



## 2016 Activity Report

The Supreme Court





## A word from the President

**What you are holding in your hand (or perhaps reading on a screen) is the first activity report from the Supreme Court, in the sense of being a report on its activity. This can be regarded as a milestone. But it can also be seen as just one of the many steps taken on the journey from the court's creation in 1789 to the present day.**

In other words, the court turned 227 years old in 2016. From the perspective of a member of the court, that is a long time. When you study old court cases, you understand just how many generations have contributed to the development of the court as well as the formation of law over time. The names of the participating members change – some disappear, others are added. Many are there for decades, while a smaller number appear only briefly. On rare occasions, individuals flash brightly and are gone, such as Tore Almén (member 1915-18), or shine like a beacon for many years, such as Hjalmar Karlgren (member 1946-64).

My predecessor, Marianne Lundius, writes below on the theme of how some things remain the same at the court while others change. This applies for the longer as well as the shorter perspective.

One thing that has remained the same is the seriousness with which the members of the court have taken on their task as justices. The law reports bear witness to this fact. And that is how it has to be. The court brings together the country's best jurists, at any given time, to execute what was originally a royal undertaking.

But the mission has changed. It is no longer a matter of administering ultimate justice in a case concerning something that may have occurred many years earlier. It is about achieving the greatest possible judicial guidance for the future, on the basis of what society needs – but by reviewing the individual case. In that sense the Supreme Court is no longer intended for the parties to a case, but for the country and for society as a whole. This transformation has been gradual, over a long period of time, but it is unequivocal and tangible. And it places considerable demands on the court and its members.

Formation of law through precedents may imply evaluative opinions. In fact this is likely most often to be the case. If a rule exists and is known, after all, no ruling by the Supreme Court is usually needed to inform about it. A precedent is only needed when no rule exists, or when an existing rule is unclear as to its content. But when the court in such cases establishes a rule, or clarifies an unclear rule, this amounts to a position founded on deliberations which in some respects are similar to legislation.

For a state governed by the rule of law to be functional, the general public must trust the legal system. In today's societies, trust does not follow automatically from formal authority. Trust is earned. This applies for a society's highest court of law as well. And trust is based on legitimacy.

One consequence of the above is that a precedent must, to the greatest extent possible, be convincing. A prerequisite for this is that the court gives an open and honest account of its reasonings. And this involves the court highlighting not just arguments that support the conclusion which the court has ultimately reached, but also the objections that can be made against it. A position that was reached

with difficulty does not gain anything from being presented as simple.

Presenting the grounds for a judgment in a transparent way, which acknowledges problems, can of course be an invitation to commentary and public responses. But criticism is no bad thing if it is constructive. When it is, it should be regarded as part of a broader discussion about the continuing development of society.

As I see it, this activity report is significant for that discussion. In it, some of us who work in different roles at the court get an opportunity to describe how our activity is carried out, and how things are overall at the court. I think this is positive for the wider understanding of the important task that the highest court in a country has, and that it is valuable in providing insights into the context in which the court's setting of precedents should be seen, in terms of both form and content.



*The President of the Supreme Court,  
Stefan Lindskog*



## Our main task is to provide guidance

The most important task of the Supreme Court is to decide cases referred to it from the Courts of Appeal that may serve as precedents, i.e. provide guidance for how similar cases should be tried in the future. Additionally, the Supreme Court considers applications for reviews of previously decided cases (including petitions for new trials), and certain other matters.

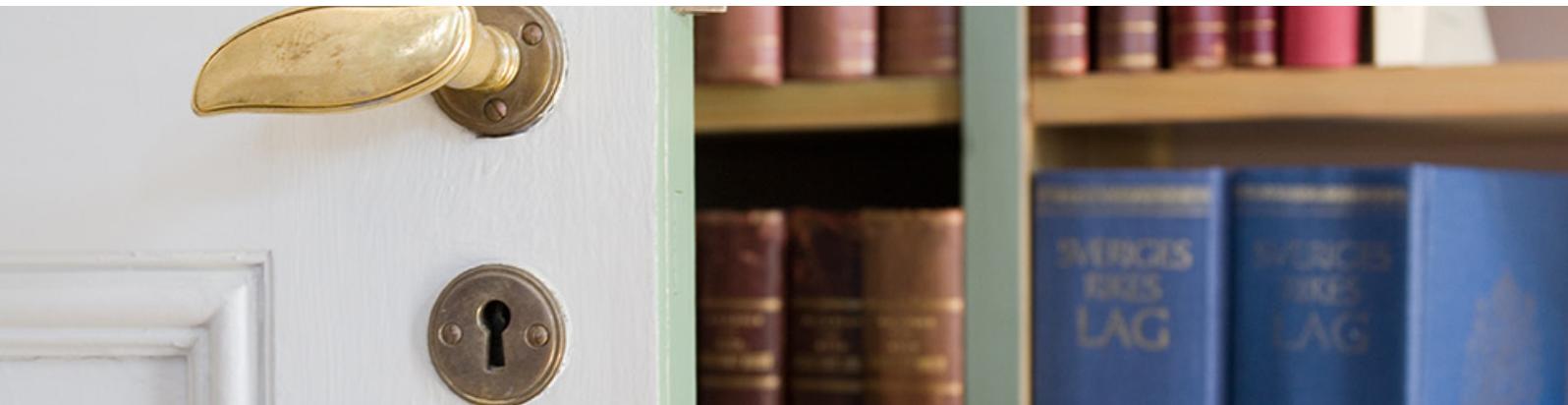
For most judgments and decisions in the Courts of Appeal there is a requirement for a review permit in order for the Supreme Court to try the case. The general principle is that review permits are only granted if it can be assumed that the final decision in the case will provide guidance. Such cases are referred to as 'landmark cases'. Out of approximately 5 000 applications for review permits every year, about 100 are granted. In practice, therefore, the Court of Appeal becomes the court of final resort in most cases.

A review by the Supreme Court addresses

the judicial issues first of all, but if the review permit is without restrictions, issues regarding evidence may also be reviewed. Most cases are decided by means of written proceedings following a presentation. It also happens that the Supreme Court holds oral proceedings, which are generally open to the public.

Once a review permit has been granted, the Supreme Court normally reviews the case, but it can also reverse the decision and remand the review to the competent lower court. The Supreme Court cannot, as supreme courts in some countries can, annul a law or other regulation.

There are sixteen justices on the Supreme Court. Applications for review permits are typically considered by one or three justices. If a review permit is granted, the final decision of the case is carried out by five justices, or on rare occasions by all the justices, which is known as a plenary session.



## Collegial adjudication in the Supreme Court

A precedent is decided by five members of the court. The fundamental reason behind this collegial composition of the court is to ensure that it makes a comprehensive review and analysis of the judicial issues at stake. The purpose of collegial decision-making is for complex judicial matters to be reviewed and elucidated from different perspectives. Practical application of the law is thus combined with a systematic judicial approach.

The significance of this for the Supreme Court's activities is that the members of the court possess experience from different branches of law and from different types of judicial work. The court thus has a mix of generalists and specialists, but also of practitioners and theoreticians.

With this collegial composition, the Supreme Court is able to consider legal problems that have been discussed for a long time, as well as judicial issues brought about by developments in modern society. It is not only a matter of interpreting the law in the normal sense, but also of determining the import of more generally framed Swedish and international legal principles, assessing

long as well as short term consequences of different positions, and of making trade-offs between individual and public interests.

Collegial adjudication means collaborating while maintaining the integrity of each individual justice. Each member is responsible for his or her own opinion, but must also present his or her arguments and consider the views of the other members. It is precisely this comprehensive deliberation and assessment of all the aspects of the case that creates optimal possibilities for a landmark ruling which will provide guidance and stand the test of time.



*Chairman of Chamber Gudmund Toijer*

## A Supreme Court in continuous development

**The individuals, companies and stakeholders who are affected by the rulings of the Supreme Court are entitled to expect the utmost quality and the greatest efficiency in the court's execution of its tasks. We strive to meet these expectations by means of a proactive policy of continuous development.**

### Staff

Our staff is our most important asset. The organisation and its working methods are not only intended to guarantee effective quality management, but also to continue attracting highly competent and engaged staff at all levels. In the past year we carried out an evaluation of the organisation and its working methods. Drafting law clerks were hired in order to allow judge referees to focus on working with difficult or potential landmark cases. Initiatives were also taken on staff wellness and inservice training.

### Precedents

Each precedent has its own unique guidance value, hence the term 'landmark case'. Guidance by landmark cases is accomplished by the legally regulated procedure of appeals. A consequence of this is that the Supreme Court's core activity cannot really be measured in numbers.

But in our ambition to work towards objectives that are clear and allow for subsequent evaluation, we have nevertheless set a benchmark of issuing 100 precedents per year. This number was reached by calculating the work input typically required to issue a precedent and correlating this with available staff resources. Over the past year, 104 precedents were issued.

### Processing times

We have different time targets depending on whether we are processing review permits, cases which have been granted a review permit, or extraordinary cases (including new trials). For each category there is a time target for the normal processing time (median) and another time target for the processing time after which the great majority of cases have been decided (75th percentile).

The time targets for review permits are intended to ensure that appellants and others affected receive a prompt response as to whether the ruling in the Court of Appeal is upheld or not. In order to reach time targets, we select a limited number of difficult or comprehensive cases for a more thorough review, while the majority of simple cases are immediately presented for a decision ('inbox analysis'). Over the year, the normal processing time was 0.9 months, and the vast majority of cases was decided within 1.8 months.

Time targets for extraordinary cases are intended to ensure that the applicant receives a relatively prompt response as to whether the binding judgment that is being challenged is upheld or not. In terms of processing times, we are unable to prioritise the extraordinary cases in the same way as the appealed cases. Over the year, the normal processing time was 1.8 months, and the vast majority of cases was decided within 7.7 months.

When the Supreme Court grants a review permit on potential precedent grounds, the decision will affect a wider group of people than the parties involved. The precedent will influence future application of the law, and thus have consequences for various stakeholders. The time targets for cases which have been granted a review permit are intended to ensure that landmark rulings meet stringent quality requirements. Such cases are always tried by five justices. Over the year, the normal processing time was 15.9 months, and the vast majority of cases were decided within 19.1 months.

### **Backlog**

In order to be able to achieve our time targets, we have to keep the backlog of cases small. Our goal is for our total backlog not to exceed 1 550 cases. We have worked intensively over the past few years to reduce the backlog. At the end of the year, the total backlog was 833

cases.

With the long term goal of reducing processing times of cases on appeal, we carried out a special project in 2016 to reduce the backlog of difficult or comprehensive appealed cases.

### **Finances**

The 2016 budget was SEK 83 290 000, and the court had a balance to carry over from 2015 of SEK 446 000. Wage costs were SEK 80 593 000 and operating costs SEK 3 819 000. The deficit for the year was SEK 676 000.



*Administrative Director Måns Wigén*

## A selection of cases from the past year

### Sentencing in murder cases

*(NJA 2016 p. 3)*

A man was sentenced for murder. The issue was what his sentence should be. This was the first time that the Supreme Court reviewed the issue of sentencing in murder cases since the sentencing scale was altered on 1 July 2014. The aim of the change in the law was for courts to impose life sentences for most cases of murder. However, the Supreme Court found that the new text of the law did not match the written intentions and that the text of the law was thus to take precedence. The circumstances of the case were not such that there were grounds for life imprisonment. The sentence imposed was sixteen years.

### False bids in the sale of a tenant-owned flat

*(NJA 2016 p. 39)*

A person closely associated with the sellers of a tenant-owned flat made false bids in order to drive the price up. The Supreme Court noted that the false bids had amounted to a deception that led to the buyers' loss and the sellers' gain. The person who had made the false bids was therefore convicted of fraud and was also ordered to pay damages to the buyers.



### Photographs of artworks

*(NJA 2016 p. 212)*

A non-profit organisation maintained a website and database with photographs of artworks permanently installed in public places. A dispute arose between the non-profit organisation and an organisation representing the originator of the artworks. The Supreme Court ruled that without permission from the originators, the non-profit organisation was not entitled to transfer the artworks to the general public via the internet.

### Area specification discrepancy

*(NJA 2016 p. 237)*

A trader sold another trader the leasehold on an office space. The buyer demanded a price reduction because the area of the space was smaller than described in the advertisement and the object description. The Supreme Court found that the information about the area was a contractual feature and that it had given the buyer an acceptable reason not to check the area of the space prior to the purchase. Wrongdoing was established as a result of the discrepancy. A general disclaimer could not be considered to apply to the area specification. However, the Supreme Court noted that the buyer ought to have noticed the discrepancy and made a complaint earlier.

### **Fault in a property**

*(NJA 2016 p. 346)*

A residential house constructed in 1989 was acquired by a buyer in 2004. When the buyer was going to sell the house in 2011, extensive damp damage was discovered. The house had a plastered exterior insulation and finishing system, and these have been known since 2007 to be subject to infiltration problems and damp damage. When the house was built, however, this method was generally accepted in the construction trade and was regarded as compatible with then-current building standards. The property was therefore not found to deviate from what the buyer would have had good reason to expect. The Supreme Court found that the property had thus had no fault.

### **Damages for abusive treatment under the Education Act**

*(NJA 2016 p. 596)*

A teacher slapped a seven-year-old pupil on the side of the head during a lesson. The Schools Inspectorate brought an action against the municipality responsible for the school, demanding damages for abuse on behalf of the pupil. The Supreme Court noted that the teacher's action had been unlawful, even if its purpose had been to correct unacceptable behaviour by the pupil and even if the pupil had provoked the teacher. The Supreme Court found that the abuse inherent in the slap could not be characterised as minor. The pupil was therefore awarded damages for abuse of SEK 5 000.

### **Sentencing in a case where the defendant's age had not been established**

*(NJA 2016 p. 719)*

A man whose identity and age had not been established had committed aggravated assault. He said that he was 16 years old at the time of the crime, but the Prosecutor General claimed that he had turned 21. The question was how to apply the rules on reducing sanctions for young offenders in a case of this nature. The Supreme Court based its assessment of the man's age on a dental maturity analysis and found that he had most likely turned 20. The sanction was determined on this basis.

### **Intentional indifference**

*(NJA 2016 p. 763)*

A man killed another man by stabbing him once in the back with a knife. The offender had a mental disorder which, according to the Supreme Court, meant that in assessing his intent, the possibility could not be excluded that he did not think the victim would die of the stabbing. He was therefore found not to have had an intentional indifference to the death of the victim. The man was not convicted of intentional killing but of exceptionally aggravated assault and gross negligence causing another's death.

## **No compensation for lost leisure time due to a delayed flight from Thailand**

*(Supreme Court judgment of 8 November 2016 in case T 814-15)*

A private individual had booked a round trip from Stockholm to Bangkok with a Thai airline, and the return flight was delayed so that the plane only arrived in Stockholm seven hours after the scheduled time. The passenger therefore wanted compensation for lost leisure time. The regulation under EU law was not applicable. The Supreme Court concluded that the passenger could not be regarded as entitled to such compensation.

## **Price for a consumer service**

*(Supreme Court judgment of 22 November 2016 in case T 3445-15)*

Following an agreement between a consumer and a trader regarding the execution of certain works on the consumer's detached house, at a specific price per hour, a dispute arose about the size of the remuneration. In such cases it is the trader, the Supreme Court found, who has to prove that overall circumstances were such that the price demanded is

reasonable. One assumption in this context is that the trader's account of the work should allow the consumer to assess the nature and extent of the work carried out, and how the price was calculated. Since the account in question only stated how many hours specified individuals had worked each day, but not what work had been done or how the time had been divided between different phases of the work, the trader was found not to have proved that the demanded price was reasonable.

## **Joint ownership rights**

*(Supreme Court judgment of 20 December 2016 in case T 6169-15)*

A pair of spouses co-owned a property in equal parts. After one of the spouses had borrowed money to have improvement work done to the jointly owned property, the issue arose as to whether the other spouse, in the context of a division of property between them, should also be liable for the debt. The Supreme Court found that the owners of jointly owned property are presumed to pay, each in proportion to their share of the property, for costs of maintenance or impro-



vement of the property that any one of them undertakes with the consent of the others. Liability for the debt was therefore to be shared in the division of property.

### **Mistake when paying taxes**

*(Supreme Court judgment of 20 December 2016 in case T 309-16)*

In providing information for a tax payment, a person mistakenly gave details that led to the payment being credited to another person's tax account, which resulted in a surplus in that account. This surplus was requisitioned in distraint for the account holder's debts to private creditors. The Supreme Court found that it followed from the principle of *condictio indebiti* that the Tax Agency was not obliged to repay the amount to the original payer.

### **Body examination for the purpose of establishing whether the suspect is of the age of criminal responsibility**

*(Supreme Court ruling of 23 December 2016 in case Ö 4753-16)*

A body examination is a forcible bodily intrusion of the kind whose imposition requires, under the Instrument of Government, statutory support. The Code of Judicial Procedure (Chapter 28, Sections 11 and 12) provides for the imposition of a body examination in order to establish circumstances which may be significant for the investigation of an offence. The Supreme Court found

that these provisions did not constitute legal grounds for a body examination for the purpose of establishing whether the suspect is of the age of criminal responsibility.

### **Purchase at internet auction**

*(Supreme Court judgment of 29 December 2016 in case T 4080-15)*

At an internet auction where no particular terms of sale had been specified, an agreement was considered to have been reached with the person who had made the highest bid when the deadline specified by the seller had passed. The Supreme Court found that, at such online auctions, the specified deadline has the same function as the rap of the hammer at a traditional auction. The seller, who chose to continue the auction after the deadline had passed and sold the object to a subsequent bidder, was ordered to pay damages to the first bidder.



## The Supreme Court's outreach activities - not just issuing judgments

The Supreme Court can sometimes seem quite a closed institution, at least on the face of it. Unlike other courts, the Supreme Court rarely holds hearings, which could otherwise provide an opportunity for the public to gain at least some insight into the court's work. With the exception of the registrar's office, its premises are also closed to the public (unless there is a hearing in progress).

As the court of last resort, however, the Supreme Court is responsible not just for trying cases that will serve as guidance for various actors within the judicial community, but also for informing broader sections of society about its role and activities. One of several ways to do that is to receive visits. Visits may have varying purposes, but they generally offer good opportunities to inform in greater detail how a court of last resort functions, and how the court's role shapes the work of all its employees in different ways.

In 2016, the Supreme Court received visits by the Committee on the Constitution, the Committee on Justice, the Minister for Justice and Migration and ministry officials, Gävle District Court, Söderort Local Public

Prosecution Office, students, the St Erik Society, the Enforcement Authority, as well as by groups of junior and associate judges who may be employed by the Supreme Court in the future. Another memorable event was the final of the 2016 Swedish Law Championship (a mock court competition for law students) which, as in previous years, was held in the court's session chamber. Five Supreme Court justices served as competition judges.

Just as in previous years, the Supreme Court hosted a number of delegations from other countries. The court received several Chinese delegations, including one from the China International Economic and Trade Arbitration Commission (CIETAC), as well as delegations from Taiwan, South Korea and from the Tunisian Supreme Court. There were also fairly frequent opportunities for exchanging experiences with the supreme courts of the other Nordic countries. In 2016 the annual meeting of Nordic supreme court presidents was held in Akureyri, Iceland, and the annual meeting of Nordic supreme court justices in Oslo. A delegation from the Finnish Supreme Court also visited the court for discussions about working methods for courts of last resort, among other things.

The court's members often participate on panels at various gatherings of other legal practitioners and specialists, contribute articles to law periodicals and festschriften, and give talks primarily about the Supreme Court's work in issuing precedents. In 2016, the members' published articles included 'Reglerna vid påföljdsbestämning' ('Rules when sentencing'), 'Köprättens divergerande innehåll' ('The divergences inherent in the laws on sale of goods'), 'Rättsutvecklingen beträffande ersättning för inställda och försenade tåg' ('Legislative development with regard to compensation for cancelled and delayed trains'). Two of the court's members also participated at Göta Court of Appeal's regional gathering of judges, where their contributions included a talk on new rulings by the Supreme Court and taking part in a panel debate on writing judgments.

Also in 2016, some of the court's members taught at Domstolsakademien (the Court Academy) on the occasion of Advokatdagarna (Lawyers' Days) and at universities. One member gave a talk on rights in the Supreme Court's civil law practice at the Oxford Law Symposium, and another contributed to the Venice Commission's work on constitutional issues.

In November two of the court's members took part in a seminar and in working groups at a meeting of EU justices in Luxembourg. Additionally, one member gave a talk on intellectual property rights in the Supreme Court at a Nordic seminar in Copenhagen. The President of the Supreme Court represented it on numerous occasions, including at inaugurations of other courts and in radio interviews.



## The same and different at the Supreme Court

Having left the Supreme Court after more than 18 years of service, and reflecting on developments there during that time, I note that the appointments procedure is completely different from how it was when I became a member of the court. In those days, the justice minister or the permanent undersecretary of the Ministry of Justice would telephone to ask you if you were interested in becoming a member of the Supreme Court. The procedure that preceded to this phone call was shrouded in mystery. Since 2011, however, positions are advertised and jurists so inclined apply for employment. The Judges Proposals Board, an independent authority, manages the application procedure and shortlists the applicants after having taken references on them and interviewed them.

As for the newly appointed justice's first day at the Supreme Court, everything is just the same as it was. The appointed justice arrives at the president's office just before nine in the morning, when the welcoming ceremony in the Plenary Chamber is due to begin. The Plenary Chamber is a grand room in which King Charles XI, among



*Marianne Lundius, the President of the Supreme Court during 2010-2016*

others, gazes down on the members from a large oil painting, and it is the chamber in which all the members assemble to try cases that must be determined in plenary, or full, session. The welcoming ceremony begins with a judge referee reading out the justice's letters of appointment. The President then gives a welcoming speech, after which the newly-appointed justice greets his colleagues and then the rest of the staff.

The first time I visited Bondeska Palatset, which houses the Supreme Court, I was struck by how run down the old palace was. Its condition today is completely changed. The premises were carefully renovated, with some modernisation of work spaces and a fully modern canteen. And once all staff were moved into Bondeska Palatset, it was only natural that the building became more alive, exuding activity and a certain modernity.

Where processing of cases is concerned, there is much that is different compared to when I started working at the court. The chancery has been divided into two divisions with one inbox each, where appeals

without precedent potential are separated straight away to be examined by a member. This has meant that processing times for those cases that are not granted review permits have been significantly reduced, while more time has been made available for the more difficult cases on appeal – which in turn has raised the quality of the judicial inquiries. This system is different in many ways from the previous system, where all incoming cases were divided between 32 divisions and about half of the reporting judge referees' time was spent on cases which were of no interest in terms of setting precedents.

In formation of law, too, much is different now from how it was when I took seat. With respect to Community law, the court in those days was very chary of obtaining preliminary rulings from the European Court of Justice. During the first decade of Sweden's EU membership, the Supreme Court referred to Community law in only 23 of the rulings reported in NJA. It was not until the ruling in NJA 2002 p. 75 that the Supreme Court recognised the primacy of Community law over national law, noting that the limitations to the Swedish

Wage Guarantee Act were incompatible with Community law. Over the last decade, the Supreme Court obtained more than twice that number of preliminary rulings, and the number of references to Community and Union law increased to 100.

European Convention law has grown considerably in importance for the Supreme Court's application of law, in particular with respect to individuals' right to damages for slow processing. The European Convention on Human Rights has had an impact on the application of law in other contexts as well, such as extradition to another country for legal proceedings or execution of a sentence.

Over time, the Supreme Court has also developed a more active role in terms of judicial review. Even before the change to the Instrument of Government in 2011 – which previously required that there be a manifest contradiction between ordinary law and constitutional law in order for a constitutional provision to take precedence – the court had applied a partial 'nonapplication' which can be seen as a parallel to a constitutional application. A similar approach exists in respect of the compatibility of Swedish legal

provisions with the European Convention on Human Rights. It is also worth mentioning judgments such as NJA 2012 p. 400 ('the Manga judgment') and NJA 2014 p. 323 (immaterial damages for the loss of citizenship), which are from the period after the constitutional change.

In 2010 something happened that was very different from what had been the case during all the years that I had worked at the Supreme Court, and that was the appointment of a female President of the Supreme Court. Now that I have retired from this position, everything is once again as it was, with a male President.

One thing that has remained the same throughout all my years is the fantastic camaraderie and vigorous intellectual environment among members who have the greatest respect for the solemn task of being a Supreme Court justice.

## Staff

**President Stefan Lindskog is head of the court and Måns Wigén is Administrative Director in charge of two drafting divisions, one registrar's office and an administrative department. The court has just over 90 employees.**

### The members

Sixteen justices serve on the Supreme Court. Two of the sixteen serve in the Council on Legislation – which reviews legislative proposals – according to a rotating schedule. The remaining fourteen justices serve in the court's two adjudicating chambers. President Stefan Lindskog is in charge of the First and Chairman of Chamber, Gudmund Toijer, of the Second Chamber.

Eleven of the justices are men and five are women. Three of them previously worked as lawyers, two have come from jurisprudence, seven were previously employed at other courts and the remaining four held senior positions in public administration.



### The drafting divisions

The drafting divisions are responsible for drafting, presentation and expediting of cases. Head of Drafting Division Jens Wieslander in charge of Division 1, and Head of Drafting Division Olof Wetterqvist of Division 2. Both are permanent judges on leave from their employment at Stockholm District Court.

Around fifteen judge referees are employed at either division to draft and present cases and to propose rulings. The judge referee makes an independent assessment of the issues in the case, justifies his/her position and submits a judicial inquiry for the justices' reference in their review. Judge referees are trained as judges and the majority also have experience from the Government Offices, the Office of the Chancellor of Justice (JK), or the Office of the Parliamentary Ombudsmen (JO).



As of the summer of 2016, three drafting law clerks are employed at either division to draft, present and propose rulings in simpler cases. The drafting law clerks have trained on the bench ('tingsmeritering') and most also have further work experience. Each division also employs around eight court secretaries who are involved with the administrative aspects of drafting, under the management of Maria Alenfalk and Carola Brennander. Most of them have extensive experience of court work.

### **The registrar's office**

The registrar's office is responsible for registration and archiving of cases. The office also receives individuals who want submit or obtain documents. Registrar Tove Levelind is in charge of this division. Four registrar's assistants are employed here to register incoming cases, and two archive administrators handle the archiving of concluded

cases. Most of these employees have worked at the Supreme Court for a long time.

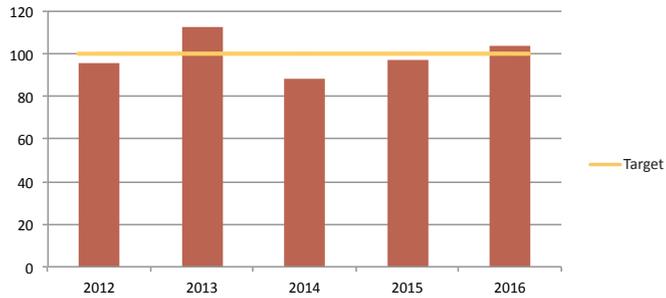
### **The administrative department**

The administrative department manages budgeting, recruiting, planning and evaluation of activities, IT, the library, the office and office cleaning. Staff at this division include a chief administrator, a librarian, an administrative junior judge, an administrator, an IT officer, a secretary to the Council on Legislation, three office caretakers and one office cleaner. Most of them have worked at the Supreme Court for a long time.

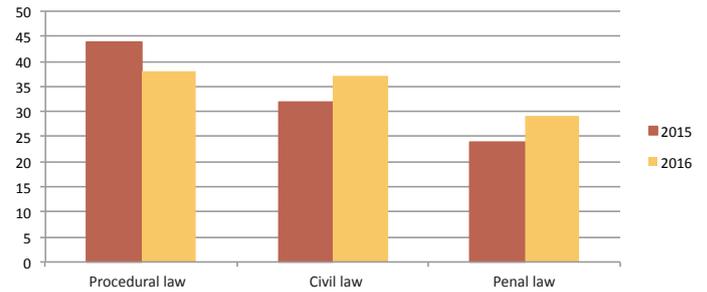


# Statistics

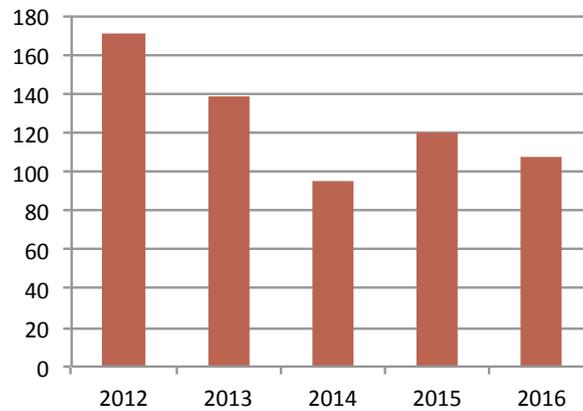
## Precedents – number



## Precedents – branch of law

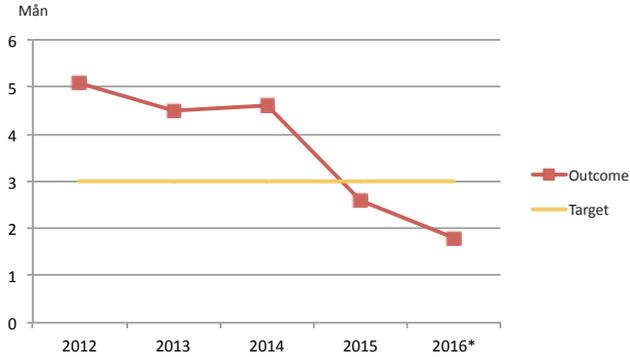


## Granted review permits\*



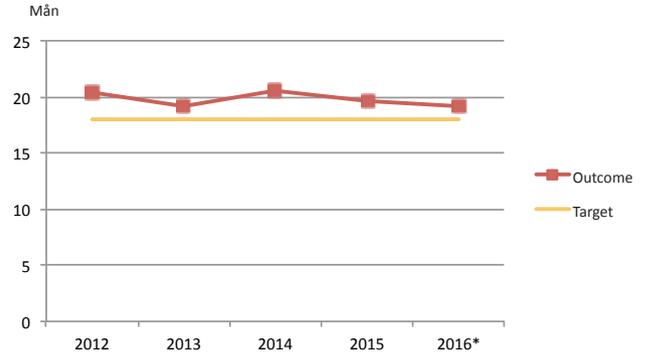
\*Includes review permits granted in the courts of appeal

## Processing times – appealed cases (75th percentile)



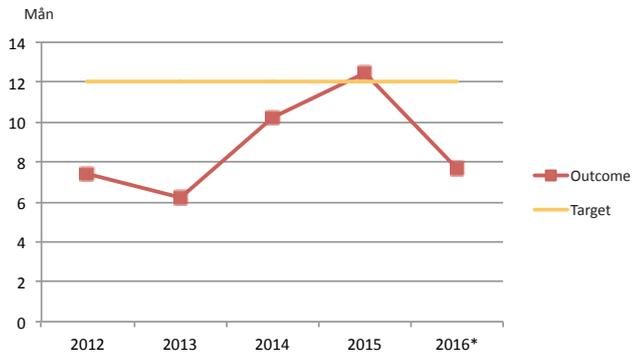
\*Total no of cases 5 228. Share decided by  
 - one member (93.8 per cent)  
 - three members (5.5 per cent)

## Processing times – cases on appeal (75th percentile)



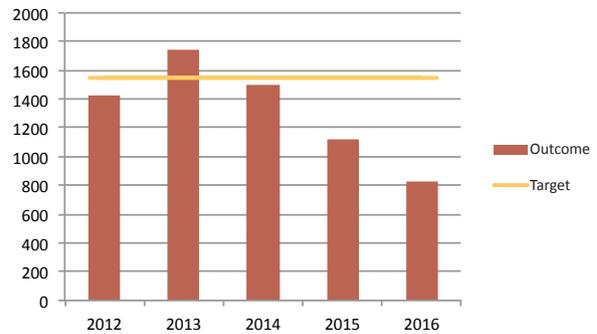
\*Total no of cases 118

## Processing times – extraordinary cases (75th percentile)

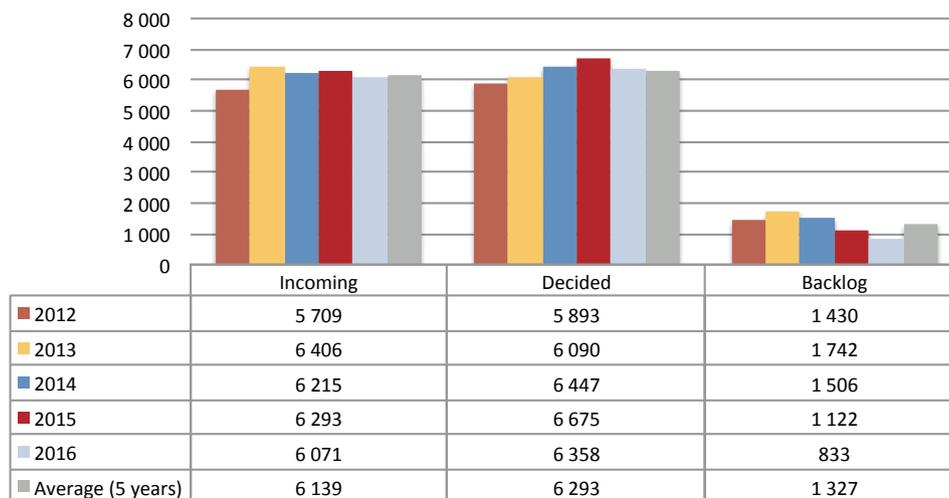


\*Total no of cases 1 120. Share decided by  
 - one member (85.8 per cent)  
 - three members (9.6 per cent)  
 - five members (4.6 per cent)

## Total backlog



## Cases: incoming, decided and backlog



## Development per case category

	2012	2013	2014	2015	2016	Change 2012-2016		Change 2015-2016	
<b>Incoming cases</b>						<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Disputes	340	345	358	336	347	7	2%	11	3%
Criminal cases	1650	1 862	1 665	1 785	1 771	121	7%	-14	-1%
Other cases	3719	4 199	4 192	4 172	3 953	234	6%	- 219	-5%
<b>Total</b>	<b>5 709</b>	<b>6 406</b>	<b>6 215</b>	<b>6 293</b>	<b>6 071</b>	<b>362</b>	<b>6%</b>	<b>- 222</b>	<b>-4%</b>
<b>Decided cases</b>						<b>Number</b>		<b>Number</b>	
Disputes	348	367	353	354	369	21	6%	15	4%
Criminal cases	1737	1 807	1 761	1855	1795	58	3%	-60	-3%
Other cases	3808	3 916	4 333	4466	4194	386	10%	-272	-6%
<b>Total</b>	<b>5 893</b>	<b>6 090</b>	<b>6 447</b>	<b>6 675</b>	<b>6 358</b>	<b>465</b>	<b>8%</b>	<b>- 317</b>	<b>-5%</b>
<b>Backlog</b>						<b>Number</b>		<b>Number</b>	
Disputes	168	149	154	135	113	-55	-33%	-22	-16%
Criminal cases	307	359	263	193	169	-138	-45%	-24	-12%
Other cases	933	1234	1 089	794	551	-382	-41%	-243	-31%
<b>Total</b>	<b>1 430</b>	<b>1 742</b>	<b>1 506</b>	<b>1 122</b>	<b>833</b>	<b>-597</b>	<b>-42%</b>	<b>-289</b>	<b>-26%</b>

