



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Response questionnaire project group Timeliness

Domstolsadministrasjonen (Norway)

1. The Court System and Available Statistics

1.1. The Court System

Answer:

- The number and size of the courts
 - 67 district courts, 6 courts of appeals, Supreme Court, 34 land consolidation courts and 5 land consolidation appeals courts.
 - The size of the ordinary courts ranges from 73 judges, 21 deputy judges and 84 court employees in Oslo District Court, to Vest-Telemark District Court with 1 chief judge, 1 deputy judge and 2 court employees.
 - Courts with 10 permanent judges or more: 12
 - Courts with 5-10 permanent judges 14
 - Courts with 2-5 permanent judges 31
 - Courts with 1-2 permanent judges 16
- The extent of specialized courts
 - The land consolidation courts
 - Oslo district court (minus probate, enforcement and bankruptcy cases)
 - Oslo County Court (Probate, enforcement and bankruptcy cases)
- The extent of specialization in the courts otherwise
 - Division into chambers according to branch of jurisprudence?
 - Brønnøy district court handles the annulment cases.
 - No use of chambers in the courts organizational structure.
 - The system for allocation of cases between the judges (principle of randomness?)

- The principle of randomness prevails.
- Short description of criminal and civil procedures
 - Criminal cases:
 - All criminal cases start in the first instance
 - With the exception of confession cases and cases with a sentencing limit up to one year imprisonment or fines, the court is composed of professional and lay judges.
 - Minor offences can to a large extent be settled by a pact between the public prosecutor and the offender (fine)
 - Civil cases:
 - As a main rule civil disputes start with proceedings in the conciliation board.
 - No administrative courts
 - One professional judge as a main rule in civil cases in the first instance court. The parties may request lay judges/expert lay judges
 - Mandatory mediation proceedings
 - Appeals screening system
 - Three professional judges in the courts of appeal
- Simplified procedures in criminal cases
 - Section 248 of the criminal procedure act:
 - Unconditional confession in court
 - Confession strengthened by the case documents
 - Consent
 - Sentencing limit of 10 years
 - Section 321 of the criminal procedure act:
 - Appeals may be denied to be brought before the court of appeals if the panel of three court of appeal judges, unanimously hold that the appeal clearly will not succeed.
 - Exception: Appeals from the convicted person regarding offences with a sentencing limit of more than six years. Unconditional right to new treatment.
- Simplified procedures in civil cases
 - Chapter 10 of the Dispute Act – small claims procedure
 - Screening of appeals – Dispute Act section 29-13 (2)
- Conciliation Boards
 - No lawyers employed
 - Municipal boards
 - Not organized by the National Courts Administration
- Lay judge element
 - C.f. above.

- Deputy judges
 - The Jury system
 - Relatively young lawyers
 - Temporarily appointed for a maximum of 3 years.
 - Same protection of tenure as permanent judges.
 - Limited to the first instance courts
 - Constitute 31% of the judges work force in the first instance courts
 - With the exception of criminal offences with a sentencing limit of more than six years, there is no regulatory limitation as to what cases they may deal with.
 - Hardly any prior training.

1.2. Statistic information on Courts, judges and cases

Answer:

Number and size of courts:

- 67 district courts, 6 courts of appeals, Supreme Court, 34 land consolidation courts and 5 land consolidation appeals courts.
- The size of the ordinary courts ranges from 73 judges, 21 deputy judges and 84 court employees in Oslo District Court, to Vest-Telemark District Court with 1 chief judge, 1 deputy judge and 2 court employees.
 - Courts with 10 permanent judges or more: 12
 - Courts with 5-10 permanent judges 14
 - Courts with 2-5 permanent judges 31
 - Courts with 1-2 permanent judges 16

Number of judges, including chief judges, per 31.12.2009:

Supreme Court justices:	19 (20 judges including the Chief Justice, per 19.11.2010)
Supreme Court researchers	13
Supreme Court staff	31
Court of appeal judges:	160
Court of appeal staff	109
District court judges:	368

District court deputy judges:	164
District court staff	697
Land consolidation courts of appeal judges:	4
Land consolidation engineers	4
Land consolidation courts of appeal staff	4
Land consolidation court judges:	93
Land consolidation engineers	104
Land consolidation staff	48
National Courts Administration	81

Statistics on cases: We are sorry to say that the annual statistics on cases in the courts do not exist in English. We have therefore decided to our answers to the CEPEJ questionnaire for 2008:

1. **Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	19907	45765	43671	22066
1 Civil (and commercial) litigious cases*	7635	16104	16928	6861
2 Civil (and commercial) non-litigious cases*	4813	12019	10140	6706
3 Enforcement cases	7459	17642	16603	8499
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	NA	NA
7 Other	NA	NA	NA	NA
Total criminal cases (8+9)	3528	15673	15854	3287
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and / or minor offences cases	NA	NA	NA	NA

* Please indicate (in the comments below) which types of cases are *included* in the total figures of civil, commercial and administrative law cases.

** if applicable

Note 1: the cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) should also be separately mentioned for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

For the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases and /or minor offences".

Note 2: please check if the figures submitted are consistent (horizontal and vertical). Horizontal consistent data means that: "(pending cases on 1 Jan 08 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 Dec 08. Vertical consistency of data means that the sum of the individual case categories for civil, commercial and administrative cases (categories 1 to 7) should be the figure presented at the second row (total civil, commercial and administrative law cases) and that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases in the 10th row of the table.

2. Figures **Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

The numbers presented for "1 Civil (and commercial) litigious cases" include civil disputes, debt restructure arrangements and judicial assessments.

The numbers presented for "2 Civil (and commercial) non-litigious cases" include bankruptcy proceedings and probate cases.

The numbers presented for "3 Enforcement cases" includes compulsory sales, possession orders, provisional security etc.

The numbers presented for "Total criminal cases" includes only composite court cases, that is all criminal cases without an unconditional guilty plea, as well as the most serious guilty plea cases. The court is then composed of a district court judge and two lay judges – one woman and one man. Each judge has one vote and all decisions are reached through voting – the majority vote decides.

Single-judge criminal cases include some actions relating to police investigation, like court orders for arrests, searches, communications interception (telephone interception etc.), remand in custody, restraining orders and provisional confiscations of driving licences. Another important category is the adjudication of criminal cases with guilty pleas. Single-judge cases are heard by a district court judge or deputy judge. These cases are *not* included in the figures.

Horizontal consistency

100 % horizontal consistency in this table is not feasible. The reason is that according to procedural law, cases may be divided or united after being registered in to the court.

3. Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.))

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	1213	3222	3288	1161
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	618	6826	6682	761
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour and/or minor offences cases				

* Please indicate (in the comments below) which types of cases are *included* in the total figures of civil, commercial and administrative law cases.

** if applicable

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

The total figures for civil cases include ordinary appeals and interlocutory appeals, reopenings, valuation appeals and appeals on decisions from the Social Security Tribunal.

The total figures for criminal cases include ordinary appeals, interlocutory appeals and reopenings. The figures includes appeals that are disallowed or decided without an appeal hearing. (The Court of Appeal may disallow the appeal if the court unanimously considers it obvious that the appeal will not succeed.)

4. **Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	45	72	88	29
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				

3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	21	88	85	25
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

* Please indicate (in the comments below) which types of cases are *included* in the total figures of civil, commercial and administrative law cases.

** if applicable

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

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5. **Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by *first* instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	NAP	NAP	NAP	NAP
Employment dismissal cases*	NA	NA	NA	NA
Robbery cases	NA	224	NA	NA
Intentional homicide	NA	18	NA	NA

6. **Average length of proceeding (from the date of lodging of court proceedings) in *days*, number of pending cases more than 3 years and % cases subject to appeal: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	% of decisions subject to appeal	% pending cases more than 3 years	1 st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NAP	NAP	NAP	NAP	NAP
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Please provide comments to explain the answers to question 92:

Comments for question 94 and 95

Employment dismissal cases: It is not possible to extract the dismissal cases from other cases categorized as employment cases.

In Norway the dissolution of a marriage follows a non-judicial procedure.

(The Norwegian case registration system uses other case categories than the ones mentioned in the table.)

1.3. Statistic information on processing time

Answer:

See attached document. The vertical axis indicates the case processing time in months and the horizontal axis indicates the year. The upper curve indicates the average case processing time in civil cases in first instance courts. The midmost curve indicates single judge criminal cases and the lower curve indicates composite court in criminal cases (professional judge and two lay judges).

2. Statistics, Requirements and Transparency

2.1. What statistics are provided for on a regular basis?

Answer:

Cases: Incoming, resolved, pending cases and average case processing time in each court and instance in civil cases, criminal single judge cases, criminal composite courts cases.

Incoming cases in all other cases (enforcement cases, debt settlement cases, bankruptcy, probate, consecration ceremonies).

Number of courts, judges and staff.

Statistics Norway generates more statistics on court cases inter alia based on reports from the Police in criminal cases (all registration of judgments are done by the Police).

2.2. Are provided statistics published?

Answer:

Please find information for a presentation prepared for a meeting between the Nordic countries and CEPEJ in May 2010:

4. In what way are the statistics made accessible to the courts and other users?

The predefined reports and search functionality is presented to the LOVISA users through a graphical user interface written in Visual Basic 6.0 that is connected to the LOVISA GUI.

The predefined reports and search functionality is presented to the HØYRETT users through the graphical user interface of the client written in Smalltalk.

The courts can produce statistics themselves using the predefined reports and search functionality.

The aggregated statistics in the land consolidation courts are presented to the employees in the land consolidation court through the courts intranet portal.

They are viewable, but not searchable.

In addition, the National Court Administration publishes statistics describing incoming, settled and pending cases as well as average case processing times for each individual court every sixth months. This includes the land consolidation courts.

Inquiries on statistics from the Ministry of Justice, media, researchers et cetera are dealt with continuously by the National Courts Administration and the courts.

This includes the land consolidation courts.

Is bench marking encouraged?

Answer: Yes.

2.3. Is processing time of individual cases transparent?

Answer:

The case processing time in individual cases is available for the users of the case management systems in the actual court where the case is pending, either by a timeline that is shown when entering the actual case or by processing a report on the time spent in the actual case. The latter report is only available for special staff in the court. The limitations reflect our principle of not generating national statistics related to each judge.

2.4. Are requirements for processing time stipulated?

Answer:

The Parliament has established a norm of 6 months case processing time in the courts in civil cases, 3 months in criminal composite court cases and 1 month in criminal single judge case. The Dispute act and the criminal procedure act set forth time limits in certain categories of cases.

2.5. What are the consequences of exceeding required/reasonable processing time according to national rules or practice?

Answer:

On a general basis it can be said that for the parties there are no direct consequences following such an excess. According to the Dispute Act a party may forward a petition to the chief judge demanding a redistribution of a case if the case processing time gets too long. The decision from the chief judge may be appealed. So far we have no statistics on the use of these new tools in the Dispute Act.

The Supervisory Committee for judges is authorized to review complaints based on too long case processing time. A significant number of complaints have been based on the case processing time. The Committee may not interfere in the cases. In case the committee finds that the case processing time is in breach of norms for the conduct of judges, they may pass a decision of criticism or warning to the judge. Despite these complaints - it can be said in general that the processing time in the courts does not generate a lot of complaints.

2.6. Can the parties and others make a complaint about the processing time?

Answer:

C.f. above in 2.5.

2.7. Are user surveys on processing time carried out?

If so how often?

Answer:

So far no user surveys have been made on processing time. However, the National Courts Administration and the courts are in a process of establishing the use of user surveys as a tool for improving quality.

3. Reduction of Caseload and Facilitating Court Procedures

3.1. Which means of reduction of caseload are used?

Answer:

The National Courts Administration has on some occasions established case reduction projects in cooperation with courts that have experienced problems related to backlogs and processing time. The tools have been a combination additional judges/staff and organizational steps.

3.2. Are any special easy procedures available?

Answer:

The NCA has established a best practices base that inter alia illustrates steps taken by the courts in order to work more swiftly.

3.3. What simplifications of ordinary procedures are applied?

Civil cases: It is the very essence of the new Dispute Act to simplify the proceedings and increase the activities from the judge in the pre trial phase in order to inter alia reduce the costs of the case for the parties. Small claim proceedings were introduced in the new Dispute act. Small claim cases should be resolved in the court within 3 months from the date of the writ of summons (in ordinary civil cases the main hearing should be held within 6 months from the date writ of summons). The Dispute Act opens up for simplified proceedings.

Criminal cases: Cases with confession from the accused person will go as single judge cases, with inter alia the consent from the accused person. In cases where the maximum

sentencing limit is 1 year, the judge may decide to deal with the case without using lay judges.

In cases concerning the prolonging of a detention on remand, the judge may decide to hold the court meeting by using video conference with the accused person remaining inside the prison.

3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.

Answer:

According to the Dispute Act the judge shall summon the parties to a preparatory meeting in order to settle the modalities of the case. This meeting is considered essential in order to prepare for a swift and efficient procedure in the case.

4. Increase of Capacity and Improvement of Processing

4.1. Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?

Answer:

The number of first instance courts has been reduced from 92 down to 67 courts of the course of the last 8 years.

In the Norwegian courts we have a pool of previous chief judges that now function as ambulating judges (part of a settlement after the reduction of the number of first instance courts). We also have a permanent number of extraordinary courts of appeal judges. These are retired judges from either first instance or second instance courts that sit in occasionally in the courts of appeal normally until they reach the age of 73.

We also appoint judges on a temporary basis if the courts face problems with the case load due to illness et cetera.

- 4.2. Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?

Answer:

The Supreme Court and Borgarting Court of Appeal have researchers preparing cases. The first instance courts have with the exception of one court deputy judges. The cause of using deputy judges is not to reduce the case processing time but initially to train young legal professionals.

- 4.3 Do you try to limit processing time by facilitating processing of cases?

Answer:

The case management system in the Norwegian courts has a vast number of template decisions that function as a frame for the final decisions.

We have started pilot projects of cautious specialization, taking into account the pertaining principle of access to all kind of cases in all courts.

- 4.4 Do you try to limit processing time by giving secretary or juridical assistance to individual judges?

Answer:

The tendency on a national basis is not to ad secretary or juridical assistance to judges. However – in Oslo District Court, with ca 90 judges, the judges have secretaries in court meetings, especially in single judges criminal cases.

4.5 Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?

Answer:

We are constantly working on projects related to E-Justice, including e-filing, video conference and interoperability in general.

5 Other initiatives

5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated?

Answer:

The courts are striving to delegate as much as possible to the court staff, and thus enabling the judges to concentrate on the adjudicatory tasks. This is reflected in the work on training of court staff. We have developed special programs for court staff that support the delegation.

Finally we would like to say that timeliness is very much dependant on how judges and court staff perceive their function as judges/court staff. The training prior to and after the new Dispute Act aimed at implementing the new or strengthened *focus* on timeliness in the case processing in the courts. It was said that the Dispute Act to a large extent codified the practices that some courts and judges already had established.