

DISPUTE RESOLUTION IN THE NORDICS

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PANELISTS

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LEGAL SYSTEM?

Norway	Finland	Denmark
Civil law with clear common law features, like a strong oral tradition and focus on case law as a source of law.	In between civil and common legal tradition, with a heavy lean towards the civil law tradition.	A civil law tradition with legislation as the main rule supported and interpreted by the courts.

COURT SYSTEM?

Norway	Finland	Denmark
Civil and criminal matters are handled in the same ordinary courts.	Civil and criminal matters are handled in the same ordinary courts. Some limited exceptions for matters handled by the Market Court (primarily IP) and the Labour Court (collective bargaining agreements).	Civil and criminal matters are handled in the same ordinary courts. There are 2 specialized courts: the land registration court and the Maritime and Commercial Court and these 2 only handle civil cases.

SPECIALIZED JUDGES?

Norway	Finland	Denmark
In general, no. However, in the largest district courts some informal (“soft”) specialism has been taken place the last years. In many courts there are specialized mediation judges.	To some extent, yes. Especially larger courts are divided into departments in which judges handle certain kinds of matters.	As a general rule: No. All of the judges in the ordinary courts handle all kinds of cases within the courts. Only specialized judges are within the Land Registration Court and the Maritime and Commercial Court (because these courts are specialiaization).

COURT TRAINING FOR YOUNG LAYWERS?

Norway	Finland	Denmark
Norwegian district courts have a significant number of so-called Dommerfullmektiger that are normally young lawyers. They sit as ordinary judges for, normally, two years, and then leave for other jobs, and can come back as judges at a later stage in their careers, but it is not a requirement to have been “dommerfullmektig” to become a judge. We do not have designated careers for judges.	There is a one-year paid court training, which is most commonly carried out in a district court as a trainee judge. After completing the training, the lawyer receives the (honorary) title of "vicehäradshövding" or "deputy judge".	Yes. There is a training called ”dommerfuldmægtig” where you as a young lawyer (also direct from University) can get a position at the courts where you are trained for 3 years in handling cases of enforcement / insolvency law / civil and criminal law. This is one way of training to be a judge yourself, but it is not mandatory to have done this training in order to become a judge.

TIME?

Norway	Finland	Denmark
For 2024, the district court average was 5.3 months and appeal court 4.6 months. The legal requirement is that the main hearing shall normally be held within six months after the plaintiff filed the case.	District court: currently nine months from filing to judgment. However, in large cities and/or larger matters such as business disputes, it is not at all uncommon for the district court to take more than two years.	District courts: 22,9 months. High Courts: 11 months (44 month for cases that start at the High Court) Supreme Court: 247 days Maritime and Commercial Court: 21,2 months.

COSTS?

Norway	Finland	Denmark
The court fees are as follows: 6 500 NOK for the first day of the main hearing, and 3 942 NOK for each extra day until and including day 5, thereafter 5 244 NOK per day. If settled earlier than 4 weeks before the main hearing: 2 628 NOK, and If settled less than 4 weeks before the main hearing: 3 285 NOK.	EUR 610 for a standard civil claim, with some exceptions.	For <u>filing a claim</u> of DKK 100.000 or more: DKK 1.500 For the <u>oral hearing</u> dependent on the value as follows (first an interval for the claim value and then the cost): from DKK 100.001 to DKK 250.000 = DKK 3.000 kr. 250.001-500.000 = DKK8.000 500.001-1.000.000 =DKK14.000 1.000.001-2.000.000=

EXPERTS?

Norway	Finland	Denmark
Appointed by the parties . It is highly unusual in commercial cases to have experts appointed by the courts.	Appointed by the parties but they can also be appointed by the court (although this is rare). In reality, experts are never appointed by the courts.	Appointed by the courts . The parties may also agree to bring their own experts. But that is very rarely seen.

WITNESS STATEMENTS?

Norway	Finland	Denmark
Allowed, but could be used more often.	Allowed, but not used.	Allowed but rarely used.

CUT-OFF?

Norway	Finland	Denmark
Yes, in every case as this is set out in the Civil Procedure Act. The cut-off date is three weeks prior to the hearing if otherwise not decided.	The court may, if necessary, set a cut-off date during the preparation of a civil matter.	Cut-off is as a starting point 8 weeks before the oral hearing.

ONE JUDGE FOR EACH CASE?

Norway	Finland	Denmark
Yes, however, that judge will often be changed during the case. You often end up having another judge in the main hearing than the first one designated to the case.	The judge presiding over the preparation of the case must serve as the chairperson or a member of the court in the main hearing.	It depends on how the individual court organizes the case management. At some courts: yes. At some/most courts: no. At the Maritime and Commercial court each case is designated to an individual judge from the start.

SETTLEMENTS ASSISTED BY THE JUDGE?

Norway	Finland	Denmark
Yes, state court assisted mediation (rettsmekling) is used with success in many cases. Another judge than the one the parties will have in the hearing is mediating the case.	In matters amenable to settlement, the judge has a duty to try to persuade the parties to settle the matter.	There is something called "retsmægling" which is proposed by the court.

TIME-TABLES?

Norway	Finland	Denmark
The judge may include a procedural timetable, however, in the majority of cases only the dates for the hearing and mediation is set.	The use of timetables depends on the judge.	Yes.

CASE MANAGMENT CONFERENCE?

Norway	Finland	Denmark
Yes. Pursuant to the Civil Procedure Act, a CMC shall be held after Statement of Claim and Statement of Defence. In large cases a second CMC can be held closer to the main hearing.	Case management conferences are not organized. A preparatory hearing is organized, but only after written submissions have been exchanged and the case is close to a hearing.	Yes, the court will call for a CMC shortly after the case has been initiated, - often it will be held when the statement of defence has been submitted.

SUMMARY OF THE DISPUTE?

Norway	Finland	Denmark
Yes. According to the Civil Procedure Act, summaries (called Sluttinnlegg) shall be submitted. The court shall clarify the issues of the dispute in the CMC, and this will be part of the records from the CMC. This is normally done, however, on a very high level, and does not go into detail.	The court must prepare a written summary of the claims of the parties and the grounds for them.	Yes, the courts/judges can ask for the parties to submit "påstandsdokumenter/sammenfattende processkrifter" - often in cases of a certain size.

LITIGATION OR ARBITRATION?

Norway	Finland	Denmark
In commercial cases, especially in international cases, arbitration is preferred.	In business disputes, arbitration is the preferred dispute resolution method.	Difficult question, depends on the matter at hand, depends on the arbitrators, depends on the parties.

MORE QUESTIONS

- Page limit on submissions?
- Length of hearings? Should the length be limited based on the size of the claim?
- How can the judges be more active and take better control over the preparations to increase the efficiency of the proceedings?
- The use of technology during hearings? How digitalized are the courts?
- Does remote attendance affect the possibility to settle a case?
- Lack of case law on contract law due to arbitration instead of litigation?