4	4	0
Administrative matters	6	6	0	3	2	1
Extrajudicial conduct	0	0	0	0	0	0
Total	113	106	7	42	38	4

Results						
No disciplinary reaction	16	14	2	7	7	0
No disciplinary reaction. Ruled obviously unfounded	21	21	0	0	0	0
Partly dismissed. No disciplinary reaction	16	15	1	20	17	3
Partly dismissed, partly ruled obviously unfounded	6	5	1	0	0	0
Disciplinary reactions:						
Critical assessment	6	6	0	2	2	0
Warning	0	0	0	0	0	0
Total	65	61	4	29	26	3
Statements on good judicial practice	1	1	0	1	1	0
Concluded in some other manner						
Complaints withdrawn	2	2	0	1	1	0
Complaints lapsed	0	0	0	4	4	0
Transferred to the Norwegian Courts Administration	0	0	0	0	0	0
Other reasons	0	0	0	7	7	0
Complaints pending as per 31 December	26	25	1	24	20	4
Complaints divided by judicial districts, incl. legal action						
Borgarting				40		
Eidsivating				20		
Agder				15		
Gulating				21		
Frostating				13		
Hålogaland				10		

The Supervisory Committee 2002-2016

Over the course of the period 2002-2016, the Supervisory Committee received a total of 1578 complaints. A total of 1521 decisions were rendered, of which 762 were dismissals. 663 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 72 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). The complainants are primarily the parties to the case (normally more than 90 percent).

It has been a trend during this period that the number of complaints has stabilised itself at a higher level than previously. One reason for this may be that the complaints scheme is better known among the parties, lawyers and others. Another trend is that the Committee will issue statements on what constitutes proper judicial conduct without having adopted any disciplinary measures in an increasing number of cases. 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".

March 2017

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

DECISIONS OF THE SUPERVISORY COMMITTEE 2016

Case 15-065: Judicial conduct, critical assessment, dissenting grounds.

A prosecutor filed a complaint against the conduct of a judge in three different criminal cases. The complaint concerned the conduct of the judge vis-à-vis the prosecutor, a lay judge, a witness and a defence lawyer. The complaint also included that the judge asked the defence lawyer and the counsel for the victim almost immediately following the closing of one of the cases to inform their parties that it was not appropriate to render a judgment in accordance with the prosecutor's sentencing request. The Supervisory Committee agreed unanimously that the judge had acted in breach of proper judicial conduct, but was divided as to the grounds. The entire Committee found grounds for a critical assessment based on the judge's subsequent statement regarding the sentencing in one of the cases. Three members of the Committee also found that the overall conduct of the judge relating to the conduct of the proceedings in two of the cases constituted grounds for a critical assessment. The Committee assumed that an unfortunate interaction had developed over time between the prosecutor and the judge. The Committee concluded by stating that the professional practitioners in court cases have a responsibility to contribute to a good atmosphere and good working conditions during the court hearings, and that the presiding judge has the overall responsibility for this. The style and conduct of the judge are of great significance for the atmosphere in the courtroom. Thus, it is important that judges have a conscientious attitude regarding their own style and role. Judges should to a large degree soften their personal opinions regarding the persons involved in the court cases. In the event there is any antagonism between judges and any of the practitioners in court, and this affects the proceedings, this constitutes a very unfortunate situation that the court should remedy.

Case 15-073: Reversal. Proceedings. No grounds for disciplinary measures.

In a decision by the Supervisory Committee of 10 December 2015, an assistant judge was criticised for breach of proper judicial conduct. The underlying dispute concerned a used car sold for NOK 25,000. The dispute was reviewed pursuant to the small claims process. It was the case processing time of eight months that resulted in a disciplinary reaction in the form of a critical assessment. The court president had been given an opportunity to make a statement before the Supervisory Committee reviewed the case in December of 2015, but decided not to comment on the complaint. After the decision was made, the chief local judge submitted a statement regarding the decision. The chief local judge pointed out in the statement that the work situation at the district court had been extraordinary resulting from a change in the position of chief local judge and the hiring of a new district court judge, and this had entailed that many cases had been assigned to the assistant judge. Based on an overall assessment, the Supervisory Committee found that the work situation at the district court had been of such an extraordinary nature that it, in spite of the considerable lack of compliance with the mandatory deadlines in this case, was not appropriate with a disciplinary reaction vis-à-vis the assistant judge. Thus, the Supervisory Committee reversed its decision of 10 December 2015 and found that there was no basis for any disciplinary reaction vis-à-vis the assistant judge.

Case 15-095: Judicial conduct/proceedings. Dismissal.

The complainant was the defendant in a parental dispute and the judge in question was the judge in the case. The complainant invoked three elements in the complaint. The first was that the district court judge had not accommodated the request for another expert witness. The complaint had been filed eight and six months, respectively, after this issue had been discussed with the court. Thus, the time limit for filing of complaints had expired, and this part of the complaint was dismissed. The second was that the district court judge refused to postpone the pre-trial review. The complaint had been filed six months after the circumstance took place, and this part of the complaint was also dismissed as the time limit for complaints had expired. The Supervisory Committee saw no reason to consider these elements of the complaint on its own initiative. The grounds for the complaint

concern judicial deliberations that the Supervisory Committee cannot review anyway pursuant to section 236 fourth paragraph of the Courts of Justice Act. The third element was that the district court judge refused to hand out the documents of the expert witness. The Supervisory Committee could also not review this element as the district court judge was of the opinion that he had no legal basis for ordering the expert witness to hand these out. This element was also a ruling by the court that the Supervisory Committee could not review pursuant to section 236 fourth paragraph of said Act. The complaint was dismissed.

Case 15-098: Judicial conduct. No grounds for disciplinary measures.

The complainant had demanded payment for expenditures associated with a common access road to residences and permission to use the road. The complainant was a self-represented litigant in a case pursuant to the small-claims procedure. The complainant claimed that the district court judge had acted in an irritated manner and had not provided adequate guidance for the parties. The judge in question had supposedly intervened and taken control of the complainant's presentation of the matter. The Supervisory Committee found that there were no verifiable circumstances that supported the allegations of the complainant. The district court judge had denied the content of the complaint. The allegations of the complainant were not substantiated in any manner that could provide a basis for concluding that the judge had been in breach of proper judicial conduct. The Supervisory Committee found that there were no grounds for any disciplinary reaction vis-à-vis the district court judge.

Case 15-107: Judicial conduct. No grounds for criticism.

The complainant had been the defendant in a criminal case, and the complaint concerned the conduct of the judge during the main proceedings and site inspection. The complainant alleged that the district court judge had displayed a dislike of him, that she communicated in a condescending manner, that she stressed the use of time and that he was not granted enough time to present his material. He was brushed aside and interrupted, was not allowed to respond, and the district court judge did not display the patience, curiosity and interest in his evidence that he in his opinion should have expected. The Supervisory Committee stated that in principle, the judge is responsible for the progress and management of the case, and this includes that the judge is entitled to decide when and to what extent each individual actor will be allowed to speak. The Supervisory Committee did not doubt that the complainant had the perception that the judge displayed little interest in some of his presentation of the evidence and that he was interrupted with comments that he perceived to be condescending. The Supervisory Committee did not, however, have any basis for finding that the district court judge had exceeded her limits as the head of the court to manage the case. The Committee pointed out that the complainant had not provided any specific examples of disrespectful, degrading reprimands. Thus, there were no grounds for criticising the district court judge for her conduct during the main proceedings. The Supervisory Committee did, however, find grounds for some comments. The description of the district court judge as a very clear and explicit administrator, and as one who, based on her experience as a prosecutor, manages a criminal case with greater force and authority than others, may indicate that her way of conducting proceedings may be perceived as unnecessarily abrupt. The Committee also noted that the Committee had previously received a complaint against this district court judge regarding her conduct of proceedings, cf. TU case 14-115. The complainant also pointed out in the complaint that he had received a letter concerning a waiver of reservation regarding place of residence dated two days before the start of the main proceedings where elements relating to the facts of the case were commented. The Supervisory Committee based its assessment on the district court judge's explanation that the letter had been completed and sent after the main proceedings had been completed. The Committee stated that it was unfortunate that a document created in the case processing system a long time ago had been used without the date being changed. The content did not, however, indicate in favour of prejudice in the criminal case, and the seriousness of the incorrect

date was not such that it qualified for a critical assessment. The Supervisory Committee found no grounds for a disciplinary reaction vis-à-vis the district court judge.

Case 16-003: Judicial conduct. No grounds for disciplinary measures.

The complainant was the defendant in a case under the Children Act concerning permanent residence and contact. The judge in question was the judge during a pre-trial review in combination with pleading regarding a preliminary ruling. The complainant stated a lack of equal treatment between himself and the opposing party, that he was discriminated against and that the court was mistaken as regards the significance of his mental illness as grounds for the complaint. The Supervisory Committee did not find that the allegations were substantiated to such an extent that the Committee could use them as a basis for its assessment. The Supervisory Committee pointed out that the complainant's counsel had no comments regarding the case. None of the other professional practitioners supported the allegations of the complainant. Quite contrary, there was agreement that the judge had treated the parties in a respectful manner and without any differential treatment, and had conducted the proceedings well during the court hearing. The Committee also referred to the fact that the Borgarting Court of Appeal had subsequently reviewed the case. The Court of Appeal had not commented the proceedings or any other circumstances relating to the handling in the court of first instance. The Supervisory Committee found that there was no basis for any disciplinary reaction vis-à-vis the district court judge.

Case 16-006: Judicial conduct. No grounds for disciplinary measures.

The case concerned the forced sale of the complainant's property. The district court issued an order for eviction from the residence, and the district court assisted the complainant in preparing an appeal of the order. The complainant alleged that the assistant judge deliberately misinformed her in a telephone conversation that the appeal had already been sent to the opposing party with an order to give notice of intention to defend. The complainant was also of the opinion that the assistant judge had misled her to believe that it was not possible to send a pleading with additional documentation to the opposing party in the appeal case. The Supervisory Committee found that it had not been substantiated that the assistant judge had acted as alleged by the complainant. The Committee referred to the account of the assistant judge, in which he stated that he had placed the appeal ready for dispatch the day before the telephone conversation, and that he therefore had assumed that the appeal had been sent to the respondent. It was also evident from the statement by the assistant judge that he had offered to the complainant to forward a pleading to the opposing party and the appellate court, and that this had in fact been done. It is the interpretation of the Committee that there was a misunderstanding as regards the date for transmission of the appeal and that the conduct of the judge in question was not censurable in connection with the hearing of the appeal. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the assistant judge.

Case 16-008: Judicial conduct. Dismissal.

Parts of the complaint concerned the conduct of the judge during a court hearing in October 2015, including that the conduct of the president of the land consolidation court had not been sufficiently neutral. The complaint was filed more than three months after the matter took place, and this part of the complaint was dismissed. The complainant also alleged that the result in the case was incorrect and that the opposing party had been unjustly enriched. This concerned matter that the Committee could not review as it could be used as grounds for an appeal. This part of the complaint was dismissed as well.

Case 16-010: Judicial conduct and proceedings. Partly dismissed. No grounds for disciplinary measures.

The complaint concerned an evaluation of the judge in question as part of an appraisalment. The complainants reacted to having their allegations regarding impartiality being assessed as based on

conspiracy theories. It was also alleged that the records of the court had not been kept in agreement with the rules in section 13-6 of the Disputes Act. An alleged procedural error during the keeping of the records of the court may be used as grounds for an appeal, and the Committee could therefore not review this matter. This part of the complaint was dismissed. As regards use of the expression "conspiracy theory", the Committee found that the use of this formulation, as it was used specifically in the case in question, was an indication of the fact that the judge considered the motion for disqualification to be legally untenable. The Committee could not subject the judge's assessment of the evidence to a judicial review. The Supervisory Committee also did not find that the choice of words was of a nature that would constitute grounds for a critical assessment. The Supervisory Committee found that there was no basis for any disciplinary reaction vis-à-vis the district court judge.

Case 16-017: Judicial conduct. Partly dismissed. No grounds for criticism.

The case concerned the validity of a settlement in court. The complainant alleged that the judge's assessment of the evidence in the case was incorrect as the claimant was not believed when she stated that she had not conferred any authorisations in connection with the court-administered mediation. This part of the complaint was dismissed as the matter may be used as grounds for an appeal. The complainant also alleged that the judge was irritated and did not treat the complainant in a considerate manner. This part of the complaint was not sufficiently specific and provided no grounds for a critical assessment. The complainant alleged furthermore that the judge seemed prejudiced as regards general knowledge about ADHD, that the judge in question supposedly made a point out of the complainant being able to repeat the affirmation ad verbatim whereas a witness repeated it incorrectly, and that the judge interrupted the expert witnesses in an arrogant manner and weakened the authority of the expert witness. It was also alleged that the statement by the counsel was interrupted in order to ascertain the significance of a legal submission. The Supervisory Committee found it appropriate to comment that the judge of the court will have the overall responsibility for ensuring that the main proceedings are conducted within the limitations that follow from the legal procedure legislation. The Committee noted that the complainant had reacted to the manner in which he was treated, but did not find that the conduct of the judge had been censurable. The complainant had furthermore reacted to the fact that the counsels had exchanged statements of costs before the main proceedings had been concluded. The Committee commented that it follows from the Disputes Act that statements of costs shall be submitted before the proceedings are concluded. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-020: Judicial conduct and proceedings. Partly dismissed. No grounds for criticism.

The complaint concerned a private criminal case instituted by the complainant that was rejected in the district court. The complainant submitted that the verdict was incorrect and that there were several procedural errors. These are matters that may be used as grounds for an appeal, and this part of the complaint was dismissed. The complainant also alleged that the guidance he received in the letter from the district court was deficient, including that the court of appeal had dismissed the case on a different basis than what was indicated in letter from the district court judge, and that he did not receive answers to specific questions. The Supervisory Committee stated that it must be evaluated specifically what guidance is to be provided, for example based on the nature of the case and the qualifications of the parties, including whether the parties are self-represented litigants. The guidance must be provided in a manner that does not weaken the confidence in the impartiality of the court. The Committee emphasised that even though it appeared that the complainant did not fully understand the content of the guidance provided, the Committee was of the opinion that the specific guidance provided by the judge was not inconsistent with the standards for proper judicial conduct. The Supervisory Committee found no grounds for a disciplinary reaction against the district court judge.

Case 16-026: Judicial conduct and proceedings. Critical assessment.

The underlying case concerned a claim for contact and parental responsibility in a parental dispute. The notice of proceedings was filed in October of 2014, and the chief local judge sent a letter to the parties in February of 2016 where she requested the complainant to withdraw the case. The complainant set forth that the judge was predisposed without any prior contradiction and presentation of evidence in a main hearing. The Supervisory Committee stated that it is a key element of judicial ethics and legal procedure legislation that the judges shall act in an impartial manner and not be predisposed before the evidence has been assessed and a judgment or verdict has been rendered. Judges should in particular be careful about presenting any advance opinions or exert pressure to enter into settlements. The parties must feel certain that the judge will arrive at a well-considered and well-founded viewpoint in the case after having heard all the evidence in court. In this case, the chief local judge had issued a clear request for a withdrawal of the case. The request was based on the information that was available before the evidence had been presented and a formal decision had been made. There had also been no traditional study by an expert witness in the case. It is difficult to understand the request in any other manner than that the chief local judge in cooperation with the expert witness had adopted a clear viewpoint in advance. It is understandable that the chief local judge, based on the knowledge the judge had regarding the complainant and the circumstances of this person, believed that there was no point in conducting the court case at that time. However, it was up to the parties and their legal representatives to evaluate whether the case should be withdrawn or continued in such a situation. It should also have been taken into consideration that there may have been some information that the chief local judge was not aware of. The Committee also could not see that the parties had been informed that it was possible to conduct the main proceedings with another judge, as an alternative to a withdrawal of the case. The Supervisory Committee found that the conduct of the chief local judge was contrary to the judicial ethics principle of impartiality, and that there were grounds for a critical assessment of the chief local judge for conduct in breach of proper judicial conduct.

Case 16-034: Judicial conduct and proceedings. No grounds for criticism.

The complaint concerned a small-claims procedure regarding payment, price reduction and compensation for deficient performance of work. The notice of proceedings was received on 13 October 2015, the court proceedings ended on 15 December 2015 and the judgment was pronounced on 4 March 2016. The first argument of the complainant was that the judgment was rendered two months after the statutory deadline for judgment in small-claims cases, and that this was in breach of proper judicial conduct. Both the judge in question and the court president have stated that the delay was due to a combination of a considerable work load as well as absence due to sickness on the part of the judge in question. In addition, the judge in question has stated that the case was more comprehensive and complicated than is the norm for small-claims cases, and that the work on the judgment was therefore more time-consuming than what normally is the case. The Committee assumed this to be correct. The judge in question stated at the close of the main proceedings that it would be some time before a judgment could be rendered, and it was noted in the records of the court that the judgment would be rendered at the turn of the year. Following inquiries from both parties asking for the judgment, there was a conference call with the parties on 19 February. Information about the reason for the delay was provided at that time. The Supervisory Committee's assumption is that the time limit was not grossly exceeded in this case. There were also reasonable grounds for the delay of the judgment. It was unfortunate that the parties were not notified of the delay until the telephone meeting on 19 February. The judge should have ensured that the parties were informed of this as soon as he understood that the judgment would be delayed. The complainant also alleged that the conduct of the judge was censurable during the court hearing, including that the judge appeared biased. The judge has refuted the claims and denied that he acted in the manner alleged by the complainant. The Committee found that that it had not been substantiated that the conduct of the judge was censurable during the court hearing.

Case 16-038: Procedural error. Partly dismissed. No grounds for criticism.

The complaint concerned the handling of a case where the main claim comprised the usage scheme and common measures for a private road that services approx. 20 properties, including the holiday home of the complainant. The case also involved several subclaims. The complaint addressed several issues related to case processing and conduct of proceedings. The complainants were of the opinion that the judge's preparations for the case and prioritisations between the various claims were censurable. This included that they alleged that it was censurable that the judge had decided to consider the main claim before the subclaim that was of greatest importance for them, that the judge had made a decision to refuse the taking of evidence and had rejected an additional claim filed by them. These are elements that may be used as grounds for an appeal and that the Committee cannot review, and this part was therefore dismissed. The complainants also submitted that they had not received all the documents of the case or had received the documents later than other parties. The principle of contradiction entails among other things that the parties have a right to receive all communication and documents related to their case. In a large case with several subclaims, this entails that documents pertaining to one of the subclaims need only be sent to the parties to this subclaim, not all parties to the main claim. It is up to the judge to decide how contradiction is to be safeguarded in each individual case. Lack of contradiction may be used as grounds for an appeal and this was therefore an element that the Committee could not review any further. The complainants alleged furthermore that the conduct of the judge was in breach of proper judicial conduct as the processing of the case took too long. The Supervisory Committee did not find that there was any basis for a critical assessment due to long case processing time.

Case 16-043: Judicial conduct. No grounds for criticism.

The complainant was the defendant in a criminal case. The complainant claimed that he was not granted the same opportunity to make statements as the main witness, that he was constantly interrupted, that the judge stated that they were under time pressure as one of the lay judges had to pick up a child at the day-care centre, and that the judge harassed the prosecutor and the police witnesses. The Committee did not find that the allegations had been substantiated. The Committee stated that the judge is responsible for making sure that the presentation of the evidence is focused on what is of significance for illumination of the case as well as to ensure progress in the case and to keep the schedule. No biased differential treatment, inappropriate interruptions or unnecessary time pressure was proven. The allegations of the complainant that the judge had harassed the prosecutor and the police witnesses were not supported with any specific examples. This allegation was not supported by anybody else, and the prosecutor also had no sense of having been harassed. The Supervisory Committee found that there was no basis for any disciplinary reaction.

Cases 16-045 and 16-046: Judicial conduct and impartiality. Partly dismissed. No grounds for criticism.

The complaint concerned the complainant's contact with the judge in question in connection with his profession as a lawyer, as well as the decision to not appoint him as a regular defence counsel. Parts of the complaint concerned matters that the complainant had been informed of by others. The complainant did not have a right of complaint regarding these matters, and this part of the complaint was not reviewed. The complainant alleged furthermore that the judge had acted in a discourteous manner towards him during the period 1999-2010. This part of the complaint was filed more than one year after the incidents took place, and was therefore dismissed. The complainant also alleged that the judge in question had on several occasions acted in a censurable manner in the form of coming late to court hearings and after breaks, being impolite and using unnecessary criticism. These allegations were not dated and not linked to any specific situations. The Supervisory Committee noted that the Committee cannot consider undocumented complaints, and this part of the complaint was regarded as being obviously unfounded. The allegation of the complainant that the lack of re-appointment as a regular defence counsel was in part due to input from the judge in question, was not documented, and was regarded as being obviously unfounded. It was also claimed that the judge

in question was prejudiced as a consequence of the spouse being a partner in a law firm that was assigned work by the court. It was not documented that the conduct of the judge in question was censurable in connection with the issue of impartiality. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-049: Judicial conduct. Partly dismissed and no grounds for disciplinary measures.

The complainant was a claimant in a dispute regarding the size of the fee and compensation for termination of an agreement. The parts of the complaint related to the conduct of the proceedings and the judge's alleged deficient or incorrect descriptions and assessments in the judgment were dismissed, as these were elements that may be used as grounds for an appeal and that the Committee therefore cannot review. It was also stated in the complaint that the assistant judge was inexperienced, biased and not well prepared. The Committee commented that the allegations of the complainant that the assistant judge was inexperienced did not constitute grounds for a complaint. The alleged impartiality had not been substantiated. The Committee stated that no specific circumstances had been presented regarding the conduct of the judge in court or were described in the judgment that indicated that the conduct of the judge was biased in a manner that was censurable. Nor were any specific circumstances described that could constitute grounds for any reaction based on the allegation that the judge was not well prepared. The Supervisory Committee found no grounds for any disciplinary measures.

Case 16-052: Judicial conduct and proceedings. No grounds for disciplinary measures.

The complainant was the claimant in a rent dispute. The complainant was a self-represented litigant. The complainant claimed that the district court judge was biased and had used a gruff tone vis-à-vis the complainant in connection with the complainant asking questions and making objections. The district court judge confirmed that he commented on the title of the opposing party in connection with the recording of personal data and that he intervened when the complainant was to ask questions, including that his tone may have been a bit sharp. The Supervisory Committee stated that any unfortunate judicial conduct must be above a certain threshold for the Committee to react with a disciplinary measure. The Supervisory Committee assumed that the judge's comments regarding the title of the opposing party was not due to the judge being biased, but rather an attempt at some informal communication in order to render the situation less stressful. The Committee assumed furthermore that the tone of the judge had been somewhat gruff or sharp when he intervened in relation to the complainant and that this was unfortunate. The Supervisory Committee did not find that these circumstances were above the threshold for issuing a critical assessment. The Supervisory Committee found no grounds for any disciplinary measures.

Case 16-053: Judicial conduct and proceedings. Partly dismissed and no grounds for disciplinary measures.

The complainant was the defendant in a case concerning return of objects, alternatively claim for compensation. The complainant was a self-represented litigant. The parts of the complaint related to case processing and conduct of proceedings were dismissed as these were elements that could be used as grounds for an appeal and that the Committee therefore cannot review. The complainant also alleged that the district court judge's knowledge regarding the case was inadequate, that the judge was prejudiced and that he was constantly hassled and interrupted. The 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 if the Committee is to react with any kind of disciplinary measure. The Supervisory Committee could not see that any circumstances had been established that demonstrated that the judge was prejudiced, unprepared, interrupted the complainant without reason or had treated him without respect in some other manner. The complaint was based upon general allegations that were not substantiated with specific examples. The Committee also did not find it censurable that the district court judge had asked the complainant whether he recorded the

proceedings with a mobile telephone during the court hearing. The Supervisory Committee found no grounds for any disciplinary measures.

Case 16-055: Judicial conduct. Partly dismissed and no grounds for disciplinary measures.

The case concerned the establishment of boundaries for landed properties, and the complainant was one of the parties to the case. The complainant was a self-represented litigant. One part of the complaint concerned a court hearing held more than seven months prior to the filing of the complaint. This part of the complaint was dismissed as the time limit for filing complaints had expired. The complainant alleged that he was bullied and harassed by other parties in a subsequent court hearing without the president of the land consolidation court in question intervening. The judge in question did not react when the other parties made defamatory, false and offensive allegations against him. The complainant also stated that he perceived the land consolidation court to be biased and an arena for bullying. The Supervisory Committee could not see that it had been substantiated that the judge in question had contributed to or failed to intervene in connection with bullying and harassment. The task of the judge was to manage the negotiations in a case between self-represented litigant parties and with a high level of conflict, which had made this a challenging task. Based on the statements in the case, the Supervisory Committee assumed that the conduct of the judge in question had not been censurable in this case. There were no grounds for disciplinary measures against the president of the land consolidation court.

Case 16-058: Judicial conduct. Partly dismissed. No grounds for criticism.

The complainant was the claimant in a damages case. The part of the complaint concerning the two assistant judges who had prepared the case, addressed circumstances that took place prior to January of 2016. The Supervisory Committee did not find that there had been any sustained circumstances that indicated that the time limit for filing of complaints had not been exceeded, and this part of the complaint was dismissed. The complainant also alleged that the chief local judge had abused his position and title to decide the type of communication in the case and had stipulated "immediate deadlines" in violation of the Disputes Act. The Supervisory Committee stated that these are procedural decisions that the Committee is not at liberty to review. The complainant also submitted that the chief local judge had a negative attitude towards the case, that he did not appear impartial and neutral, and that he did not respect the consideration for correct processing and equal treatment. The Supervisory Committee pointed out that the overall case processing had not been ideal on the part of the court. However, none of the cited formulations or statements had exceeded the threshold for disciplinary reactions. The Committee also could not see that there was any basis for a disciplinary reaction due to the late dispatch of pleading and document list, and that it had not been substantiated that incorrect information had been presented in the court case or complaint case. The Supervisory Committee found no grounds for any disciplinary reactions vis-à-vis the judge.

Case 16-060: Judicial conduct. No grounds for criticism.

The complainant was the claimant's legal representative in a small claims process. In connection with the determination of the date of the court hearing for finalisation of the case, he was called by the district court judge in question and rebuked in a condescending tone because he had not provided any feedback to the court regarding the time of this hearing. The complainant alleged furthermore that the judge in question had subsequently lied regarding the content of the telephone conversation and that the neutrality of the judge was questionable. The complainant had not specified the complaint any further than stating that he had been "rebuked" by the judge in question. The Committee stated that there is no firm boundary between statements that express objective criticism and statements that are or may justifiably be perceived as rude or offensive. In this case, the Committee had to acknowledge that the complainant and the judge in question disagreed on the content of the telephone conversation. In the opinion of the Committee, based on the presentation of the case, it had not been substantiated that the judge in question had expressed herself in a manner that constituted grounds for a disciplinary reaction. The Committee also found

that the judge in question, by signalling that she considered contacting the complainant's client directly in order to quickly set a date for the case, had not acted contrary to the principles of judicial ethics. This conduct did not in itself provide any reason to doubt the neutrality of the judge. Thus, there were no grounds for any disciplinary measures.

Case 16-061: Judicial conduct and case processing time. Partly dismissed. No grounds for criticism.

The complainant was the claimant in a medical malpractice case. The complainant submitted that the conduct of the judge was in breach of proper judicial conduct by ordering the complainant to engage a legal representative, by notifying the complainant that the case would be dismissed if this was not done, by the verdict appearing undocumented and by the justification for the decision being deficient. These elements of the complaint concerned circumstances that the Committee cannot review, and they were therefore dismissed. The complainant also alleged that the judge did not emphasise safeguarding of his rights or proper treatment of him, refused to answer his questions, provided incorrect information indicating that she had read all the case documents and had sent a threatening letter to his lawyer. The Supervisory Committee pointed out that the allegations were not supported by other information in the case, and therefore found it not substantiated that the judge had treated the complainant in a censurable manner or provided incorrect information during the case processing. The complainant also set forth that the judge had delayed the case processing. The Supervisory Committee pointed out that the case processing time was partly the result of lack of feedback from the complainant or his lawyer and partly because the judge worked for another court or was on leave of absence from the position, in addition to low staffing level at the court. There were no grounds for disciplinary measures against the district court judge.

Cases 16-062, 16-046 and 16-068: Judicial conduct. Partly dismissed. No grounds for criticism.

The complainants were respondents and witnesses in a custody case. The complainants alleged that the judgment had deficiencies and errors, and that their statements should have been emphasised to a greater extent. These elements of the complaint concerned circumstances that the Committee cannot review, and they were therefore dismissed. The complainants furthermore alleged that the judge was not interested in listening to the witnesses, that they were constantly interrupted and that the judge was plainly not interested. The Committee pointed out that the schedule appeared tight, and that it is the task of the judge to manage the process during the examination of the witnesses. This entails, for example, that the judge may intervene in order to prevent unnecessary repetitions, to make sure the witnesses do not stray from the topic and, if necessary, to ask questions that may be perceived as critical or unpleasant. Based on the statements in the case, the Supervisory Committee assumed that the conduct of the judge in question had not been censurable in this case. There were no grounds for disciplinary measures against the court of appeal judge.

Case 16-065: Judicial conduct. No grounds for criticism.

The complaint concerned the conduct of the district court judge in connection with court-administered mediation. The underlying dispute concerned the cutting down of trees. The complainant set forth that the case processing was faulty. It was furthermore invoked that the content of the settlement in court was faulty, including faulty summons, the question of valid absence as well as faulty authorisation and signature. These were circumstances that may be used as a basis for renewed consideration of the case and were therefore dismissed by the Committee. The Committee understood the allegations of the complainant to indicate that the judge had deliberately treated the parties differently, that he had talked with the opposing party about circumstances that were not related to the dispute, and that the mediation lasted for 4.5 hours without any breaks, food or beverages. The complainant ended by submitting that the district court judge had forced the court-administered mediation and settlement in court. The Committee stated that circumstances above a certain threshold must be substantiated in order for the Committee to conclude with a disciplinary reaction. The Committee could not see that circumstances above such a threshold had been proven. The Committee also did not find that it had been substantiated that the complainant

had been subjected to inappropriate coercion on the part of the judge to take part in the court-administered mediation and sign the settlement in court. The other information in the case did not support the allegations of the complainant. Thus, there were no grounds for any disciplinary measures in this case.

Case 16-069: Judicial conduct. Partly dismissed and no grounds for criticism.

The complaint concerned a court hearing. The case was a dispute regarding the right of way and the handling of a proposal for land consolidation. The complainant set forth that he had waited for more than two hours without being allowed to speak during the court hearing, while the other parties were allowed to speak several times. The Committee stated that this circumstance was an element that may be used as grounds for an appeal and that the Supervisory Committee therefore could not review. This part of the complaint was dismissed. The complainant alleged furthermore that when he asked to speak, he was told that the land consolidation court judge knew the opinion of the complainant. This made the complainant upset. The Committee emphasised that specific instances must be proven before the Committee may respond with any disciplinary measures. The fact that the complainant was dismissed with the statement that the judge knew his opinion, was probably due to, as stated by another party, that there had been several meetings in the case. In the opinion of the Committee, the judge should maybe have used somewhat different words, without this being characterised as censurable. The Committee found that the circumstances invoked did not provide any basis for concluding that the conduct of the judge was in breach of proper judicial conduct. There were no grounds for any disciplinary measures.

Case 16-079: Judicial conduct. No grounds for disciplinary measures.

The complaint concerned an appeal hearing in a court of appeal with a jury. The case concerned sexual assault and sexual intercourse with a child. The complaint had been filed by the guardians of the aggrieved party. The complainants alleged that the court of appeal judge characterised the aggrieved in a negative manner. He did not stop the defence lawyer when he repeatedly confused the name of the defendant and the current foster father, but instead laughed a little the only time he pointed this out. According to the complainants, the defendant's wife was also not stopped when she during her testimony talked directly to the aggrieved. It was furthermore pointed out that the judge had been irritated and dropped an expert witness report down on the judge's desk while stating that the report was of no value as evidence. The Supervisory Committee stated that any unfortunate judicial conduct must be above a certain threshold for the Committee to react with a disciplinary measure. The Supervisory Committee arrived at the conclusion that the overall conduct of the judge did not exceed such a threshold. The Supervisory Committee pointed out that judges are often scrutinised by the parties in court. It is not uncommon for the statements and conduct of judges to be perceived differently than intended. The Committee referred to what was pointed out regarding the judge's conduct of the proceedings in relation to the aggrieved party. The Committee did not find it substantiated that the conduct of the judge had been offensive in connection with the incidents described. However, it was unfortunate that the judge in question had dropped the expert witness report down on the judge's desk in the manner described. Based on the description, the Committee assumed that the judge had expressed his opinion regarding the report with this action. The Committee did not find that this was above the threshold for adopting a disciplinary measure in the form of a critical assessment. Thus, there were no grounds for any disciplinary measures.

Case 16-089: Judicial conduct and dilatory proceedings. No grounds for criticism. Statement on good judicial practice.

The residence of a person who died in January of 2012 was located on a piece of property owned by the complainant. In the estate of the deceased, funds had been allocated to restore the lot, but four years after the estate had been settled, this had still not been done. The complainant submitted that the conduct of the judge was in breach of proper judicial conduct due to faulty reply to and follow-up of the complainant's inquiries, as well as long case processing time. The Committee commented that

the district court is responsible for the handling of an estate in case of public administration of said estate, as well as that it appears somewhat unfortunate that the district court had settled and distributed the estate before the lot had been restored. When it was decided to handle the matter in this manner, there is hardly any doubt that the court is also obliged to follow up the case afterwards. The Supervisory Committee assumed that the chief local judge had answered the inquiries of the complainant and had forwarded these to the estate trustee. The Committee assumed furthermore that the expenditure of time in the case was unfortunate, but did not find, however, that the conduct of the chief local judge exceeded the threshold for a critical assessment. Thus, there were no grounds for any disciplinary measures. The Supervisory Committee did, however, find grounds for issuing a statement on good judicial practice, cf. section 236 third paragraph of the Courts of Justice Act, as a result of the fact that the chief local judge 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.

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 National 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. Basic 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