

# SUPREME COURT OF CANADA



## STATISTICS

1994 TO 2004

Bulletin of Proceedings:  
Special Edition





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## Introduction

This special edition of the *Bulletin* marks 2004, another year of transition for the Court with the retirement of two judges. Mr. Justice Frank Iacobucci had served the Court for over thirteen years. His successor is Madam Justice Rosalie Silberman Abella. At the same time, Madam Justice Louise Arbour, who served the Court for almost five years, retired. Her successor is Madam Justice Louise Charron.

In this *Bulletin* you will find a statistical view of the work of the Supreme Court of Canada in 2004 with comparisons to the previous ten years' work.

This brief description of the appeal process is provided to help explain the various charts and tables that follow. The Court decides cases that come to it from three sources. First, in most cases, a party who wishes to appeal the decision of another court (usually a provincial or territorial court of appeal or the Federal Court of Appeal) must obtain permission from a panel of three judges of the Court. Such permission, or leave to appeal, is given if the panel concludes that the case involves a question of public importance or raises an important issue of law. Second, there are cases, called "as of right" appeals, for which leave to appeal is not required. These include certain serious criminal cases, for example, those where there is a dissent on a point of law in the court of appeal, and appeals from provincial references. The third group is references from the federal government. Federal references (which are counted as appeals as of right for the purposes of these statistics) require the Court to give an opinion on the questions referred to it by the Governor in Council. The figure on page 3 summarizes the process that unfolds from the filing of a complete application for leave to appeal, a notice of appeal as of right or a reference.

The "Summary 1994 to 2004" table on page 4 outlines the Court's workload for that period and is broken down into five categories. Graphical representations for each category are also provided.

The first category, "Cases Filed," shows the number of complete applications for leave to appeal and notices of appeal as of right filed by litigants with the Court's Registry each year. The total of 580 cases filed in the year 2004 is approximately 5% lower than the annual average number of cases filed over the last decade (603).

The second category, "Applications for Leave Submitted," shows the number of leave applications submitted to panels of the Court for decision, the number of leave applications granted and the percentage granted of the total submitted. As leave applications filed one year may be submitted the next year due to the time required for processing, the number of complete leave applications filed and the number submitted to panels will differ in each year. In 2004, there were 568 leave applications filed with the Court and 559 submitted to panels of the Court for decision. The total number of leave applications submitted to the Court for decision in 2004 is 8% lower than the number submitted in 2003. At the same time, the time lapse between the filing of a leave application and the judgment of the Court is 5% lower.



The third category, "Appeals Heard," shows the number of appeals heard each year and the number of hearing days over the year. In 2004, the Court heard 83 appeals over 61 hearing days.

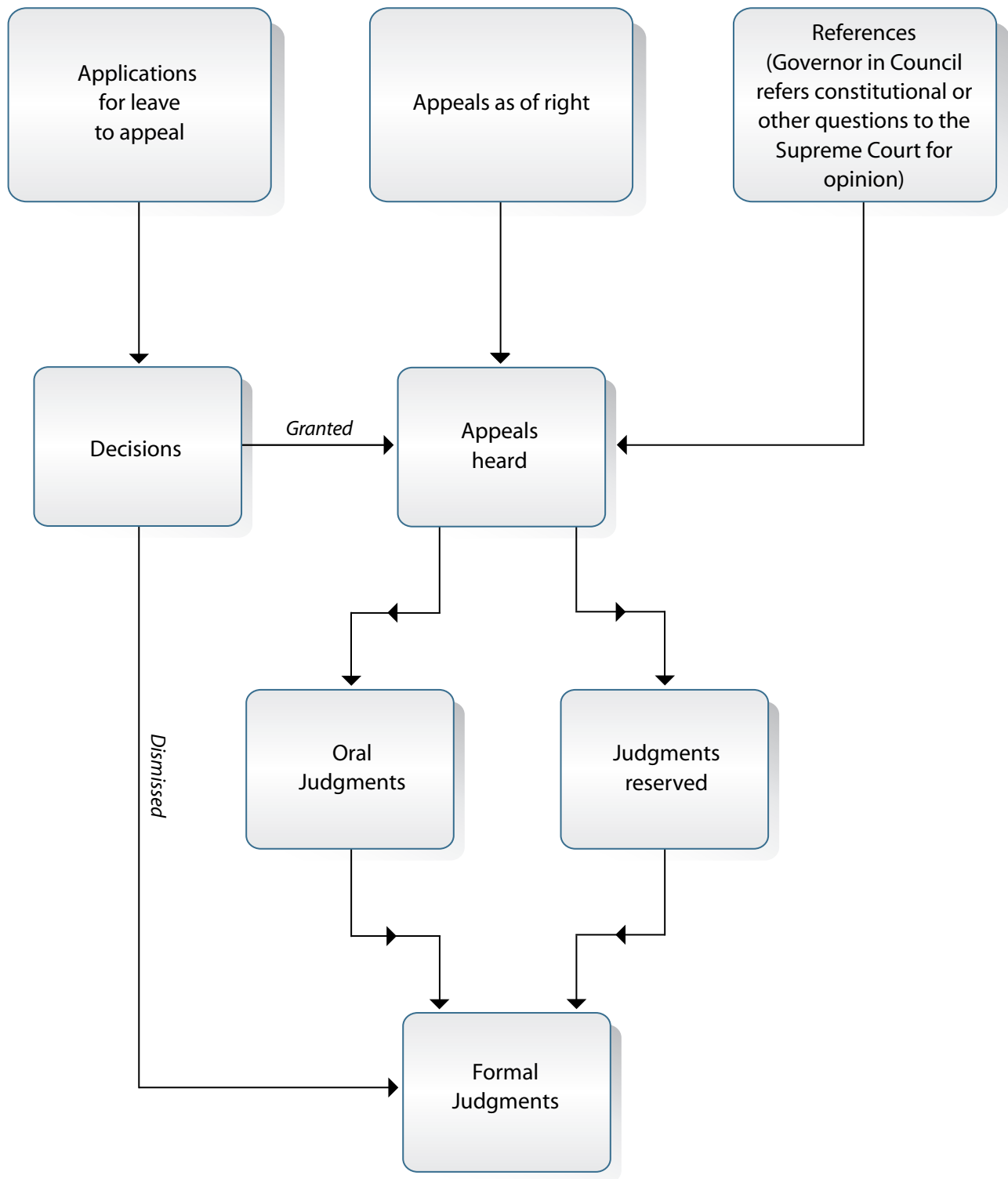
The fourth category, "Appeal Judgments," gives information with respect to the number of judgments rendered each year. The Court released 78 judgments in 2004. Of these, 16 were pronounced from the bench ("oral judgments"), with written reasons to follow in eight of them. In most cases (73%) all judges agreed in the result of the appeal.

Since the Court does not always render judgments in the same year in which the appeal is heard, there is usually a difference between the total number of appeals heard in a year and the number of judgments rendered in the same year. There were 32 appeal judgments in reserve at year-end. All but four of the judgments in reserve related to cases heard during the 2004 Fall session.

The final category, "Average Time Lapses," shows time lines in the life of a case at the Court. On average, in 2004, the time between the filing of a complete application for leave to appeal and the Court's decision on whether leave should be granted or denied was 3.7 months. In 2004, appeals were heard, on average, 9.4 months after leave was granted or the notice of appeal as of right was filed, about one month faster than the previous year. There were improvements in the time lapses on judgments as well, by almost a month. In 2004, the Court rendered judgment, on average, 4 months after the hearing of an appeal. This figure includes oral judgments. The average time lapse between the hearing of the appeal and the delivery of reasons (including cases where judgment was reserved and where judgment was rendered with reasons to follow) was 4.7 months, nearly two months quicker than 2003.



# The Appeal Process in the Supreme Court of Canada



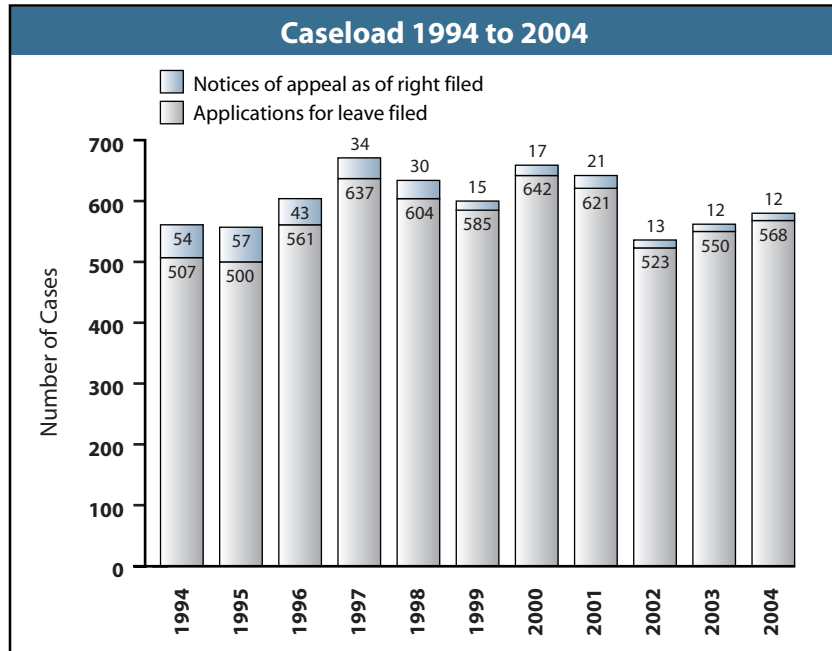


## Summary 1994 to 2004

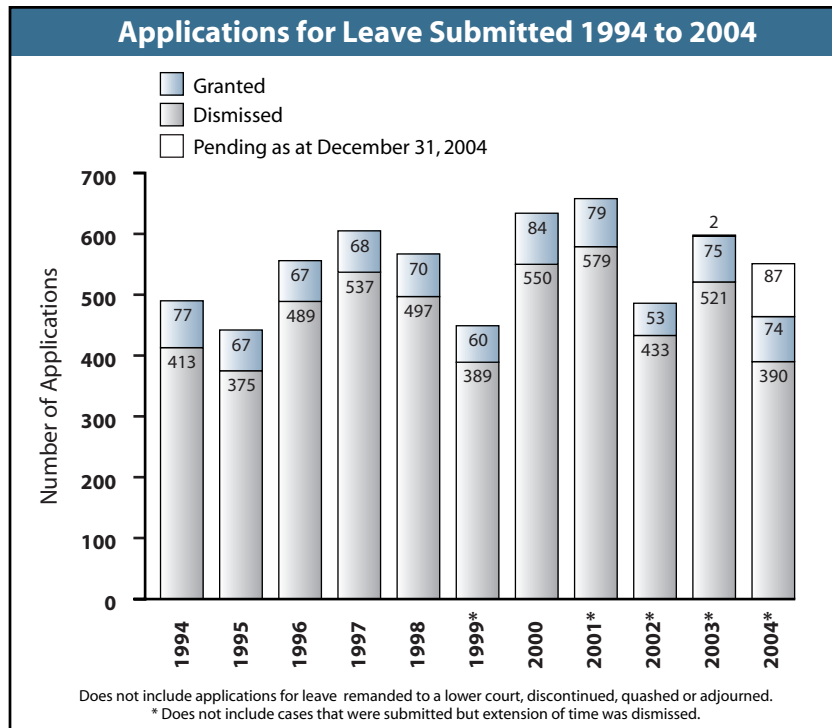
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
<b>Cases Filed</b>											
Complete applications for leave to appeal	507	500	561	637	604	585	642	621	523	550	568
Notices of appeal as of right	54	57	43	34	30	15	17	21	13	12	12
<b>Applications for Leave</b>											
Submitted to the Court	496	445	573	615	572	458	640	668	498	609	559
Granted (pending)	77	67	67	68	70	60	84	79	53	75(2)	74(87)
Percentage granted	16	15	12	11	12	13	13	12	11	12*	13*
<b>Appeals Heard</b>											
Total number	119	107	118	104	106	75	78	96	72	82	83
As of Right	40	37	49	37	30	19	14	17	16	16	13
By Leave	79	70	69	67	76	56	64	79	56	66	70
Hearing days	73	71	82	76	71	55	57	62	51	56	61
<b>Appeal Judgments</b>											
Total Number	120	103	124	107	92	73	72	91	88	81	78
Delivered from the bench	46	38	57	44	33	20	15	20	20	19	16
Delivered after being reserved	74	65	67	63	59	53	57	71	68	62	62
Unanimous	89	67	97	75	70	53	52	75	61	62	57
Split	31	36	27	32	22	20	20	16	27	19	21
Percentage of unanimous judgments	74	65	79	70	75	73	72	82	69	76	73
Appeals standing for judgment at the end of each year	31	32	26	20	34	33	39	44	25	25	32
<b>Average Time Lapses (in months)</b>											
Between filing of application for leave and decision on application for leave	3.4	3.8	4.4	3.5	3.9	5.2	5.4	4.3	5.7	3.9	3.7
Between date leave granted (or date notice of appeal as of right filed) and hearing	10.5	9.9	11.8	10.9	12.0	11.1	12.5	11.4	12.2	10.5	9.4
Between hearing and judgment	3.0	3.8	3.0	2.8	2.8	5.4	5.8	5.6	5.6	5.1	4.0
<b>All applications for leave, appeals and judgments are counted by individual file number.</b>											
* This percentage will change once all pending leave applications are decided.											



## Category 1: Cases Filed

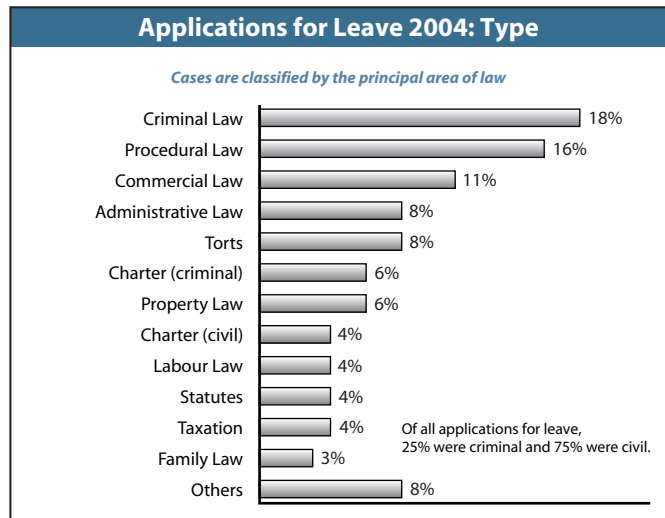


## Category 2: Applications for Leave Submitted

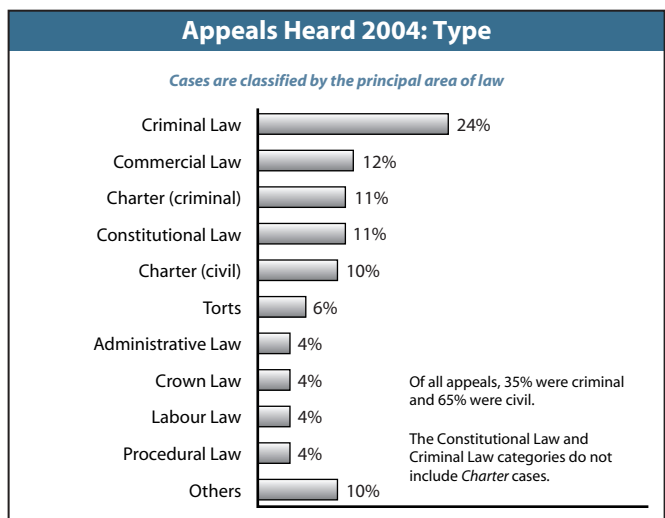
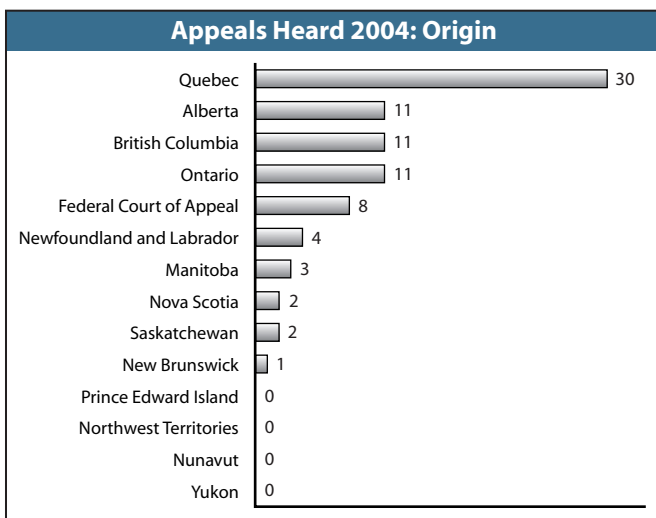




## Category 2: Applications for Leave Submitted (continued)

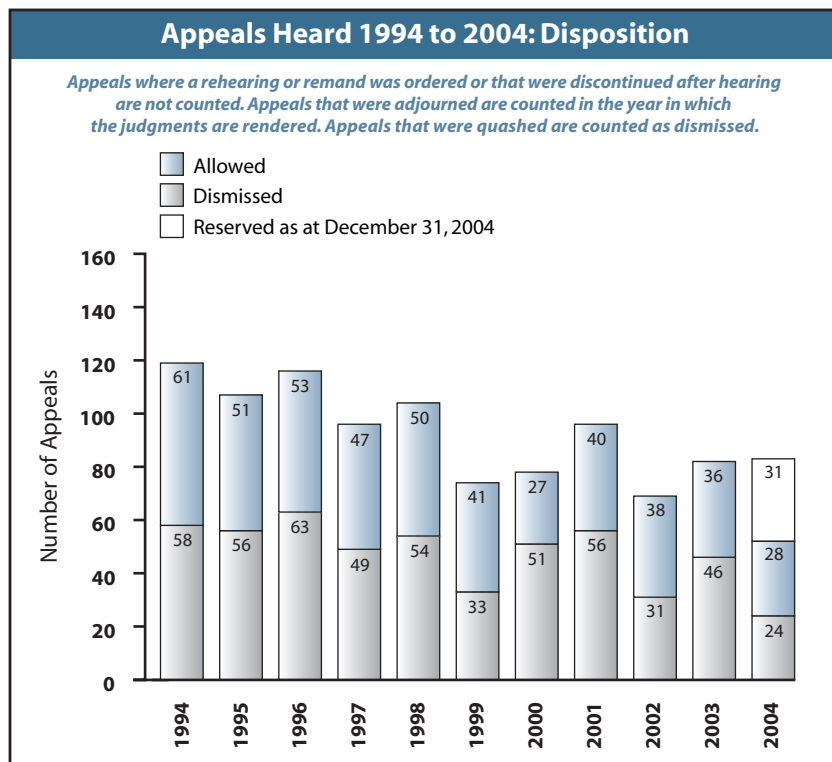
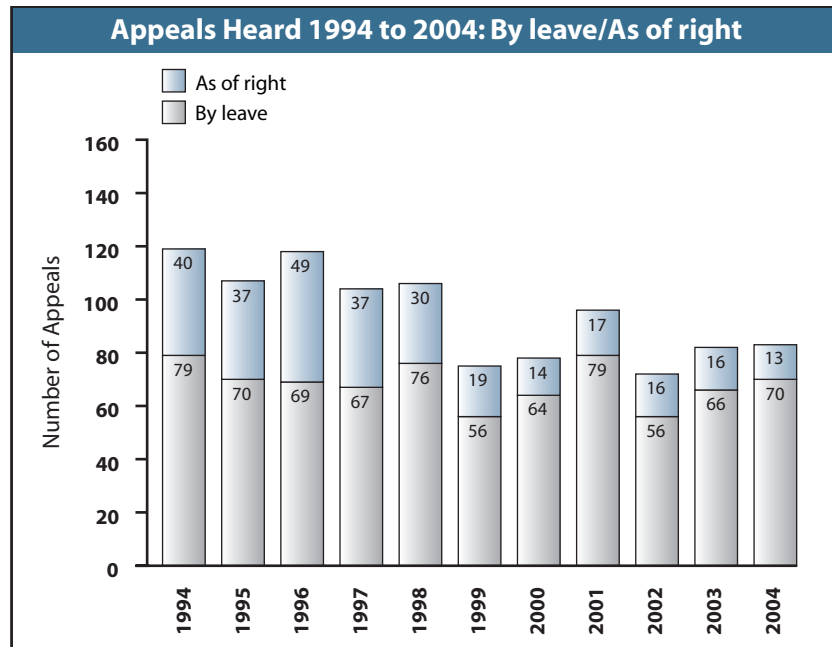


## Category 3: Appeals Heard



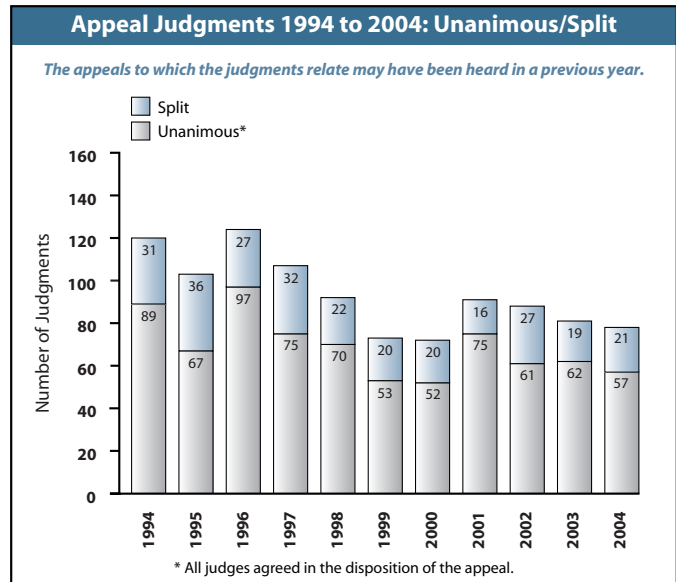
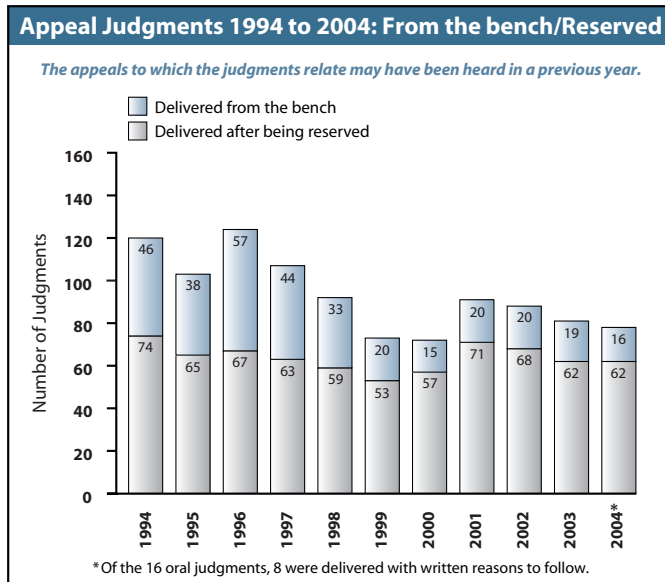
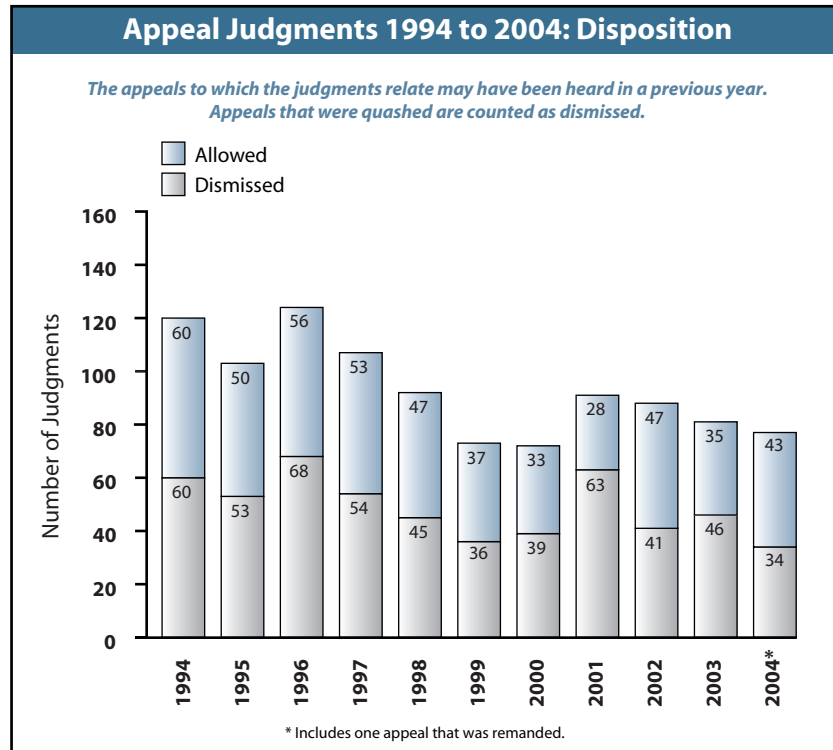


### Category 3: Appeals Heard (continued)



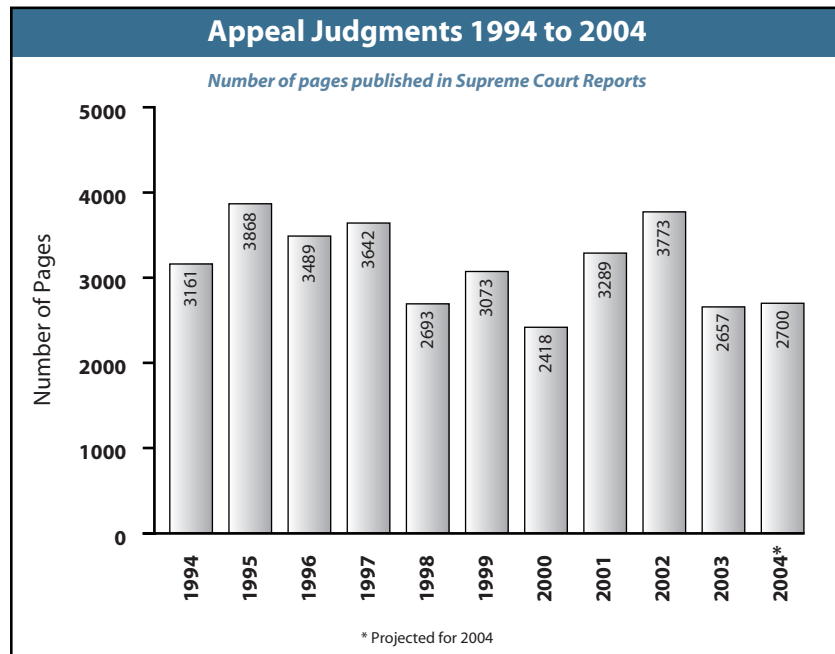
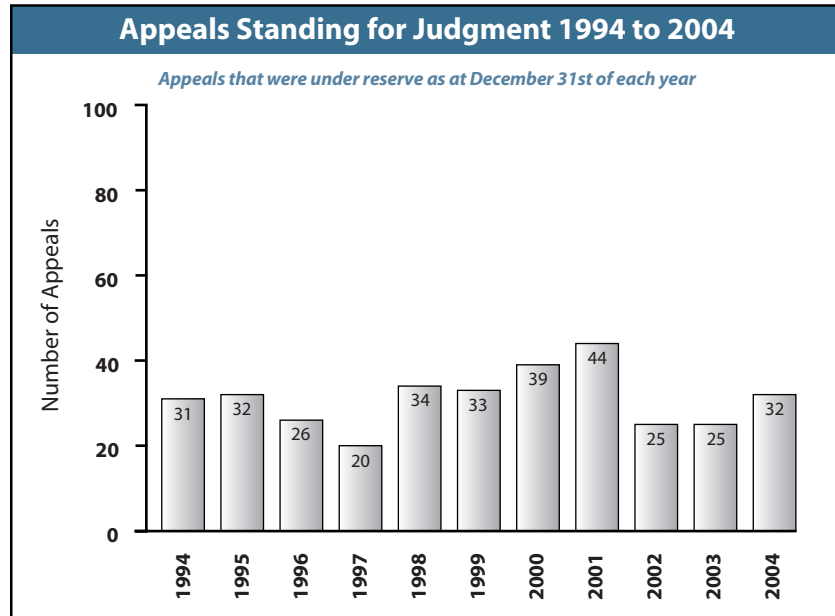


## Category 4: Appeal Judgments





## Category 4: Appeal Judgments (continued)





## Category 5: Average Time Lapses

