HD 2020

ACTIVITY REPORT OF THE SUPREME COURT OF SWEDEN

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A word from the President

This last year, all activities in Sweden and the rest of the world have been affected by the pandemic brought on by the coronavirus. Of course, this also applies to the Supreme Court. Like other organisations, we have implemented various safety measures in order to limit the risk of contagion.

Each year, the Supreme Court has a number of main hearings and other court sessions that parties attend. Yet, the fact is that the vast majority of cases brought before the Court are decided solely on the basis of written proceedings. Compared to many other courts, this has had the natural consequence of making it easier for us to adapt our activities to the new conditions. The challenges facing the district courts and courts of appeal have been substantially more difficult given that hearings at which the parties physically appear are much more of a rule than an exception in these courts.

Accordingly, with a number of adjustments, the work of the Supreme Court in many respects could be carried on as usual. The principal difference relative to previous years has consisted of the fact that we have used, where needed, digital participation in the presentation of reports and deliberations. Justices who have needed to work from home have been able to do so through digital participation via audio and video and with full access to the same documents as the Justices who were physically present. In a similar way, other employees such as judge referees and court clerks have been able to work remotely when required. Through our technical systems, we have been able to ensure that we can securely deal with sensitive information which might come up in the cases.

With these adaptations, with flexibility and the positive mindset of all employees, the work has, as mentioned, proceeded well. The quality of our activities has been maintained. Yet, there is absolutely no doubt that face-to-face meetings make things easier when exchanging views and discussing complicated issues.

In 2019, we initiated an intensive effort to digitalise our activities in order to make all case materials available in digital form. Physical files are on their way out. We launched this change in the beginning of March 2020, i.e. shortly before the pandemic was upon us. Clearly, this profoundly contributed to our ability to deal with the emerging situation as well as we did.

The Court's digitalisation work has many aspects. As you will see, digitalisation is also a subject we address specifically in this year's Activity Report.

The coronavirus pandemic has also had an impact on the year in other ways. We have been able to pursue very few other activities during the year due to our commitment to keep the activities running in combination with the restrictions on public gatherings and travelling. It may be said, quite simply, that less has happened in 2020 than is normally the case.

Among other things, this has meant that the study-visit project which the Supreme Court has organised in recent years has now been put on hold. This project was described in the 2018 Activity Report. The project involves Supreme Court visits to district courts and courts of appeal throughout Sweden. The purpose is to describe our activities and specifically explain our work

procedures in producing precedents in various legal areas. During our visits, district courts and courts of appeal can also describe their activities, and it is an opportunity to discuss various issues and address shared points of interest. The study-visit project will be reinstated as soon as possible.

The pandemic has also largely brought all international cooperation to a standstill. As regards the Nordic countries in particular, there is close and relatively extensive cooperation between the supreme courts. A variety of legal issues frequently arise at roughly the same time in these countries. Often, these involve questions relating to the European cooperation and rulings from the European Court of Justice or the European Court of Human Rights. Accordingly, the possibility to hold discussions with Nordic colleagues is very valuable. Considering the great similarities of our legal systems and, in many ways, also our societies in general, such exchanges are particularly rewarding.

Nonetheless, there have been some activities during this year. The Supreme Court was joined by a new Justice, Johan Danelius, who will be presented in greater detail in the Activity Report.

We have also been joined by a new administrative director. In a court such as ours, the administrative director plays a highly central role. Since I am involved to a high degree in the judicial activity of the Court as its President, the administrative director performs a number of tasks which are carried out in other courts by chief judges or senior judges. The new administrative director, Maria Edwardsson, is presented in greater detail in the Activity Report.

One thing that also should be mentioned is that we have decided a case in plenum during the year. This means that all sixteen Justices participated in the ruling. It is far from every year that the Court makes a plenary decision. The grounds for an examination in this manner in certain cases are found in Chapter 3, Section 5 of the Swedish Code of Judicial Procedure. In somewhat simple terms, the provision entails that, where it appears in a case addressed by five Justices that there is a majority which diverges from a legal principle or an interpretation of statutes previously adopted by the Supreme Court, a decision may be taken that the case is to be examined by the Court in plenum. The background of the provision is that the Supreme Court, as a main rule, is bound by its previous precedents and that it is accordingly necessary to carry out an examination by means of this special form in order to deviate from a legal principle which was established by an earlier precedent.

The plenary case examined this year involved the question of whether there was cause to deviate from the findings of the Supreme Court in a ruling from 2007 (NJA 2007, p. 993). Specifically, the issue in the case was whether a person who had been the subject of a restraining order could procure an examination of the restraining order notwithstanding the fact that the term of the order had expired.

The result of a plenary examination is normally a reference to the case in the customary manner in the New Legal Archive series (NJA). However, the new legal principle which has been established by virtue of such a ruling is also noted in a special memorial book at the Court.

We have described in previous Activity Reports the exchanges between the Supreme Court and Supreme Administrative Court. Since 2017, it has been possible for a Justice from one of these courts to serve on the other. This so-called criss-cross service can occur in respect of both single cases and for extended periods of time. In 2020, Justice Svante O. Johansson served during the spring on the Supreme Administrative Court, and Justice Erik Nymansson served during the corresponding period of time on our Court. This possibility for an exchange is valuable in many ways and also exemplifies the close cooperation between the Supreme Court and the Supreme Administrative Court which is a regular feature in several areas.

In one article of this Activity Report, Justice Johnny Herre addresses the special procedural tools which are usually referred to by their popular names, *referral leave* and *fast-track leave*. In brief, referral leave entails a possibility for the district courts and courts of appeal to get an issue which is of precedential value examined by the Supreme Court while the case is still pending before the lower court. Fast-track leave provides the Supreme Court with a possibility to grant leave to appeal for an issue which is of precedential value notwithstanding that the court of appeal has decided not to grant leave to appeal regarding the ruling of the district court. As described in the article, the background of these provisions is principally the fact that the number of civil cases which reach the Supreme Court has declined over the years. Provisions of this type improve the Court's possibilities to provide guiding rulings also in the area of civil law. It is of the utmost importance that the Supreme Court is afforded good opportunities to contribute to legal developments in all branches of law.

I hope you will find this year's Activity Report informative and that it will pique your interest. I wish you good reading.

ANDERS EKA
JUSTICE AND PRESIDENT OF THE SUPREME COURT

Johan Danelius

Born 1968

Law degree awarded from Stockholm University, 1993

Associate Judge of the Svea Court of Appeal, 2000

Service in the Ministry of Justice, 2000-2009 and 2012-2015; Legal Expert, Deputy Director, Senior Adviser and Director

Positions in law firms, 1993 – 1994, 1996 and 2009 – 2012 (most recently as attorney and partner at Hamilton Advokatbyrå)

Temporary Director for Legal Affairs, Ministry of Justice, 2015–2016

Director-General for Administrative Affairs, Ministry of Justice, 2016–2020

New Justice

A new Justice joined the Supreme Court in 2020. Johan Danelius began working here in January and came most recently from the Ministry of Justice where he served as the Director-General for Administrative Affairs.

Why did you choose law?

I had no clear vision that I wanted to be a jurist. I was generally interested in social issues and thought that legal studies would equip me with a solid, broad base and opportunities for various career paths after my studies. It was only during my studies that I found that law was genuinely interesting.

What made you apply for a position as a Justice?

The position involves working with the most exciting legal issues together with some of the country's most prominent jurists. When the possibility presented itself, I did not want to miss the chance to apply for the position.

What are your hopes and expectations regarding the work?

I hope to be able to work with interesting questions in an enjoyable work environment. I knew some of the Justices before coming here and therefore had a fairly clear picture of what to expect. I also understood that it would involve a great deal of work and reading.

Relative to the Ministry, where you frequently do not know what will happen from week to week, work here is more predictable and follows established routines.

What has your initial period as a Justice been like?

It has definitely lived up to my expectations – it is an extraordinarily stimulating position. There is broad room for discussions during our deliberations. Even if opinions differ and things heat up somewhat, the tone is consistently one of respect. There is a feeling that everyone is genuinely engaged in order to produce the best precedents possible.

Throughout the year, the coronavirus pandemic has, naturally, played a distinctive role in many ways. Among other things, it has forced us to work from home to a greater extent, and social and external activities have also been curbed.

In what way do you mean that the discussions can "heat up"?

It was perhaps too strongly worded. During our deliberations, everyone is well-prepared, and, at times, some may have firm positions on certain issues. Sometimes, there are differences of opinions and discussions can be somewhat tense. There is an interest in understanding how someone may reason differently on issues.

Is there any special area or particular issue with which you hope to work?

I appreciate the breadth of legal issues we work with here and the possibility

of working with legal issues that I have not come across professionally before. Naturally, I am more comfortable in certain legal areas than others. Among other things, I have worked in the field of company law at the Ministry, so an interesting issue in this area would be of particular interest to me.

You have a solid background. Which job so far has been the most fun, most rewarding or influenced you the most?

I have been very happy in all of my previous jobs. It is difficult to make a comparison. My role as Director-General for Administrative Affairs at the Ministry of Justice was exciting in the sense that I enjoyed good insight into the manner in which high-level political decisions are taken. From my time working as an attorney, I recall in particular the satisfaction of assisting clients in a good way, such as winning a case in court.

How does it feel to be back on the bench?

It has been quite fun to return to the bench. After being away from the courts, I have lost some of the judgecraft. Even though I worked with issues from a legislative perspective, I feel that there has been a readjustment in assuming the role of a judge. However, at the Supreme Court, there are normally two rulings from lower courts and thorough research from the judge referees serving as a basis for our assessments. Accordingly, we do not start from scratch.

In your view, what characterises a good legal argument in the Supreme Court?

When I worked as an attorney, I had the opportunity to draft some appeals to the Supreme Court. I kept in mind something that Johan Munck had said in an interview when he worked here. He said something to the effect of formulating the appeal so that it would be clear to the Supreme Court how the title of a forthcoming precedent could be formulated. As an attorney, it is easy to argue primarily about why the ruling of the lower court was incorrect. However, in the Supreme Court, this is not the focus but, rather, it is about finding an interesting precedent.

What do you most like to do when you are not working?

I have three school-age children and I devote a great deal of time to them when I am not at work. Through the years, I have done a lot of running, competed in athletics in middle-distance running when I was young and, later, also ran marathons. When I have time, I still try to get in some runs.

What is your advice to younger lawyers?

If the opportunity presents itself, try different legal positions. One of the advantages of practicing law is that one has the time to try different types of work over a long career. There is no need to rush in the choice of your track.

In welcoming a new Justice, the entire staff assembles in the plenary chamber and the Justice adds his or her name to the Book of Members of the Court and hangs his or her portrait on the portrait wall.

New Administrative Director

On 1 January 2020, Maria Edwardsson assumed the position of new administrative director of the Supreme Court. Previously, she was the head of one of the drafting divisions at the Court for two years.

What is your professional background?

I am an associate judge of the Svea Court of Appeal. I also worked some years at a commercial law firm, mostly in London. In addition, I taught criminal law at Uppsala University and I have been a legal expert at the Ministry of Justice, Division for Criminal Law. Before I started at the Supreme Court, I worked at the Solna District Court for seven years as a judge, deputy senior judge and temporary senior judge.

What drew you to apply for the position as administrative director?

I enjoyed very much working at the Supreme Court and I am always attracted to new challenges. What I found most appealing was the prospect of being part of the development of the Court and to be able to work and have an impact on a more general level.

What does an administrative director do?

I am the head of the office which consists of two drafting divisions and one administrative division. These divisions include the entire staff with the exception of the Justices. I assist President Anders Eka and Head of Division Gudmund Toijer in their work of managing the Court and I am responsible, for example, for planning and following up on the activities of the Court, budget issues, security issues and work environment issues with the excellent assistance of knowledgeable colleagues. The position entails a great deal of development work and recruiting. The administrative director also operates as a link between the drafting organisation and the Justices. As administrative director, I strive to ensure that the operations move along smoothly and evolve – in both big and small ways.

What do you most like to do when you are not working?

I gladly spend time with my children and often tag along to their sporting activities. I have also recently purchased a horse, which naturally takes up a great deal of time.

Do you have any good book tips?

I read a broad variety of subjects and mostly in English. The last book I read with my book club was *Where the Crawdads Sing* by Delia Owens. It is highly readable. I sometimes enjoy a good who-done-it that doesn't have too much violence – I am exposed to enough of that in what I read for work at the courts. At the moment, I am reading a Canadian series by Louise Penny.

What is your advice to younger lawyers?

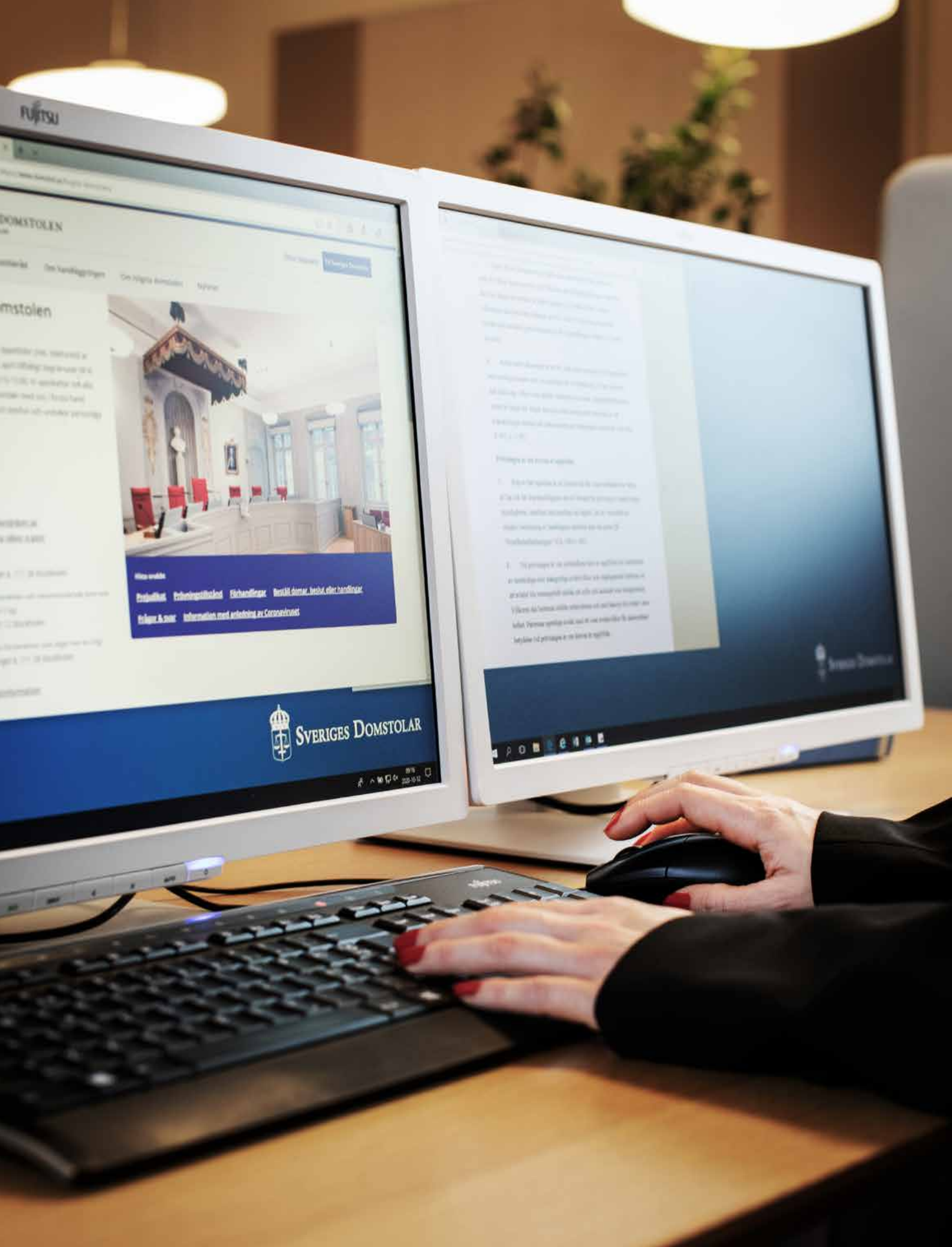
Don't be afraid to take a chance with new things and take on new challenges. Do what appeals to you and feels right for you – listen to others, but make your own decisions.

Digitalisation in the Supreme Court

Under a crystal chandelier in a corridor on the third floor of the Supreme Court there is a room divider covered with small, handwritten notes. Anyone who approaches it and reads the notes will perhaps see that it describes the routines, annotated in minute detail, for processing cases and matters in the Supreme Court. The room divider with notes was intended to create an overall view of all stages of administration prior to the conversion to working digitally in March 2020.

Working digitally has resulted in efficiencies for everyone working at the Supreme Court and was very useful when Sweden was hit by the coronavirus pandemic.

This article provides a summary description of the digital development in the Supreme Court and how it has affected our day-to-day work.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Förhandlingar
Beslut, domar, beslut eller handlingar
Information med anledning av Coronaviruset
SVERIGES DOMSTOLAR

I. The digital development

As early as the mid-90's, preparations were underway in the Swedish courts for a pilot project which was intended to equip certain courts with electronic communications equipment for the transmission of sound and images. Among other things, the idea was that parties and witnesses who had to travel long distances to the court would not need to appear personally in the courtroom and, instead, could provide their testimony from a court in the area where they resided. At that stage, modern technology had evolved sufficiently that it was possible to use it in a suitable way also at trial.

The pilot project was a success and, through the reform, "A More Modern Trial", the Parliament subsequently resolved that the technology would be permanently implemented in all courts and that a long-term gradual development of the technology would also be effected. The reform entered into force on 1 November 2008 and entailed major changes to trial procedure in the Swedish general courts. It was intended to implement necessary changes by, among other things, improving the use of modern technology. For example, general rules regarding participation at trials via video conference were enacted.

In 2012, a more coordinated effort was pursued in the development activities in the public administration sector within the area of information and communications technology, so-called e-government. All governmental authorities were tasked with developing a digital infrastructure.

As a consequence of developments in digital communications, governmental authorities communicate to an ever-greater extent with individuals by e-mail and provide more electronic services. This also applies to the courts. Anyone who wishes to submit a document to a court no longer needs to do so on paper.

For some time, it has been possible to initiate criminal proceedings digitally. As part of the trend towards greater digitalisation in the work process, furthermore, it will be possible, commencing 1 January 2021, to sign a summons application in disputes by means of electronic signature and to submit these forms digitally. It will also be possible to initiate certain other matters digitally.

Naturally, technological developments have also brought about changes in the day-to-day work of the courts, and the digital administration of cases and matters has become all the more prominent. This is also the case in the Supreme Court. All documents submitted to the Court are now scanned digitally. Even if there is some handling of paper documents, it is likely that the often quite voluminous paper files will become a thing of the past and that all files will be wholly digital in the future.


NÅLET ARKIVERAS

2. Greater digitalisation in the work process

In the spring of 2019, a working group was assembled at the Supreme Court to review the method for making the work process more digital. The working group consisted of Justices, judge referees, drafting clerks, court clerks and administrative personnel. The first step was to survey the case management process. The survey was intended to clarify all work elements from the receipt of a case by the Court until its conclusion. The room divider with handwritten slips of paper was the result of this survey. Among others, the person responsible for transforming the slips of paper into a clear flow chart was the archivist and activities development specialist, Ann-Sofie Arvidsson.

"Everyone was involved and contributed notes to the divider. Every category of employee provided a piece of the puzzle as to how the Court works in practice," says Ann-Sofie.

Following the survey work, the effort got underway to design the digital work process. The time-consuming work involving physical files was to be replaced by digital administration which was based on the annotation of various administrative elements by status changes in the digital system. According to Ann-Sofie, the survey shed light on the fact that certain elements in administrative procedures could be discarded in order to create a better digital flow. The work continued until 2 March 2020 when the digital process was launched. During a period of just under one year following the day on which the working group was formed, all of the employees of the Court had been involved and submitted their views regarding how the digitalised process at the Court was to be realised.

"When the pandemic reached Sweden, I let out a great sigh of relief knowing that the digitalised process was in place. It was particularly good timing, I must say," adds Ann-Sofie.

Thus, since March 2020, the work at the Supreme Court has been carried out almost entirely in digital form. The collaboration in case management between the drafting law clerks, judge referees, court clerks and heads of the drafting divisions is now, in principle, exclusively digital. Among other things, this has made the work more efficient and created the possibility for these personnel categories to work from home during the coronavirus pandemic.

Few employees these days encounter a physical file during a workday, but this has not always been the case. Bibbi Englund Wikström has worked at the Supreme Court since 1987. She was employed as a stand-in caretaker, but quite soon thereafter started working at the registrar's office where cases are received. Today, she is the assistant head of court clerks at one of the court's two drafting divisions. As junior court clerk, she participated in the work of computerising the Supreme Court, and she recalls how grand and historical it was when the transition was made from typewriters to computers.

"When I started at the registrar's office, we registered parties and personal details on forms using carbon paper. If you made a mistake, you used a steel plate with holes of various sizes when you were going to erase," says Bibbi, who adds that such registration sheets can still be found in very old cases.

Today, documents from the lower courts are no longer sent to the Supreme Court in cardboard boxes, but are normally submitted digitally by e-mail. Anne Karjalainen, who works in the registrar's office, explains that one difference compared to the past is that new cases now come in at all hours of the day. Previously, cases were received only with the morning post. According to Anne, it took some time to get used to this change. However, she clearly perceives a number of advantages over disadvantages in digitalisation which has gone on for some time, even if the largest changes took place during the last year. Anne and her colleagues at the registrar's office were delighted and somewhat surprised by how well everything flowed immediately after the digital work process was realised.

Anne is grateful to those who laid the foundations for the digitalisation, and she does not believe that it would have worked as well without the careful preparations. She and her colleagues in the registrar's office, who also participated in working groups for the implementation of digitalisation, look forward to the time when all of the Court's cases are administered digitally.

> "The work was more physically demanding before, and we will no longer have to handle heavy files," says Anne, who adds that one of the most positive effects of the digitalisation is the time savings.

Bibbi, Anne and Ann-Sofie all testify to the fact that the transition to the digital work process has gone well. The biggest concern in anticipation of digitalisation was the risk that cases would fall through the cracks in digital file management. In order to avoid this happening, each case still has a file jacket, i.e. a file wrapper, but it is often empty.

For the court clerks, digitalisation has meant that work has changed in several ways. Previously, the clerks waited for the new cases to be distributed by the office caretakers during the day. Now, instead, regular searches are carried out for new cases in the computer system. By digitally signalling that a step needs to be taken, the clerks rarely need to search for a file. Most often, it is upon despatch that the file jacket is taken out when it and the signed ruling are to be sent to the archives for filing.

From the left in the picture:

Sonia Ericstam
Drafting Law Clerk

Therese Johansson
Court Clerk


FÖREDRAGNINGSRUM 2
DELL

3. Working remotely

All employees of the Supreme Court have been affected by the digitalisation work. For some, however, the digital work process has, to a greater extent than for others, also been part of their day-to-day work even before March 2020. Approximately 30 judge referees work at the Court. Around one-third of them work remotely either from Malmö or Gothenburg. That makes it possible for them to continue to live where they performed their training as judges. Historically, part of the work duties of the judge referees had to be carried out on site in Stockholm, e.g. certain tasks which entail a large degree of collaboration with colleagues. Presentations of precedential cases have also most frequently been carried out on site in Stockholm. However, digitalisation of files and other work materials, as well as the expanded and improved digital infrastructure, have made it possible for almost all work duties – with the exception of participation in main hearings – to be carried out remotely. During the pandemic, it has essentially been necessary to work in this way.

A judge referee first comes into contact with a case when he or she is allotted the case or when the judge referee is involved directly with the review of incoming cases. Previously, this was done by printing out lists of the cases and going through the documents in the physical files. Currently, a judge referee can review both lists and individual cases via a secure connection to the case management system. All documents are digitally available. Even the legal databases and other literature used are largely accessible digitally.

While working, a judge referee reviews the documents in the case. All of this is now done through digital access. A judicial enquiry is carried out and a basis for an oral presentation or written report is produced. The material is assembled and made digitally available for the Justice or Justices who are to address the issue of leave to appeal or who are in some other way to take a decision in or decide a case.

Robert Lind is one of the judge referees who works remotely, and his workplace is at the premises of the Administrative Court of Appeal in Gothenburg.

> "Since I am working remotely, I distribute judicial enquiries and other documents electronically to the Justices, and most of my oral presentations take place via digital video technology. The digital systems are currently very reliable and there are rarely any problems," says Robert.

According to Robert, it would be going too far to compare a presentation by digital video technology with one in which a meeting physically takes place with the Justices, but he believes that the presentations are basically equal. He finds that the digital presentations are more efficient since judge referees who work remotely do not need to travel to Stockholm for brief oral presentations.

From the left in the picture:

Stefan Reimer
Justice

Kerstin Calissendorff
Justice

Robert Lind
Judge Referee

4. The Justices and digitalisation

For the Justices, digitalisation has above all entailed greater efficiency in the management of the large quantity of cases received by the Court each year and which, for various reasons, are not deemed to be interesting from a precedential point of view. This has allowed for greater focus on the creation of precedents. All cases which are considered for appeal are now distributed digitally to the Justices. This has been particularly significant during 2020 given that the Justices could review the material from their homes. Digital video technology has been used, furthermore, in conjunction with presentations and reconvenings in order to safeguard the activities and reduce the risk of contagion. Ann-Christine Lindeblad has worked as a Justice for slightly more than 18 years and looks back on the developments which have taken place.

"Since I started working at the Supreme Court, the changes have been numerous," explains Ann-Christine. "One change which has definitely proven to be for the better both in terms of efficiency and quality in the activities, is precisely the digitalisation which took place and is ongoing. When I came to the Supreme Court – directly from my position as a chief judge at the district court – it felt as though the Court was last in the technical developments concerning everything in the activities from case management to activities that create precedents, which is the Court's primary task. Yet, I soon understood that there was an explanation for this: the formation of precedents was, quite simply, not considered amenable to the inclusion of technology. Subsequently, however, it was understood that the new technology facilitated activities involved in the formation of precedents."

After some thought, Ann-Christine continues:

"As far as the Justices are concerned, I believe that the greatest improvement in terms of efficiency and quality in terms of the rulings of the Supreme Court occurred in 2003 with the transition from red pens to computer technology in draft judgments prior to taking the final decision in precedential cases. The change evolved gradually and began with displaying the text the Court was working with on a large screen. After it became clear to us that the Justices who were seated with their backs to the screen nearly always left the presentation room with a sore neck, a computer screen was installed where each Justice sat. It was a success once we had all learned that there was no point in excitedly pointing at our own screen when we wanted a change to be made. We now only have a couple of active Justices who have been along for the entire technical journey and, when we describe "how it was in the old days" to younger colleagues, they no doubt perceive it as merely anecdotal. In any event, I believe we are all quite pleased with the technical developments.

Ann-Christine Lindeblad
Justice

5. E-archive and the future perspective

After a case has made its way through the various phases of the proceedings and has been decided, its last stop is the archives of the Supreme Court. Digitalisation also comes into play at this stage and, presently, far fewer physical documents are archived than before. What is now saved in paper form is limited to final rulings and other documents which require a signature. Ann-Sofie, who works in the archives, thinks it will be interesting to see how the digitalisation work will be carried on into the future. She mentions by way of example that the Swedish National Courts Administration has implemented an electronic archive for the courts and that all courts will eventually be connected to the e-archive. This means that digital documents may be stored, made available and preserved. Accordingly, in order for the courts to be able to work in a completely digital way, the e-archives are essential.

In addition to the fact that technical possibilities and changes influence how we can work at the Supreme Court, legislative changes can also facilitate our digital work process. On 1 January 2021, for example, legislative amendments entered into force the purpose of which is to make possible or facilitate digital communications in court proceedings. The changes make it possible, among other things, to sign a summons application, an application for a new trial or for restoration of time expired, or a power of attorney by means of an electronic signature and submit the documents to a court digitally in lieu of in paper form.

There is no doubt that digitalisation has influenced the day-to-day work at the Supreme Court in a manner and to an extent which could hardly have been foreseen a number of years ago. The question is what will happen with technical progress in the future. For example, will we see elements of artificial intelligence in the activities of the courts? Is there something else we cannot anticipate today? It remains, quite simply, to be seen what the future holds and what awaits around the next corner.


FÖREDRAGNINGSRUM 2

The Council on Legislation and the Supreme Court

Sweden does not have a constitutional court. The task of examining the compatibility of norms with the Constitution instead rests with all courts within the framework of handling individual cases and matters. However, the standards review is strengthened by the preliminary review carried out by the Council on Legislation. The task of the Council on Legislation is constitutionally grounded and consists of providing advisory opinions regarding legislative proposals pertaining to, among other things, the manner in which they relate to the Constitution.

The function performed by the Council on Legislation has a long history. Its origins are in the advice given to the King by the Council of the Realm. When the Supreme Court was established in 1789, the Court could also give opinions on matters of legislation in certain cases. By virtue of the Instrument of Government of 1809, the Supreme Court assumed this task in its entirety. During the second half of the 1800's, this task became increasingly burdensome and, in conjunction with the establishment of *Regeringsrätten* (currently the Supreme Administrative Court) in 1909, the Council on Legislation was created.

The Council on Legislation consists of Justices and former Justices from the Supreme Court and Supreme Administrative Court and its organisation is governed by law. The Council on Legislation is organised in divisions where each division consists of three members with at least one active Justice. Normally, two divisions are in active service.

The mandate of the Council on Legislation is set forth in Chapter 8, Sections 20-22 of the Instrument of Government. The Government or a parliamentary committee must obtain an opinion from the Council on Legislation in respect of proposed amendments to the constitutional acts governing freedom of the press and freedom of expression in certain media and proposals for laws relating to the freedoms and rights of individuals and personal and economic relations of individuals and obligations of individuals to the state.

A review by the Council on Legislation addresses the manner in which the legislative proposal relates to the Constitution and the legal system in general, how the provisions of the proposal relate to one another and to the requirements of the rule of law. In addition, the Council on Legislation examines whether the proposal is formulated in such a manner that it may be assumed that the act will fulfil the stated purposes and any problems which might arise in its application.

The Council on Legislation issues approximately 100 opinions per year.

The Council on Legislation has its premises in the same building as the Administrative Court of Appeal on Riddarholmen islet in Stockholm. The Supreme Court operates as the host authority and ensures that the Council on Legislation has at its disposal functioning premises and staffing.

In practice, the process of scrutiny by the Council proceeds such that a proposal referred to it is presented by civil servants from the Government Offices who have been involved in drafting the proposal. The procedure then concludes with an opinion where the Council on Legislation reports the results of its review. The opinion may address several issues, from purely technical legal points of view to objections that the proposal is not compatible with the Constitution or is otherwise in conflict with another legal rule. The Council on Legislation may also express an opinion regarding the procedure prior to the drafting of the proposed law. Sometimes, the review results in the Council on Legislation approving the proposal by having no comments. When the Council on Legislation has serious objections, it advises against enacting the proposal.

The opinion of the Council on Legislation is advisory, and it is up to the Government and Parliament to determine whether the opinion will be considered. In the event the Council on Legislation has been highly critical of a proposed law, however, there is some risk if the legislature enacts a law contrary to the recommendations of the Council. By application of the provisions regarding judicial review in Chapter 11, Section 14 of the Instrument of Government, a court may subsequently find that the legislation violates a superior norm – or that a prescribed order in some material respect has been disregarded in the inception of the legislation – and refuse to apply it.

The connection between the opinion of the Council on Legislation and a subsequent judicial review is illustrated in the case, NJA 2018, p. 743 (the *Brief Period of Referral* case). The case pertained to an amendment of weapons legislation which, according to the Council on Legislation, had not met the preparatory requirements in Chapter 7, Section 2 of the Instrument of Government. The Supreme Court did not find reason to refuse to apply the new legislation but was critical of the manner in which the preparations of the amendment had come about.

The coronavirus pandemic also left its mark on the activities of the Council on Legislation in 2020. To a large extent, legislative proposals have been presented digitally. Members of the Council have found that it has worked well and that it has not hampered the quality of their work.

Certain proposed legislation related to the coronavirus pandemic has been produced subject to time constraints, and the Council on Legislation has received requests to hold presentations and render opinions more swiftly than usual. The clearest example of that is the proposal referred to the Council on Legislation, *Temporary Authorisation in the Communicable Diseases Act as a Consequence of the Virus which Causes Covid-19*. The proposal contained temporary amendments to the Communicable Diseases Act which would empower the Government in certain cases to issue regulations regarding special measures, such as temporary limitations on gatherings and closures of shopping centres and restaurants. The proposal was submitted for review to a limited number of consultative bodies with a response time of 24 hours starting on a Saturday evening.

The Council on Legislation pointed out that, even if the situation was unique, the preparation of the proposed legislation raised some concerns. In addition, the Council stated that the proposals for measures were too general and should be restricted to the measures stated by way of example in the proposal circulated for comment, with the addition that the Government could also issue other similar measures. The Government and Parliament essentially followed the proposal by the Council on Legislation.

The role of the Council on Legislation in the legislative process has at times been a highly debated issue. In the 2011 review of the Instrument of Government, however, there was political unity regarding the great value in the preliminary review carried out by the Council on Legislation. In addition, more proposed legislation is submitted for review by the Council than before.

From the left in the picture:

Inga-Lill Askersjö
Justice and member of the Council on Legislation

Eskil Nord
Former Justice and member of the Council on Legislation

Stefan Johansson
Justice and member of the Council on Legislation

Mohamed Ali
Judge Referee in the Supreme Court in a meeting at the Council on Legislation

Referral leave and fast-track leave

A significant number of the actions amenable to out-of-court settlement that are adjudicated in Sweden unfortunately do not make it to the Supreme Court. This means that the Court does not have access to the same rich assortment of cases available in other areas of law in order to form precedents. An important explanation for this is that the processing times for these types of cases are often long when a case is decided by two or three judicial instances. This means that the parties sometimes are reluctant to resolve disputes in courts. This is also one of several reasons why many actions amenable to out-of-court settlement are adjudicated in arbitrations instead of in the general courts.

Another reason why so few actions amenable to out-of-court settlement reach the Supreme Court is that the courts of appeal do not grant leave to appeal in a significant number of the cases. The courts of appeal have no possibility to grant so-called *partial* leave to appeal. Even if the Supreme Court identifies a precedential issue and grants leave to appeal in the court of appeal, this means that the entire case must be adjudicated by the court of appeal. In these cases, this first entails examination by the district court and then the court of appeal's examination of the issue of leave to appeal, followed by examination by the Supreme Court of the same issue and examination on the merits in the court of appeal, as a consequence of which the processing time is often lengthy and the costs are high. It is common that these cases do not reach the Supreme Court.

In order to ensure the development of precedents relating to civil cases, the legislature has, however, equipped the Supreme Court with a number of tools. Two of these are the so-called *fast-track leave* and *referral leave*.

Fast-track leave

Fast-track leave was introduced in April 2016 (see Chapter 54, Section 12 a of the Code of Judicial Procedure). The purpose of the provision is primarily to strengthen the basis for the development of precedents for all types of cases, i.e. to ensure that the Supreme Court has the possibility to create more precedents. The basis for leave makes it possible for the Court, in cases in which the court of appeal has decided not to grant leave to appeal, to grant leave to appeal in the Supreme Court in respect of a precedential issue, i.e. examination of an issue which is of importance for providing guidance to the application of law.

When the Supreme Court has adjudicated the precedential issue, the Court determines whether leave to appeal will be granted for examination of the case in the court of appeal. The reason for such leave may be found, for example, where the ruling of the district court rested on a different assessment of the precedential issue and, accordingly, there is reason to doubt the correctness of the outcome of the district court's ruling. In other cases, leave to appeal is normally not granted.

The manner in which this section of the Code of Judicial Procedure works may be illustrated by case NJA 2017, p. 362. In this case, in a dispute involving a will, the court of appeal decided not to grant leave to appeal. However, the Supreme Court granted leave to appeal

Johnny Herre
Justice

"regarding the question of the standard of proof of the parties for such circumstances that are of importance as to whether the will had been revoked or not". In the ruling, the Court explained who had the burden of proof and the evidentiary requirement that was to be applied. Since the district court applied a corresponding view, it was decided that leave to appeal would not be granted in the rest of the case and, therefore, the judgment of the district court was affirmed.

Referral leave

Referral leave (see Chapter 56, Section 13 of the Code of Judicial Procedure) is from an earlier time. This basis for leave entails that a district court and, once leave to appeal has been granted, a court of appeal, with the consent of the parties, may refer a certain issue in the case for examination by the Supreme Court. In order for the Supreme Court to be able to examine the issue, leave to appeal is, as a rule, required. Thus, the Court determines whether an issue which has been referred to the Court really is such an issue which is to be examined due to its importance for the guidance of the application of law.

Referral leave imposes considerable requirements on the parties and the court in order for it to work as intended. The legal points of view of the parties must be clear and the factual issues should have been thoroughly investigated. There is nothing to prevent more than one issue from being raised or an issue being raised against the background of several different causes of action brought by one of the parties.

Referral leave may be illustrated through the examinations made in case NJA 2013, p. 945 and in case NJA 2015, p. 1072. In the first of these rulings, the daily newspaper, DN, had published an article in March 2006 which was in DN's database in 2009 when a new person was appointed to be the publisher. The district court formulated the question here as "is GH, in the capacity of publisher for the www.dn.se database, to be held criminally and tortiously liable for the information provided in the database during the period of time she was the publisher for the database notwithstanding that the information was added to the database prior to such period of time?" The Supreme Court found that GH was responsible for the information.

In the latter ruling, a customer of a printing business invoked five different grounds as to why the customer should be entitled to repayment of previously paid printing VAT. In this case, the district court asked whether the printing business had an obligation, on the basis of any of the grounds invoked in the case, to repay in a certain manner the calculated VAT amount. The Supreme Court came to the conclusion that the seller of the printing services, based on one of the referred grounds, was obliged to repay the VAT amount. Accordingly, there was no reason for the Court to examine what the customer had otherwise asserted.

Concluding comments

Referral leave and fast-track leave are two important ways for the parties in an action amenable to out-of-court settlement to obtain a ruling regarding issues to be examined by the Supreme Court due to their importance for the guidance of the application of law. However, in order for these bases for leave to be effective tools, it is often necessary that the parties – and, as regards referral leave, the courts – contribute by addressing the issue and pointing out the part of the case that can be adjudicated directly by the Supreme Court. When properly used, the Supreme Court has, through these types of leave, been afforded additional possibilities to contribute to the development of precedents also in the area of actions amenable to out-of-court judgment.

Cases in brief 2020

CIVIL LAW

A Sami reindeer herding and economic district was deemed to possess a sole right to grant hunting and fishing rights
(Case NJA 2020, p. 3, the "Girjas" case)
The Girjas Sami district engages in reindeer husbandry, among other places, in a very large area above the so-called cultural boundary in Norrbotten county. The Reindeer Husbandry Act entails that members of the Sami district may hunt and fish in the area, but also that neither the Sami district nor its members may grant hunting and fishing rights to third parties. It is principally the County Administrative Board which takes decisions regarding such grants and the regulation has remained essentially unchanged since the first Reindeer Grazing Act in 1886. The Supreme Court concluded that the Reindeer Husbandry Act is based on the view that hunting and fishing rights fundamentally belong to the state. However, the Court found that the sole right belonged to the Sami district by virtue of immemorial prescription. The conclusion was based on the fact that, in the middle of the 1700's, a right had evolved for the Sami alone to decide on granting hunting and fishing rights in the area, that the state had not acted since such time in a manner according to which the right had terminated, and that the right, by virtue of the 1886 Reindeer Grazing Act and subsequent acts, was transferred to members of the Sami district.

Insurance company deemed liable for damages for erroneous premature termination of a corporate insurance policy
(Case NJA 2020, p. 115, the "Missing Cows" case)
A person was engaged in economic activity involving, among other things, animal husbandry. He filed a police report claiming that approximately 70 cows had been stolen and contacted his insurance company at which he maintained his business insurance policy. The theft investigation which was launched was closed later on. Instead, the insured was suspected and indicted for attempted, or preparation to commit, insurance fraud. The insurance company then terminated the policy in advance. The insured was acquitted and brought an action against the insurance company and claimed that it was to be established that the company was liable for damages since it was not entitled to terminate the policy. In order for an insurance company to be liable for damages for erroneous premature termination, it is necessary, according to the Supreme Court, that the company was negligent, which must be shown by the insured. The burden on the insurance company is high, and termination must be based on firm grounds which make it possible to take a well-founded decision. The Supreme Court found that the insurance company was not entitled to terminate the policy prematurely and that the company was negligent. Accordingly, the Court found that the insurance company was liable for damages.

A creditor who mistakenly instructed his debtor to pay a third party may bring a claim against the third party when the debtor, by virtue of the payment, had settled the indebtedness to the creditor
(Case NJA 2020, p. 334, the "Dental Care Subsidy" case)
A dental care company was entitled to a dental care subsidy from the Swedish Social Insurance Agency. By mistake, the Agency was instructed to pay the subsidy to an account which belonged to another company. The payment from the Agency to the other company was made in discharge of its liabilities, i.e. the Agency had performed its duty and was not at risk of needing to make a payment once more. The Supreme Court established that the first company may bring a demand for payment against the other company which received the payment. Such a claim may be granted if the recipient has no reason to believe that it is entitled to the payment. In other cases, a balancing of the conflicting interests of the parties is to be carried out.

Assessment of whether physical intervention against a student was within the framework of the teacher's supervisory duty
(Case NJA 2020, p. 578, the "Sofa in the Break Room" case)
A teacher intervened against a disruptive student by briefly grabbing the student's neck. As a rule, intervention which is within the framework of the authority granted by the Swedish Education Act normally does not constitute offensive treatment within the meaning of the Act. The Supreme Court stated that the starting point must be that disruptions at the school must first be resolved by means other than physical intervention. However, it is inevitable that situations may arise in which it is necessary to physically intervene against a student. Such intervention must then be moderate and transpire over the shortest period of time possible. In an assessment of whether an intervention fell within the framework of the supervisory duty, consideration shall be given to what the teacher perceived to be necessary under the prevailing circumstances. The Supreme Court was of the opinion that the intervention was very brief and appropriate to the situation. Accordingly, no offensive treatment occurred within the meaning of the Swedish Education Act.

Preconditions for granting a building permit for a measure (mobile telephony mast) which deviates from a detailed development plan
(22 October, the "Natural Land in Hemmeslöv" case)
A company applied for a building permit to set up a telecommunications tower in a residential area on land which, according to the detailed development plan from 2007, constituted natural land. The municipality denied the application since the measure was in violation of the detailed development plan and was deemed to give rise to substantial inconvenience for the use of the green area and for nearby residents. The Supreme Court considered in the case the conditions for granting a building permit for a measure which deviates from a detailed development plan. The Court was of the opinion that the facility for wireless telecommunications serves a public interest and, accordingly, that there were per se possibilities for granting a building permit at variance with the plan. However, the Court found that a supplemental suitability assessment must be carried out. The interest in the measure was then to be balanced against, among other things, the interest of the municipality in preserving to a reasonable extent its exercise of influence over the use of land. Since the municipality provided noteworthy and legitimate reasons for opposing the measure, the appeal was rejected.

Lease agreement between property owner and tenant regarding apartments for a care home was deemed to constitute the lease of commercial premises
(11 September, the "Premises in Guldragaren" case)
A city district committee in the city of Stockholm rented, by means of two

lease agreements with a tenant-owners' association, apartments in order to, in turn, lease them out for a so-called care home. Each agreement pertained to a lease object with six separate apartments and certain common areas. After the association terminated the agreements for amendment of the terms and conditions, the question arose as to whether the agreements pertained to leasing apartments or commercial premises. In particular, the formulation of the agreements, the intended use and the purpose of the lease and the significant element of care activity entailed that the agreements between the parties were to be regarded as pertaining to the grant of commercial premises notwithstanding that the residential apartments constituted separate apartments.

The interest in freedom of information is not a bar to the right to compensation for copyright infringement
(Case NJA 2020, p. 293, the "Mobile Film" case)
A candidate for the Parliament was involved in a dispute on Kungsgatan in Stockholm. The man filmed the event on his mobile telephone. A clip from the film was uploaded, with his approval, to his political party's YouTube channel. An evening magazine published on its website a lengthy section from the film, sequences which the man had not permitted to be shown on the YouTube channel. Based on these sequences, SVT published, without the man's approval, still images and film clips for a period of years in different news features and programmes. The Supreme Court found that the general public interest in information in a case such as this one cannot extinguish the right to obtain compensation for SVT's use enjoyed by the man in the Swedish Copyright Act.

CRIMINAL LAW

A seller of narcotic preparations can, under certain circumstances, be deemed liable for gross causing the death of another
(Case NJA 2020, p. 397, the "RC24" case)
Via its website, a company sold, among other things, fentanyl analogues intended for use in the form of a nasal spray. Eight persons died after having used the sprays. Two persons in the company were convicted by the district court and court of appeal of causing the death of another. One of the persons appealed. According to the Supreme Court, the sale entailed unlawful risk-taking, as a consequence of which the act was negligent. The accused had, furthermore, perceived the risk of death and was therefore also responsible for the acts. The starting point in the sale of, for example, narcotics is that liability for causing the death of another does not arise in the event someone voluntarily uses a certain preparation. However, liability may arise for a seller in the event the buyer cannot be deemed to have had adequate possibilities to assume responsibility for oneself and one's health. The Supreme Court was of the opinion that the case involved extremely dangerous substances, the dosages of which are difficult to gauge and the risk of use of which the buyers could not foresee. Accordingly, the Court found that the accused could be found guilty of gross causing the death of another.

The accused was not sufficiently aware of his actions in order to find him guilty of the act for which he was indicted
(Case NJA 2020, p. 169, the "Delusion" case)
A man who previously did not suffer from any psychological disorders suffered an acute psychotic event with an entirely distorted perception of reality. In this condition, he assaulted a close relative. Criminal intent requires that the perpetrator is sufficiently aware of his or her actions. He or she must have

a basic understanding of the context and the circumstances in which the act is committed. It is the prosecutor who bears the burden of proof in this regard. The Supreme Court found that it was not proven that the man was sufficiently aware of his actions and acquitted him.

Undue benefits?
(Case NJA 2020, p. 241, the "Musical Dinners" case)
The Prosecutor brought an indictment against representatives of two industry organisations and claimed that they were guilty of providing bribes for having invited employees at two government agencies to a number of dinner events. The invitees were, in turn, indicted for having accepted bribes. The Supreme Court examined only the question of whether the dinner events constituted undue benefits. If the benefit has a clear and specific purpose of rewarding or influencing behaviour which is contrary to one's duty, the inappropriateness is, as a rule, obvious. In other cases, an overall assessment must be carried out. When a benefit is provided to representatives of public authorities it is, first of all, the integrity of the authority which is to be protected, i.e. the exercise of public authority is to take place properly and the public is to have confidence in the authority. Criminal liability shall be limited to actions which are clearly outside the limit of what is acceptable. Since the employees, among other things, were required to actively cooperate with other persons within the industry, the Supreme Court found that the dinner events did not constitute undue benefits.

Unlawful breach of privacy?
(Case NJA 2020, p. 273, the "Instagram Picture" case)
The accused and victim were at the same party. Sometime later, the accused posted a picture from the party on the accused's Instagram account. The picture had been taken without the victim's knowledge and depicted him sitting on the floor with his head over a toilet. He was intoxicated and had vomited. Some text also appeared on the picture as well as a link to the victim's Instagram account. The accused, whose Instagram account had approximately 500 followers at that time, was charged with unlawful breach of privacy. The Supreme Court established that the picture showed the victim in a very exposed situation as required by the penal provision regarding unlawful breach of privacy and that the dissemination of the picture could be deemed to be intended to entail such grave harm as is referred to in the provision. The accused was found guilty of unlawful breach of privacy and ordered to pay day-fines.

A man who made threats via social media to "everyone" at an upper-secondary school has been convicted of making an unlawful threat
(Case NJA 2020, p. 510, the "Threat Against the Upper-Secondary School" case)
The accused wrote a text message in Swedish, translated it with the help of a digital translation service into Russian and uploaded the text to Snapchat. The text message could be read by approximately 50 people, some of whom were students at the accused's upper-secondary school. One of the classmates translated the text in a similar fashion into Swedish which then read, "On Thursday, I will come to school and shoot everyone. Those of you who survive your injuries will be slowly cut down by me with a knife. I hate whores!" The classmate spread the translation to additional students and the message was also read by personnel at the school. The accused was charged for making an unlawful threat. The Supreme Court stated that the threat against "everyone" at school could be deemed directed both to students and personnel at the upper-secondary school. The group was limited and consisted of individual persons. The accused intended that persons at the school would be informed about the threat and it was liable to instil serious fear for their personal safety. Accordingly, the accused was found guilty of making an unlawful threat.

Possession of a weapon in a context in which narcotics are also handled strongly indicates that the weapons crime is to be deemed gross
(Case NJA 2020, p. 615, the "Weapon and Cocaine Party" case)
A man was in possession of a Glock brand gun at his home in which he also dealt with narcotics for the purposes of sale. He was charged, among other things, for a gross weapons crime, and the main question before the Supreme Court was when a weapons crime is to be classified as gross due to the fact that the act was of a particularly dangerous nature. The Supreme Court stated that possession of a weapon in a context in which narcotics are dealt, or the handling of narcotics linked to such dealing, there is a greater risk that the weapon will be used in the commission of a crime and that persons may be injured. Possession of a weapon under such circumstances thus increases the danger of the act to such a degree that it strongly suggests that a weapons crime is to be regarded as gross. The man was found guilty of a gross weapons crime.

Possession of knives at a school has been classified as a gross crime in violation of the Knife Prohibition Act
(21 October, the "Knife at School" case)
A 16-year-old student was in possession of two knives and a metal pipe at an upper-secondary school. He had carried the knives concealed during lessons. The metal pipe was in his locker. The Supreme Court stated that the purpose of the Swedish Knife Prohibition Act is to reduce the risk that persons possess knives and other dangerous objects which can be easily used in the event of a dispute or conflict. The seriousness of the crime is also affected by the context in which the knife possession occurs, e.g. if it involves possession at locations meriting protection. During school hours, a school is, as a rule, such a place. In addition, the assessment must take into account the motive of the perpetrator, the number of objects and their character. Against the background of the actions of the student prior to the knife possession and the fact that the possession took place during an ongoing lesson, the Supreme Court found that the crime was to be regarded as gross.

A person subject to a restraining order who has requested review by a court during the period of validity of the restraining order may obtain review by a court notwithstanding that the period of validity has expired (decided by the Supreme Court in plenum).
(18 December, the "Restraining Order Review" case)
A person requested review by the district court of the prosecutor's decision to impose a restraining order. During the proceedings before the district court, the period of the restraining order expired. The district court rejected the request. The decision was appealed. The court of appeal rejected the appeal on the basis that the party who is subject to a restraining order cannot obtain review of the decision when the period of the restraining order has expired (case NJA 2007, p. 993). In this case, the Supreme Court decided to reconsider, in a plenary session, its position from 2007 by reason of the tangible and lingering repercussions for the individual's reputation and opportunities on the job market which a registration in the criminal record might have. Furthermore, it was determined that the previous regime was not compatible with the right to a fair trial and the development in the case law of the European Court of Human Rights in recent years. The Supreme Court accordingly found that a party who has been subjected to a restraining order and requested review by a court during the period of the restraining order may obtain review in a court notwithstanding that the period of validity has expired.

The year in brief

1 January 2020
Maria Edwardsson started as the new administrative director.

7 January 2020
From 7 January 2020 – 19 April 2020, there was a criss-cross exchange such that Justice Svante O. Johansson served on the Supreme Administrative Court and Justice Erik Nymansson served on the Supreme Court.

20 January 2020
Johan Danelius joined as a new Justice. He came most recently from the Ministry of Justice where he served as the director-general for administrative affairs.

31 January 2020
Justice Ingemar Persson retired. He was appointed Justice in 2010.

27 – 28 January 2020
The Supreme Court visited the Göta Court of Appeal and the Eksjö District Court. President Anders Eka, Head of Drafting Division Cecilia Hager, Judge Referee Ylva Meyer and Administrative Junior Judge Jenny Samuelsson Kääntä participated from the Supreme Court.

31 January 2020
The European Court of Human Rights arranged the seminar on the theme, "The Convention as a Living Instrument at 70" in Strasbourg. President Anders Eka and Head of Division Gudmund Toijer participated from the Supreme Court.

10 – 11 February 2020
The Supreme Court visited the Kalmar District Court and the Växjö District Court. Justice Sten Andersson, Administrative Director Maria Edwardsson, Judge Referee Lovisa Svenaeus, Court Clerk Bibbi Englund Wikström and Administrative Junior Judge Jenny Samuelsson Kääntä participated from the Supreme Court.

16 February 2020
The Supreme Court of Iceland celebrated 100 years. At the jubilee in Reykjavik, President Anders Eka from the Supreme Court and President Helena Jäderblom from the Supreme Administrative Court participated.

2 March 2020
The Supreme Court transitioned to digital file management.

9 – 10 March 2020
The Supreme Court visited the Jönköping and Skaraborg District Courts. Justice Agneta Bäcklund, Judge Referee Mohamed Ali, Court Clerk Therese Johansson and Administrative Junior Judge Emma Haals participated from the Supreme Court.

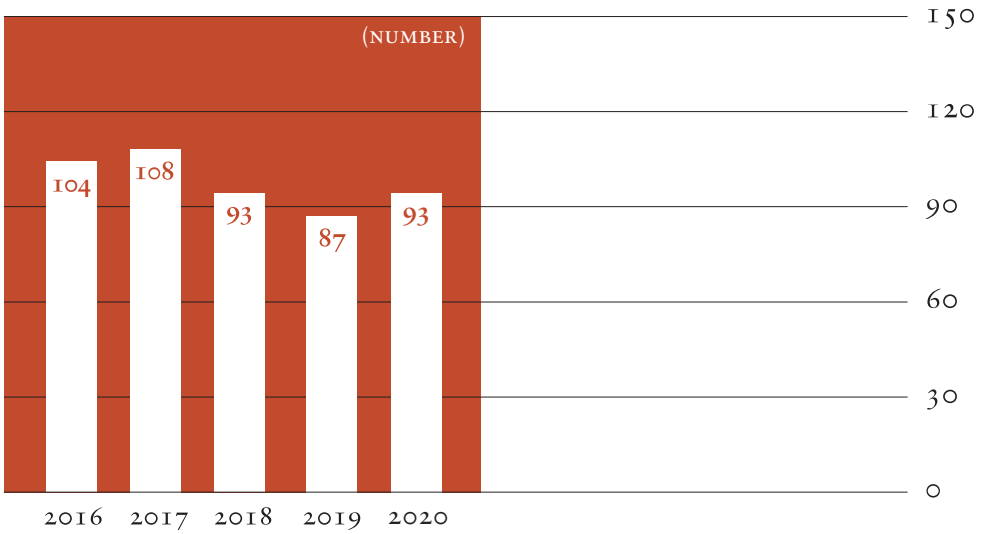
15 October 2020
The Supreme Court launched its website in English translation. A selection of rulings from the Court will be regularly translated and published in English.

21 October 2020
All 16 Justices of the Supreme Court met in plenum, entailing that a case is decided by the Court as a whole. When a case is decided in plenum it is noted in in the Court's memory book – a tradition which began in 1876.

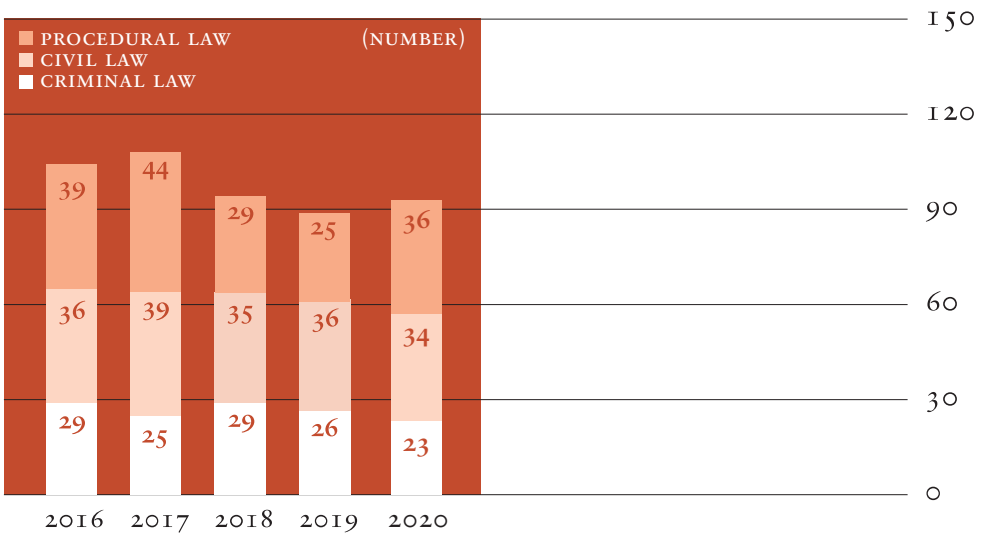

MINNESBOK

STATISTICS

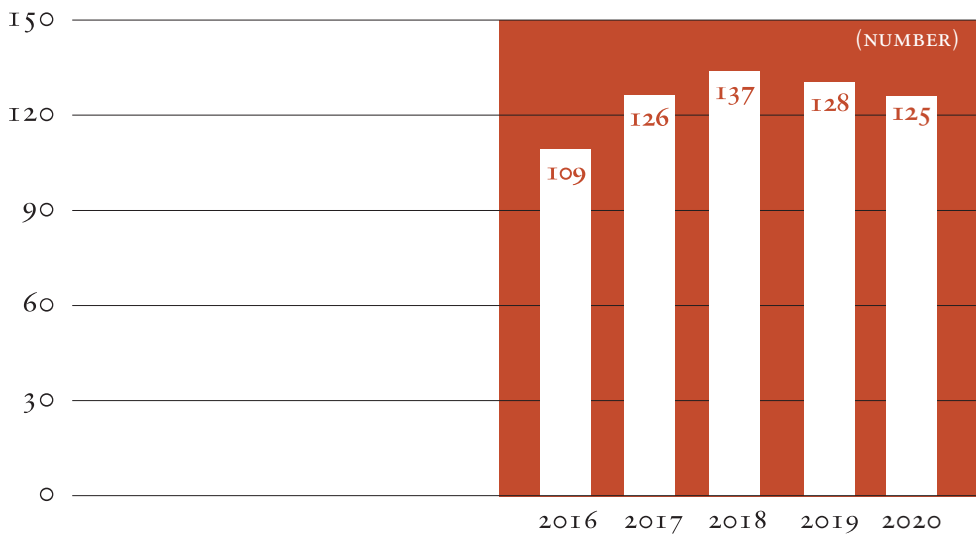
Precedents



Precedents per area of the law

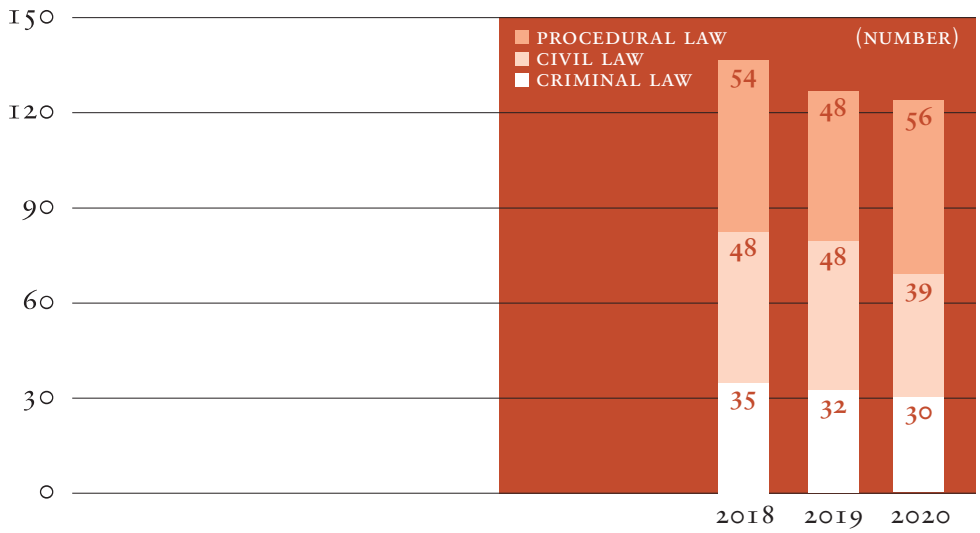


Cases for which leave to appeal was granted*



*Includes leave to appeal granted in the courts of appeal.

Cases for which leave to appeal was granted per area of the law*



*Includes leave to appeal granted in the courts of appeal.

Processing times – cases requiring leave to appeal (90th percentile)

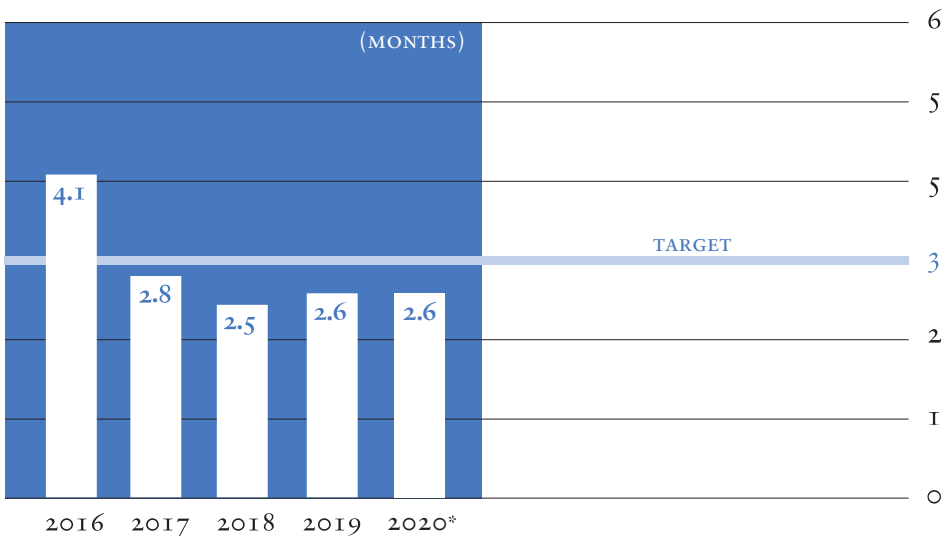
Time to decision regarding leave to appeal

Cases considered: Cases requiring leave to appeal (non-priority).

90th percentile: Nearly all cases.

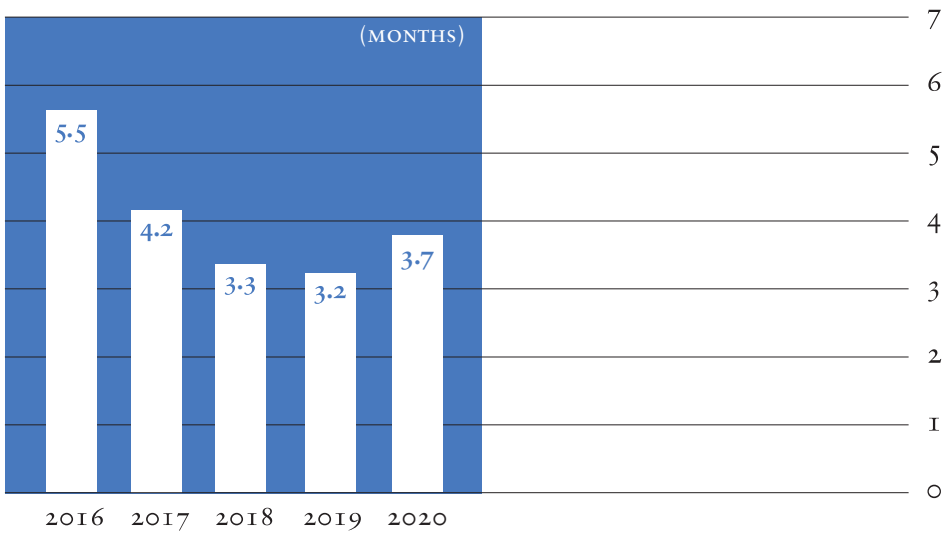
*Total number of cases considered: 5,069

Percentage decided by
- 1 Justice: approx. 95%
- 3 Justices: approx. 5%

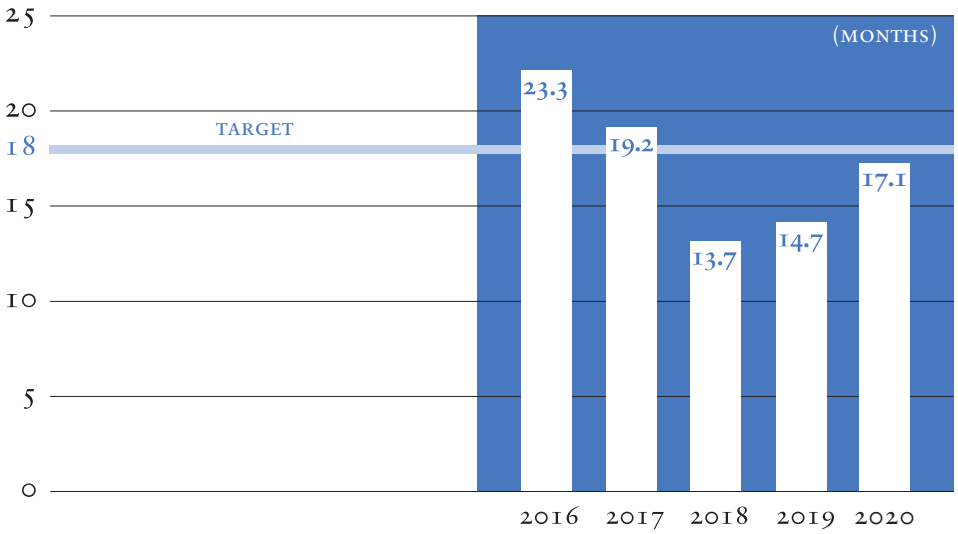


Processing times – time to approval for leave to appeal (median)

Median: The normal processing time.



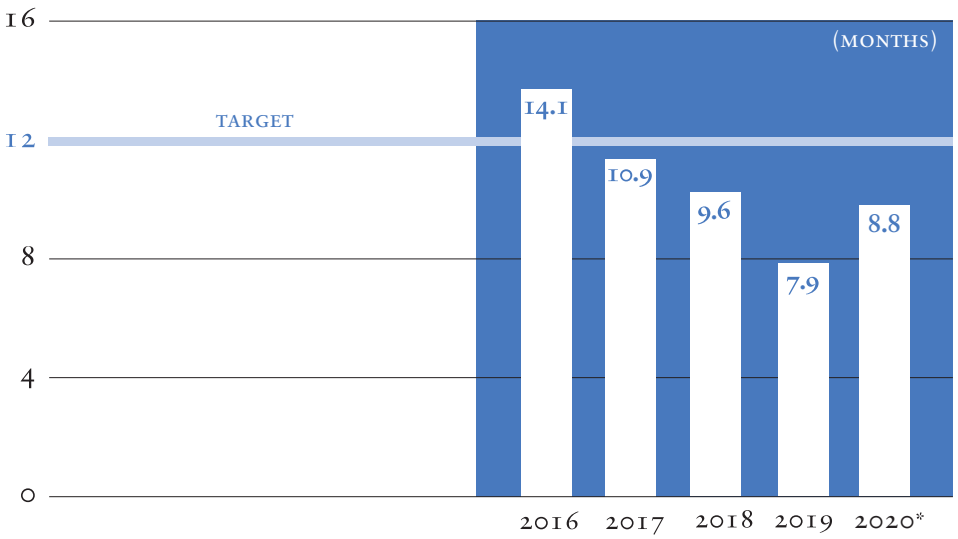
Processing times – **approved cases** (90th percentile)



Approved cases: Cases for which leave to appeal was granted (non-priority).

90th percentile: Nearly all cases.

Processing times – **extraordinary cases** (90th percentile)



Extraordinary cases: Grounds for new trial, grave procedural error, etc. (non-priority).

90th percentile: Nearly all cases.

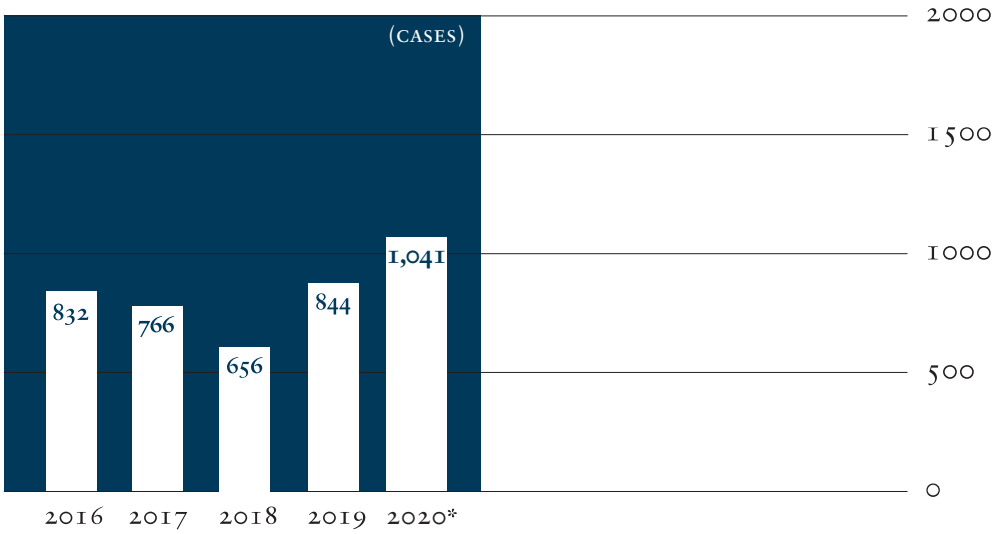
Total number of cases decided: 712

Percentage decided by
- 1 Justice: approx. 90%
- 3 Justices: approx. 8%
- 5 Justices: approx. 2%

Total number of cases not decided

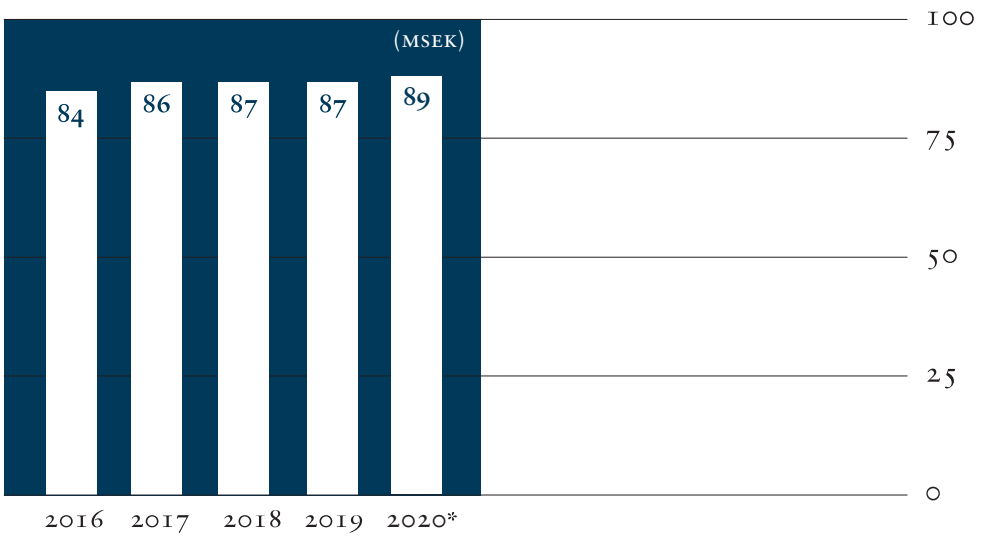
*Total cases received: 6,982. This is an increase of approximately 3% compared to 2019 and approximately 15% compared to 2016.

Total cases decided: 6,781. This is an increase of approximately 3% compared to 2019 and approximately 7% compared to 2016.



Budget

*Outcome: Surplus of approximately SEK 3 million.



The Justices of the Supreme Court

Anders Eka, born 1961, Justice since 2013, President since 2018
Gudmund Toijer, born 1956, Justice since 2007, Head of Division since 2016
Ann-Christine Lindeblad, born 1954, Justice since 2002
Kerstin Calissendorff, born 1955, Justice since 2003
Johnny Herre, born 1963, Justice since 2010
Agneta Bäcklund, born 1960, Justice since 2010
Svante O. Johansson, born 1960, Justice since 2011
Dag Mattsson, born 1957, Justice since 2012
Sten Andersson, born 1955, Justice since 2016
Stefan Johansson, born 1965, Justice since 2016
Petter Asp, born 1970, Justice since 2017
Malin Bonthron, born 1967, Justice since 2017
Eric M. Runesson, born 1960, Justice since 2018
Stefan Reimer, born 1962, Justice since 2019
Cecilia Renfors, born 1961, Justice since 2019
Johan Danelius, born 1968, Justice since 2020

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