



# SUPREME COURT OF CANADA

STATISTICS 1998 TO 2008

Bulletin of Proceedings: Special Edition





## INTRODUCTION

This special edition of the *Bulletin* sets out a statistical view of the work of the Supreme Court of Canada in 2008 with comparisons to the previous ten years' work. The year marked some important transitions. Mr. Justice Michel Bastarache retired on June 30, 2008 and the Court welcomed the appointment of Mr. Justice Thomas Cromwell on December 22, 2008. Another significant change was the retirement of Registrar Anne Roland, who had served as Registrar for 18 years. A new Registrar, Roger Bilodeau, was appointed in January 2009.

The following brief description of the appeal process is provided to help explain the statistical charts and tables. 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, referred to as "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 progress of a case from the filing of a complete application for leave to appeal, a notice of appeal as of right or a reference to judgment.

The "Summary 1998 to 2008" 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 546 new cases filed in the year 2008 represents a 12% decrease from the number of cases filed in 2007 (618). The number of cases filed in 2008 is about 7% lower than the annual average number of cases filed over the last ten years (590).

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 to a panel 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 2008, there were 528 leave applications filed with the Court and 509 submitted to panels of the Court for decision. The total number of leave applications submitted to the Court for decision in 2008 is 19% lower than the number submitted in 2007.

The third category, "Appeals Heard", shows the number of appeals heard each year and the number of hearing days over the year. In 2008, the Court heard 82 appeals over 60 hearing days. The number of appeals heard was consistent with the average number of appeals heard over the previous ten years (82).



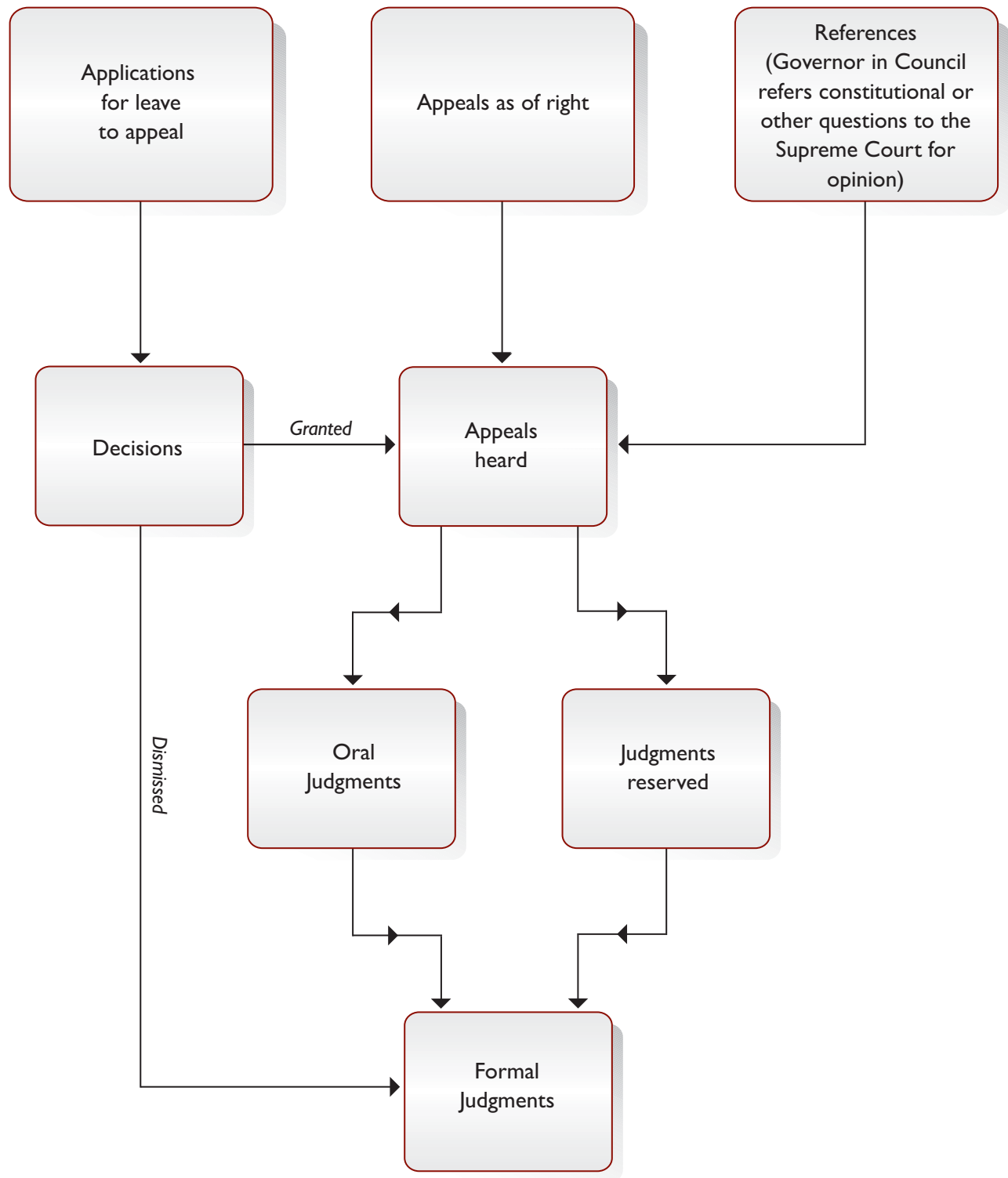
The fourth category, “Appeal Judgments”, gives information with respect to the number of judgments rendered each year. The Court released 74 judgments in 2008. Of these, 5 were pronounced from the bench (“oral judgments”), with written reasons to follow in one appeal. In 76% of the judgments, all judges 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 38 appeal judgments in reserve at year-end.

The final category, “Average Time Lapses”, shows time lines in the life of a case at the Court. On average, in 2008, 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 3.2 months. In 2008, appeals were heard, on average, 8.9 months after leave was granted or the notice of appeal as of right was filed. In 2008, the Court rendered judgment, on average, 4.8 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 5.1 months. All categories show decreases over the 2007 time lapses.



## THE APPEAL PROCESS IN THE SUPREME COURT OF CANADA



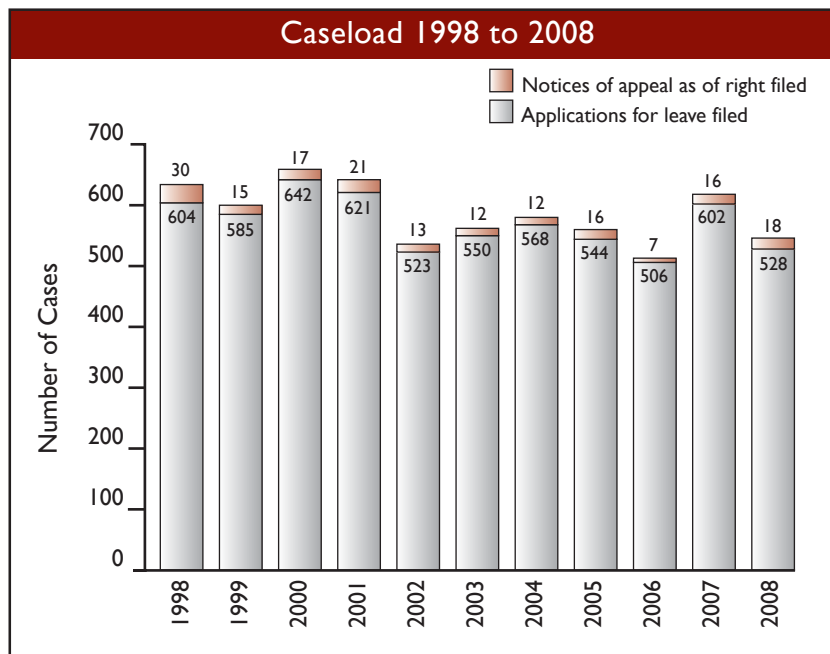


## SUMMARY 1998 TO 2008

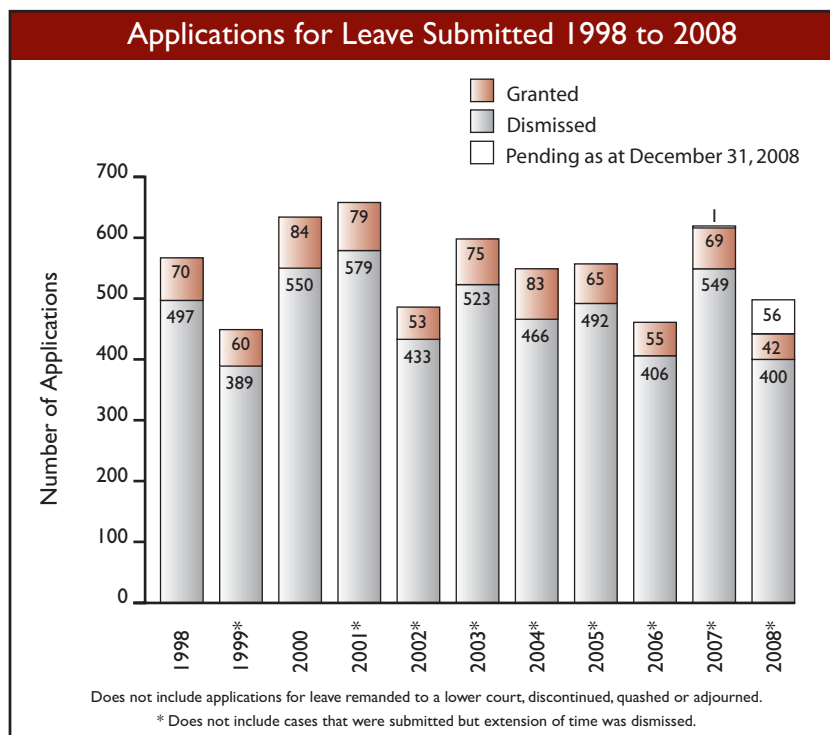
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
<b>Cases Filed</b>											
Complete applications for leave to appeal	604	585	642	621	523	550	568	544	506	602	528
Notices of appeal as of right	30	15	17	21	13	12	12	16	7	16	18
<b>Applications for Leave</b>											
Submitted to the Court	572	458	640	668	498	609	559	575	477	629	509
Granted (pending)	70	60	84	79	53	75	83	65	55	69(1)	42(56)
Percentage granted	12	13	13	12	11	12	15	11	12	11*	8*
<b>Appeals Heard</b>											
Total number	106	75	78	96	72	82	83	93	80	53	82
As of right	30	19	14	17	16	16	13	13	13	10	16
By leave	76	56	64	79	56	66	70	80	67	43	66
Hearing days	71	55	57	62	51	56	61	62	56	46	60
<b>Appeal Judgments</b>											
Total number	92	73	72	91	88	81	78	89	79	58	74
Delivered from the bench	33	20	15	20	20	19	16	17	4	2	5
Delivered after being reserved	59	53	57	71	68	62	62	72	75	56	69
Unanimous	70	53	52	75	61	62	57	65	63	36	56
Split	22	20	20	16	27	19	21	24	16	22	18
Percentage of unanimous judgments	75	73	72	82	69	76	73	73	80	62	76
Appeals standing for judgment at the end of each year	34	33	39	44	25	25	32	35	35	30	38
<b>Average Time Lapses (in months)</b>											
Between filing of application for leave and decision on application for leave	3.9	5.2	5.4	4.3	5.7	3.9	3.7	3.7	3.4	3.5	3.2
Between date leave granted (or date notice of appeal as of right filed) and hearing	12.0	11.1	12.5	11.4	12.2	10.5	9.4	9.1	7.7	9.0	8.9
Between hearing and judgment	2.8	5.4	5.8	5.6	5.6	5.1	4.0	5.2	5.9	6.6	4.8
<i>All applications for leave, appeals and judgments are counted by individual file number.</i>											
* This percentage will change once all pending leave applications are decided.											



## CATEGORY 1: CASES FILED



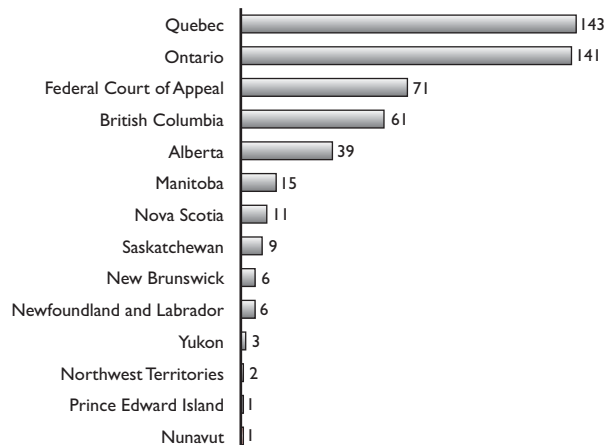
## CATEGORY 2: APPLICATIONS FOR LEAVE SUBMITTED





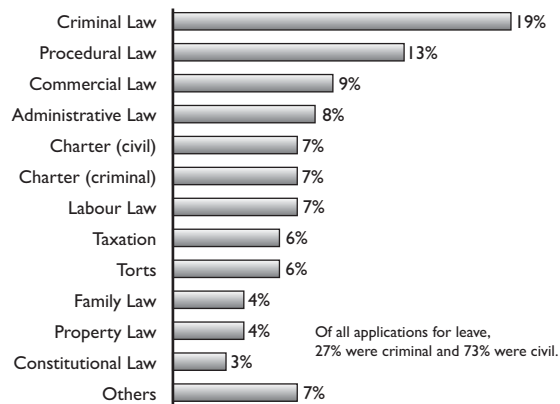
## CATEGORY 2: APPLICATIONS FOR LEAVE SUBMITTED (CONTINUED)

### Applications for Leave 2008: Origin



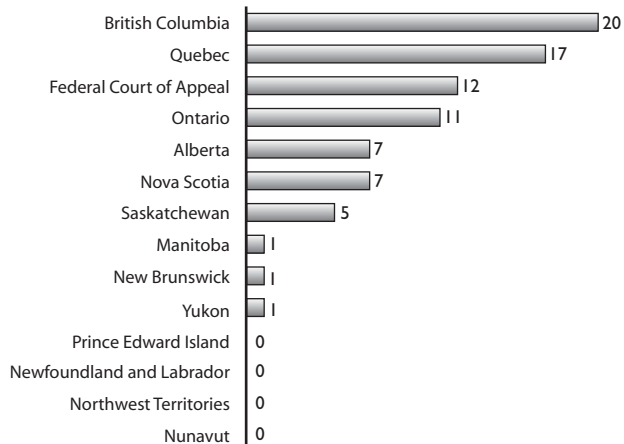
### Applications for Leave 2008: Type

Cases are classified by the principal area of law.



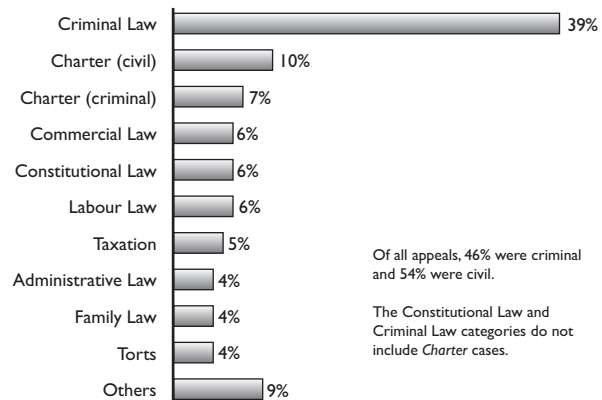
## CATEGORY 3: APPEALS HEARD

### Appeals Heard 2008: Origin



### Appeals Heard 2008: Type

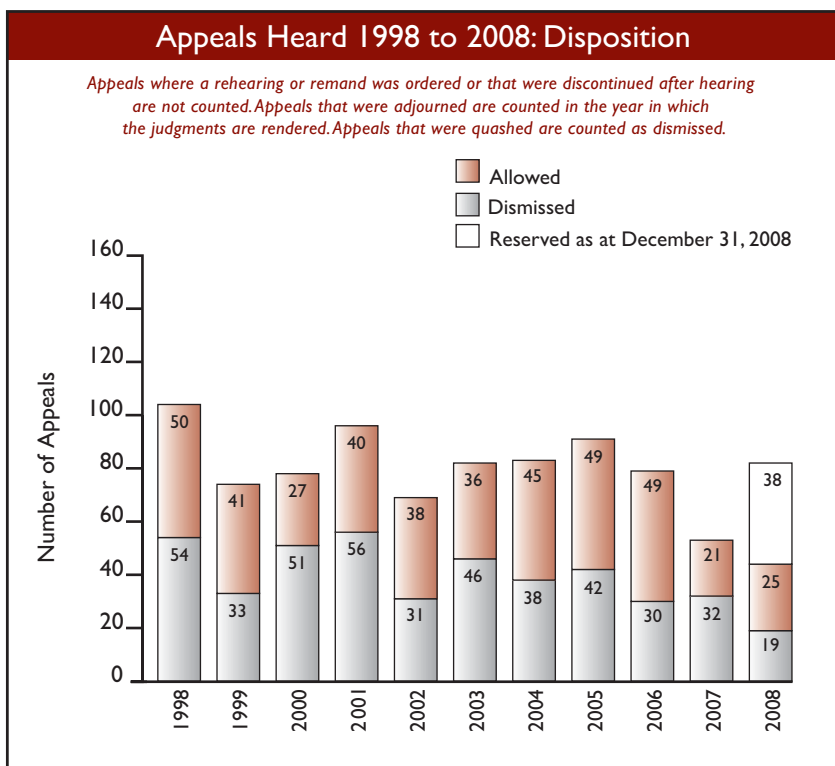
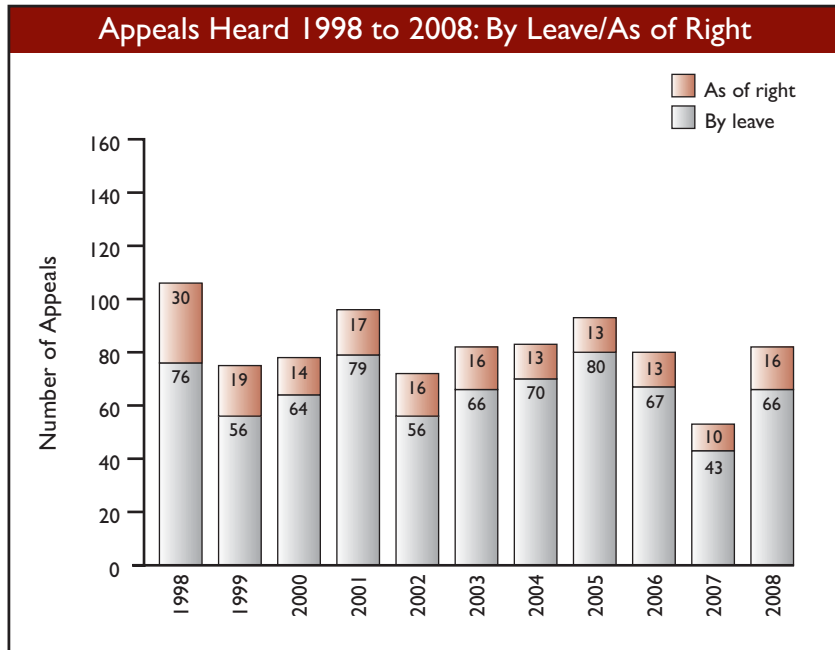
Cases are classified by the principal area of law.







### CATEGORY 3: APPEALS HEARD (CONTINUED)

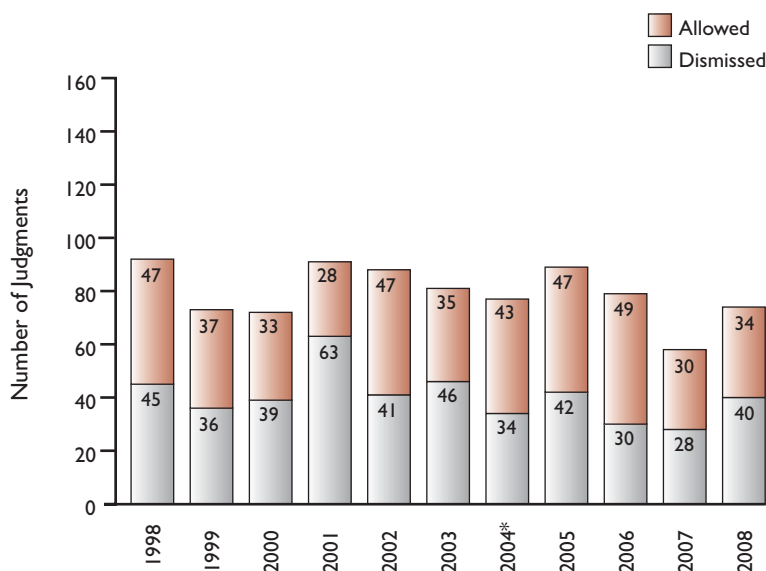




## CATEGORY 4: APPEAL JUDGMENTS

### Appeal Judgments 1998 to 2008: Disposition

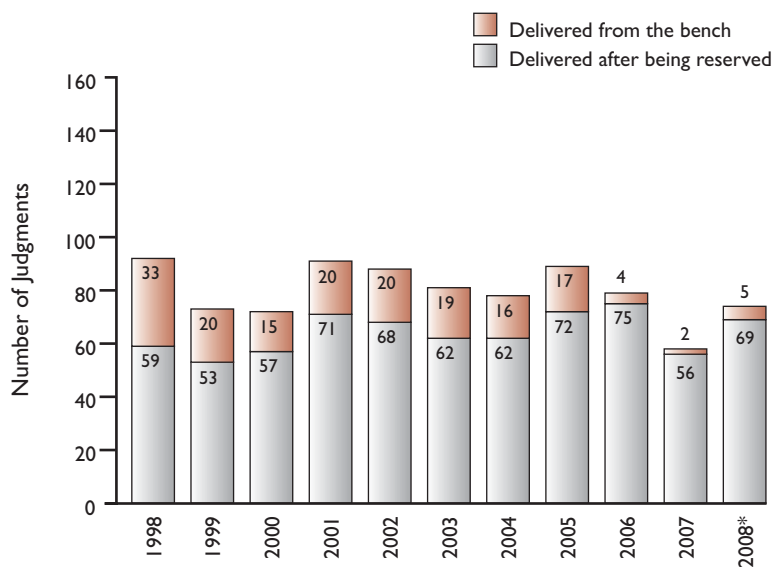
*The appeals to which the judgments relate may have been heard in a previous year.  
Appeals that were quashed are counted as dismissed.*



\* Includes one appeal that was remanded.

### Appeal Judgments 1998 to 2008: From the Bench/Reserved

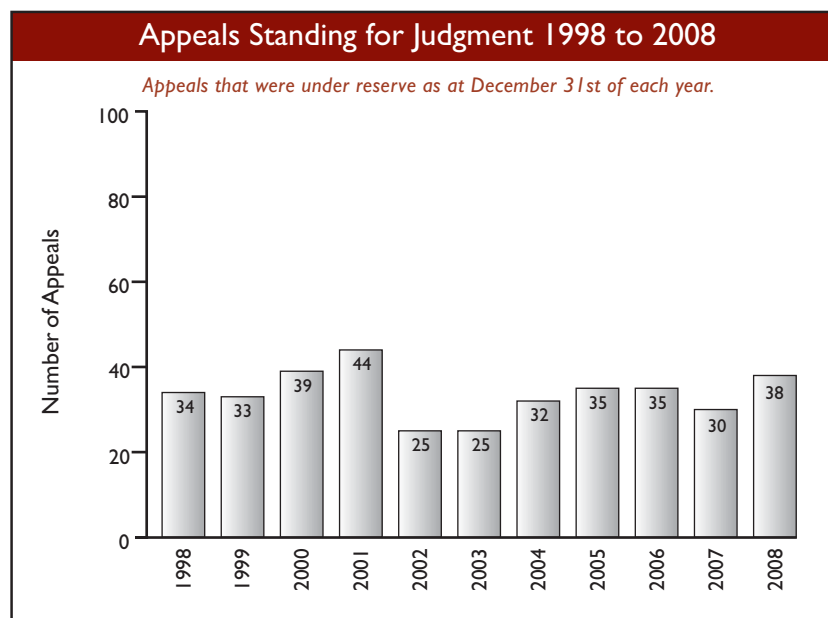
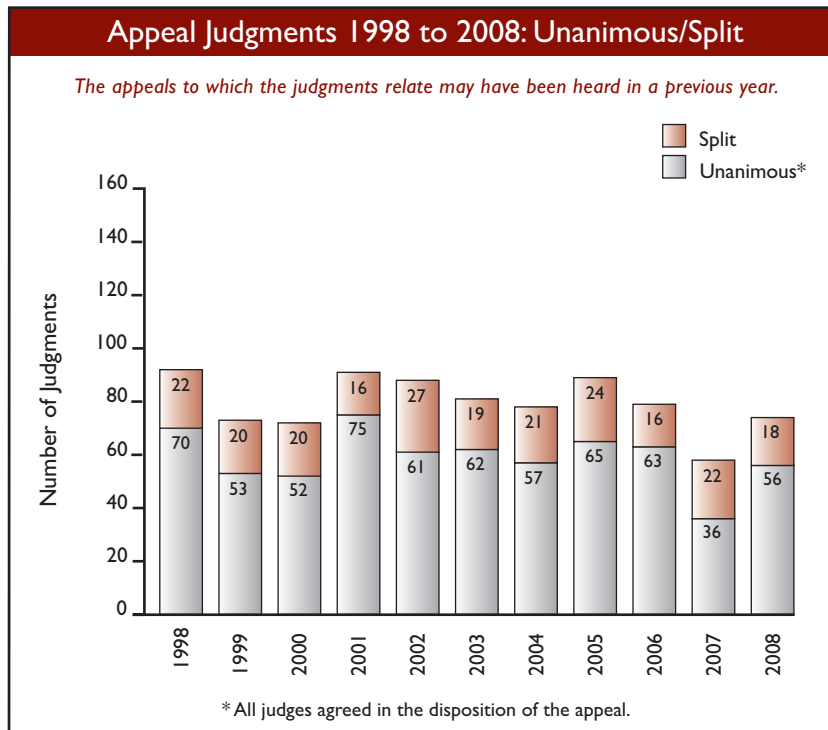
*The appeals to which the judgments relate may have been heard in a previous year.*



\* Of the 5 oral judgments, one was delivered with written reasons to follow.



## CATEGORY 4: APPEAL JUDGMENTS (CONTINUED)





## CATEGORY 5: AVERAGE TIME LAPSES

