



# SUPREME COURT OF CANADA

STATISTICS 2006 TO 2016







## FOREWORD

I always take great interest in this report. The statistics presented here are crucial to the Court's ongoing efforts to improve its efficiency, speed up its processes and measure its current performance against historical standards and new expectations. Internally the Court's judges and staff refer to these data regularly in the course of our work. Measuring, monitoring and reviewing our performance is one way of ensuring our accountability to the Court's users and to the Canadian public as a whole.

Measuring our performance and examining the resulting data is only the first step, however. The next is to publish this information for the benefit of the public. The Supreme Court of Canada began publishing this annual statistical report in 1990. We began posting the report on the Court's website in 1998, in what was still the early days of the Internet. Last year, for the first time, we released some of the report's graphs on our Twitter feed. Exposing this information to the public is, to my mind, essential. Accountability requires transparency, and publication of performance metrics is a step towards both.

I am convinced that Canadian courts must become more administratively independent from the federal and provincial governments that regularly appear before them. With greater administrative independence will come a heightened responsibility to operate our courts in accordance with the good governance principles of accountability and transparency. At first blush, those principles might seem inimical to the judicial function. Independence might seem the opposite of accountability. Transparency might seem at odds with the undoubted need for deliberative secrecy. But these tensions are only superficial. In truth, judicial independence and judicial accountability are two sides of the same coin; the one defines the limits of the other.<sup>1</sup> And while transparency must have certain limits in the judicial context (as in others), courts must not misuse judicial independence as a shield against legitimate public scrutiny of how well courts are meeting the public's needs.

The collection, assessment and publication of performance measures is a discipline to which all Canadian courts and quasi-judicial tribunals should subject themselves. Funding challenges may hamper efforts to introduce or expand the use of such measures in some settings. I see a sad irony in this, as I feel confident that the investment of public funds in increased judicial performance measures would, in the long run, lower the public cost of judicial administration by promoting efficiencies, exposing inefficiencies and encouraging simplified processes. In my experience, having at hand the statistics collected in this volume has given our Court valuable insights into how we can do better.

While I am proud of our Court's history of producing and publishing these statistics, we hope to do more. A consolidated annual report of the Court's activities and accounts is currently beyond our capacity, but I hope one day it will form a cornerstone of the Court's accountability practices.

Behind these statistics lies the immense hard work of the Supreme Court of Canada's dedicated staff. They have, as always, my sincere thanks.

Rt. Hon. Beverley McLachlin, P.C.  
Chief Justice of Canada

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<sup>1</sup> See generally G. Gee and others, eds., *The Politics of Judicial Independence in the UK's Changing Constitution* (Cambridge University Press, 2015).





## INTRODUCTION

This report sets out a statistical view of the work of the Supreme Court of Canada in 2016 with comparisons to the previous ten years' work.

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 the Court. Such permission, or leave to appeal, is given if the Court 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 5 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 the issuing of a judgment.

The table on page 6, "Summary 2006 to 2016", outlines the Court's workload during that period, broken down into five categories.

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. In 2016, 577 new cases were filed – 562 applications for leave to appeal and 15 appeals as of right, an increase of 3% from 2015.

The second category, "Applications for Leave Submitted", shows the number of leave applications submitted to 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 the Court 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 2016, there were 598 leave applications submitted to the Court for decision, an increase of 24% from 2015.

The third category, "Appeals Heard", shows the number of appeals heard each year and the number of hearing days over the year. In 2016, the Court heard 63 appeals over 53 hearing days.

The fourth category, "Appeal Judgments", gives information with respect to the number of judgments rendered each year. The Court released 57 judgments in 2016. Of these, 13 were pronounced from the bench ("oral judgments"). In 61% 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 24 appeal judgments in reserve at year-end.

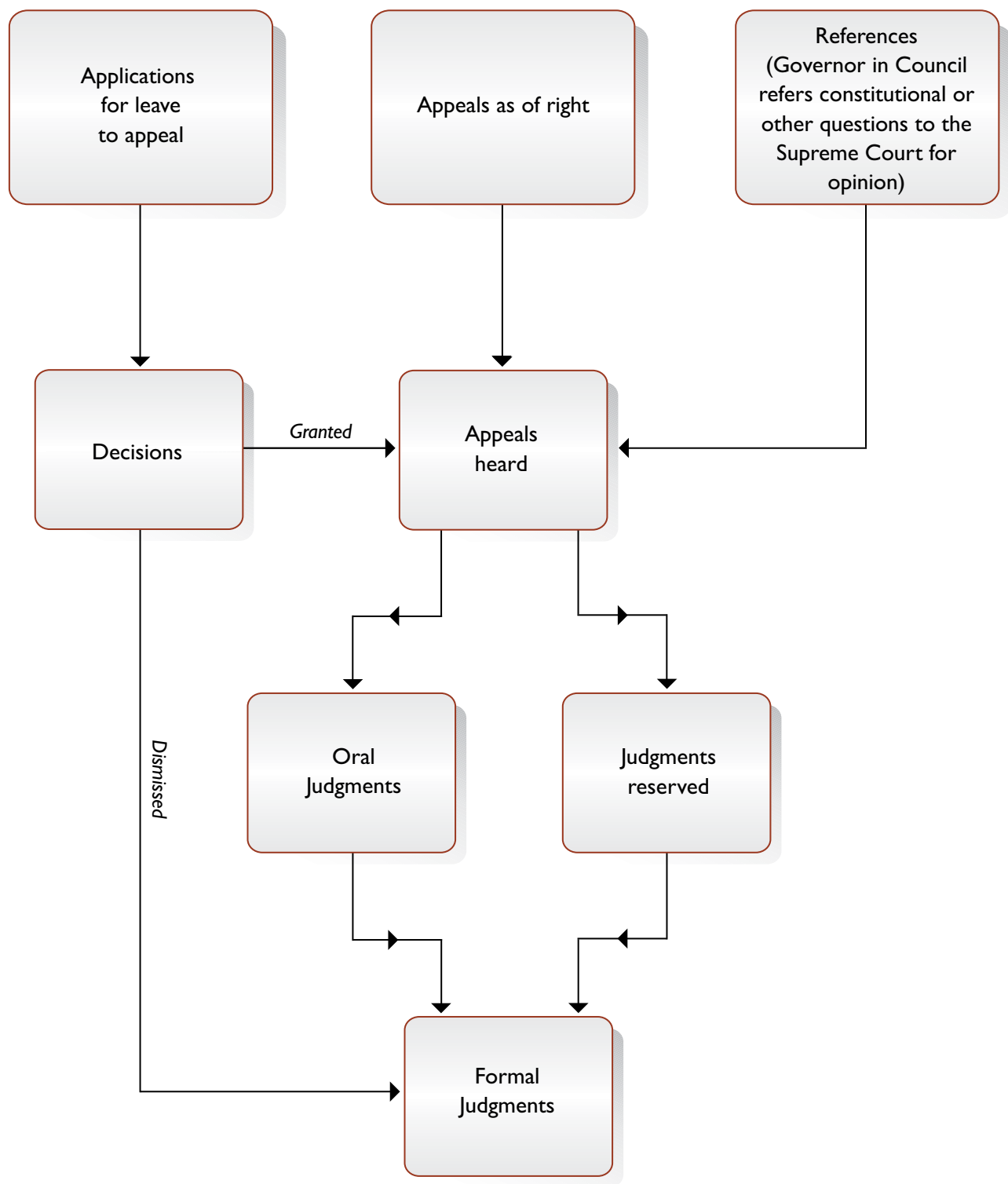


The final category, "Average Time Lapses", shows average time lines in the life of a case at the Court. In 2016, the time between the filing of a complete application for leave to appeal and the Court's decision on whether leave should be granted or denied was 4.0 months. Appeals were heard 7.5 months after leave was granted or the notice of appeal as of right was filed, and judgments were rendered, on average, 4.8 months after the appeal hearing, one month faster than 2015.

Detailed information about Supreme Court of Canada cases and judgments can be found on the Court's website at **[www.scc-csc.ca](http://www.scc-csc.ca)**.



## THE APPEAL PROCESS IN THE SUPREME COURT OF CANADA





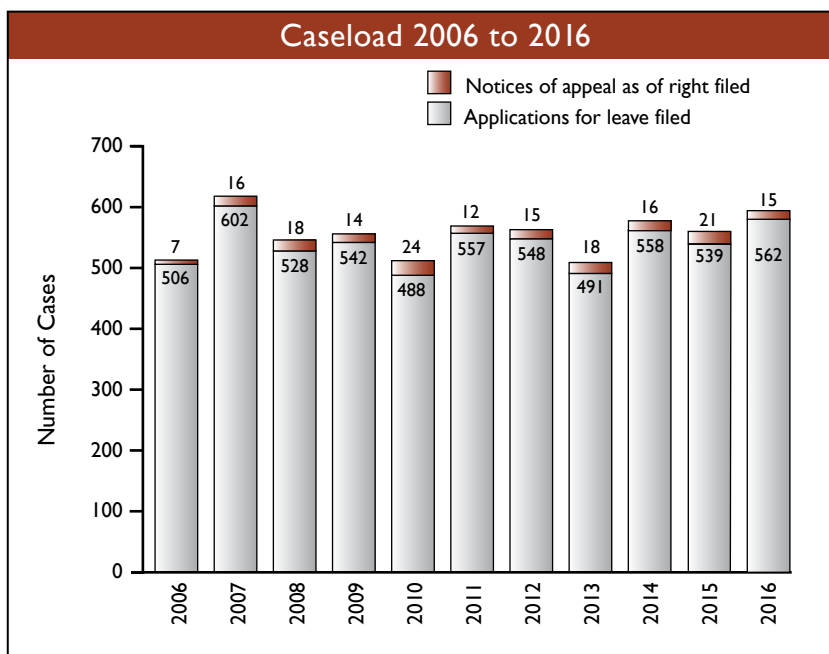
## SUMMARY 2006 TO 2016

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
<b>Cases Filed</b>											
Complete applications for leave to appeal	506	602	528	542	488	557	548	491	558	539	562
Notices of appeal as of right	7	16	18	14	24	12	15	18	16	21	15
<b>Applications for Leave</b>											
Submitted to the Court	477	629	509	518	465	541	557	529	502	483	598
Granted (pending)	55	69	51	59	55	69	69	53	50	43	48(84)
Percentage granted	12	11	10	11	12	13	12	10	10	9	8*
<b>Appeals Heard</b>											
Total number	80	53	82	72	65	70	78	75	80	63	63
As of right	13	10	16	12	15	19	15	12	22	15	15
By leave	67	43	66	60	50	51	63	63	58	48	48
Hearing days	56	46	60	55	51	60	65	65	63	50	53
<b>Appeal Judgments</b>											
Total number	79	58	74	70	69	71	83	78	77	74	57
Delivered from the bench	4	2	5	2	4	8	8	9	22	16	13
Delivered after being reserved	75	56	69	68	65	63	75	69	55	58	44
Unanimous	63	36	56	44	52	53	60	53	61	52	35
Split	16	22	18	26	17	18	23	25	16	22	22
Percentage of unanimous judgments	80	62	76	63	75	75	72	68	79	70	61
Appeals standing for judgment at the end of each year	35	30	38	40	36	35	30	27	29	18	24
<b>Average Time Lapses (in months)</b>											
Between filing of application for leave and decision on application for leave	3.4	3.5	3.2	3.2	3.4	4.1	4.4	3.3	3.2	4.1	4.0
Between date leave granted (or date notice of appeal as of right filed) and hearing	7.7	9.0	8.9	7.6	7.7	8.7	9.0	8.2	8.2	7.3	7.5
Between hearing and judgment	5.9	6.6	4.8	7.4	7.7	6.2	6.3	6.2	4.1	5.8	4.8
<i>All applications for leave, appeals and judgments are counted by individual file number.</i>											
* This percentage may change once all pending leave applications are decided.											

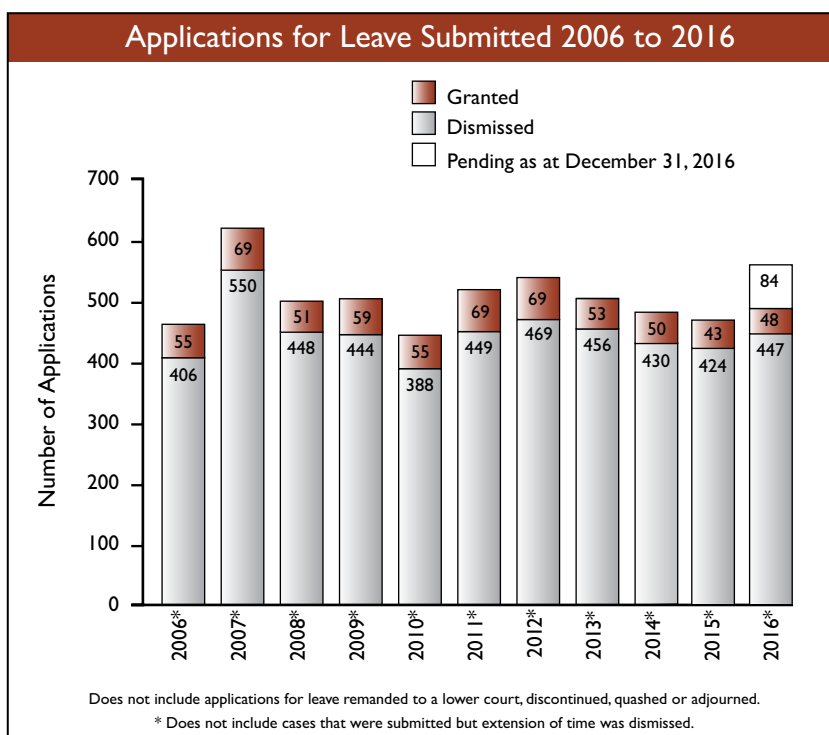




## CATEGORY 1: CASES FILED

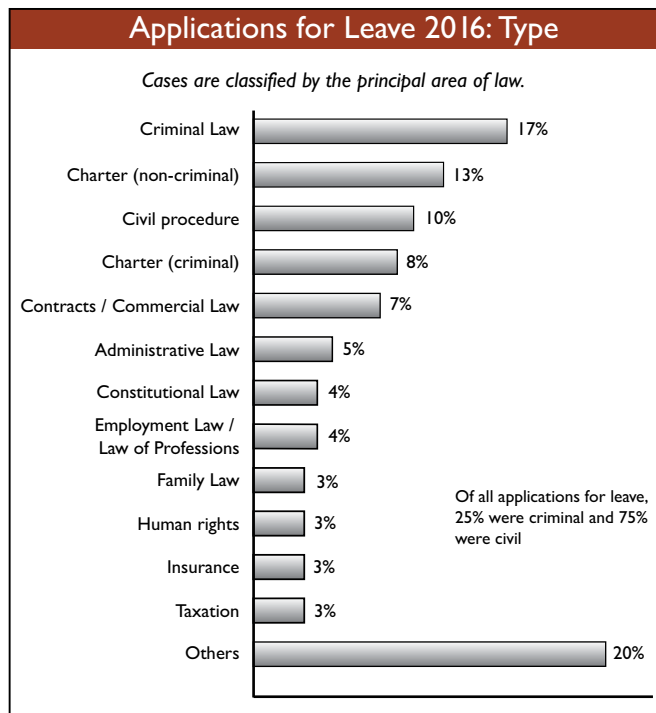
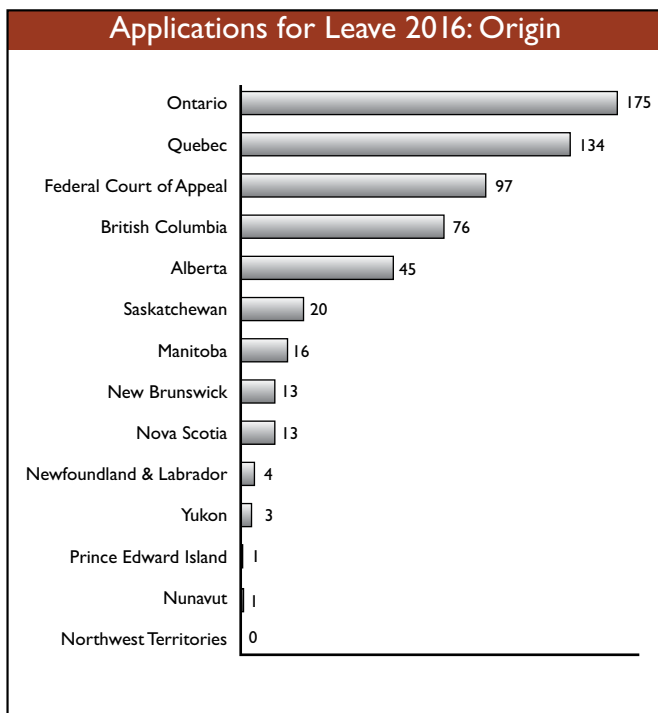


## CATEGORY 2: APPLICATIONS FOR LEAVE SUBMITTED

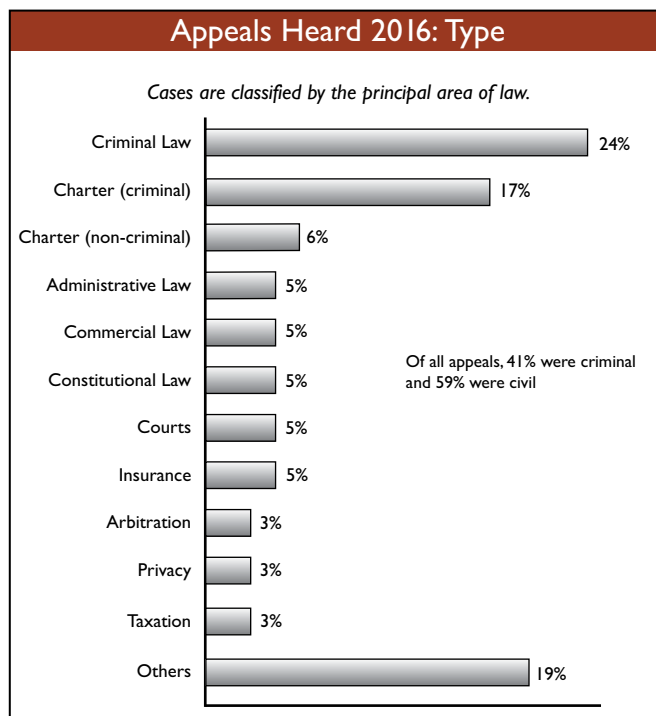
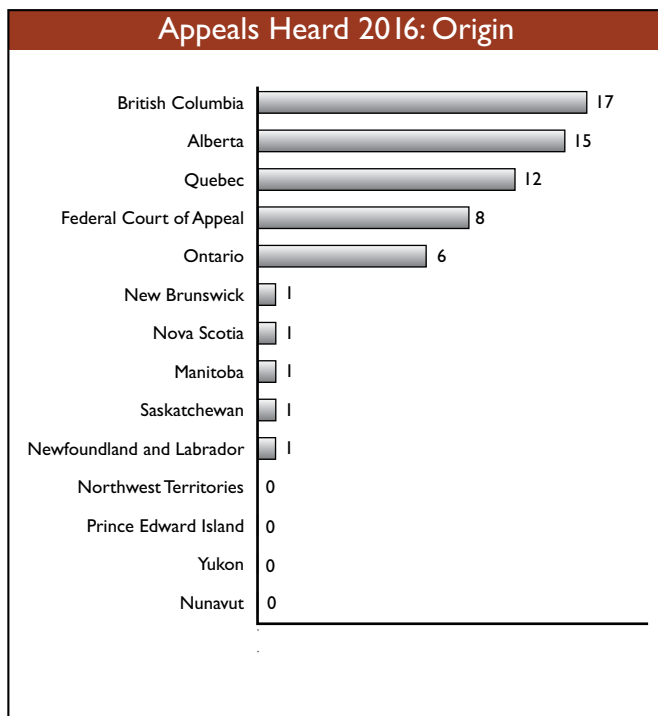




## CATEGORY 2: APPLICATIONS FOR LEAVE SUBMITTED (CONTINUED)

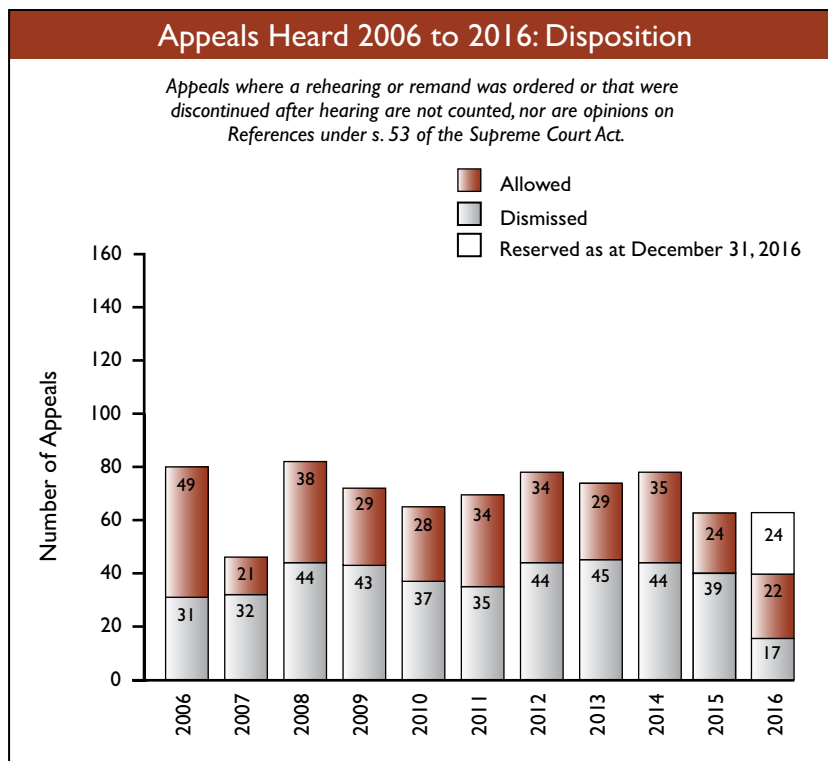
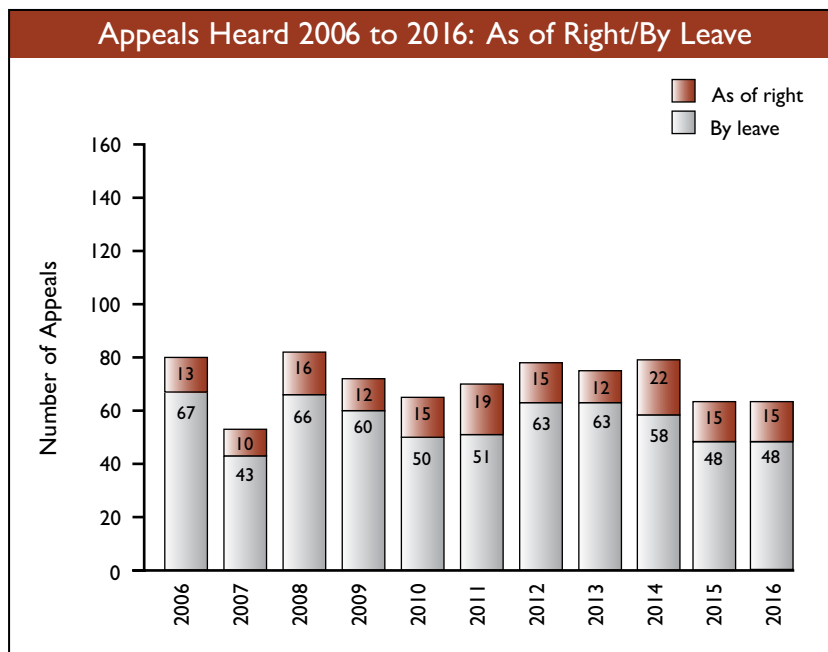


## CATEGORY 3: APPEALS HEARD



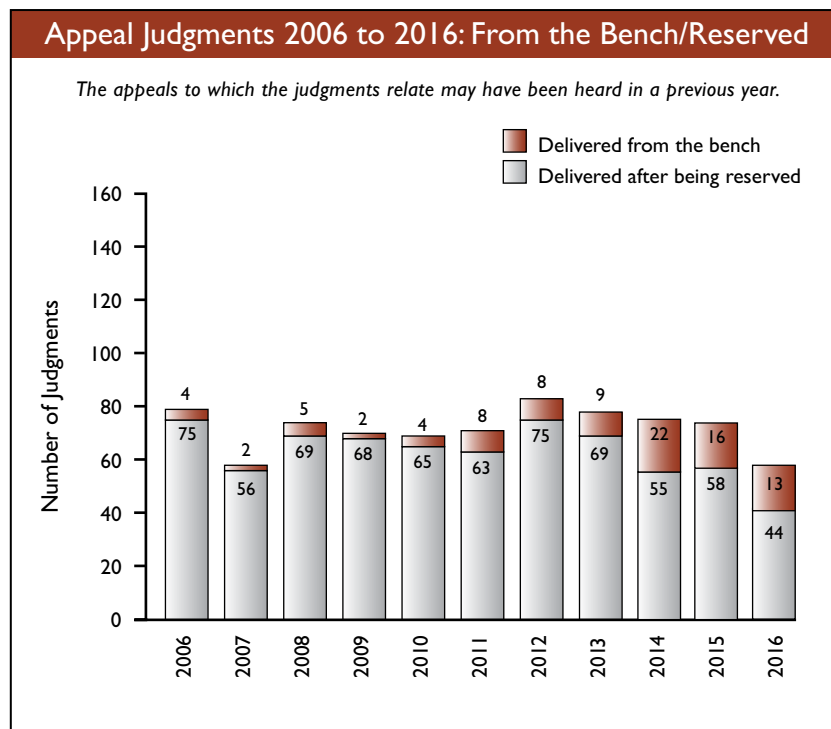
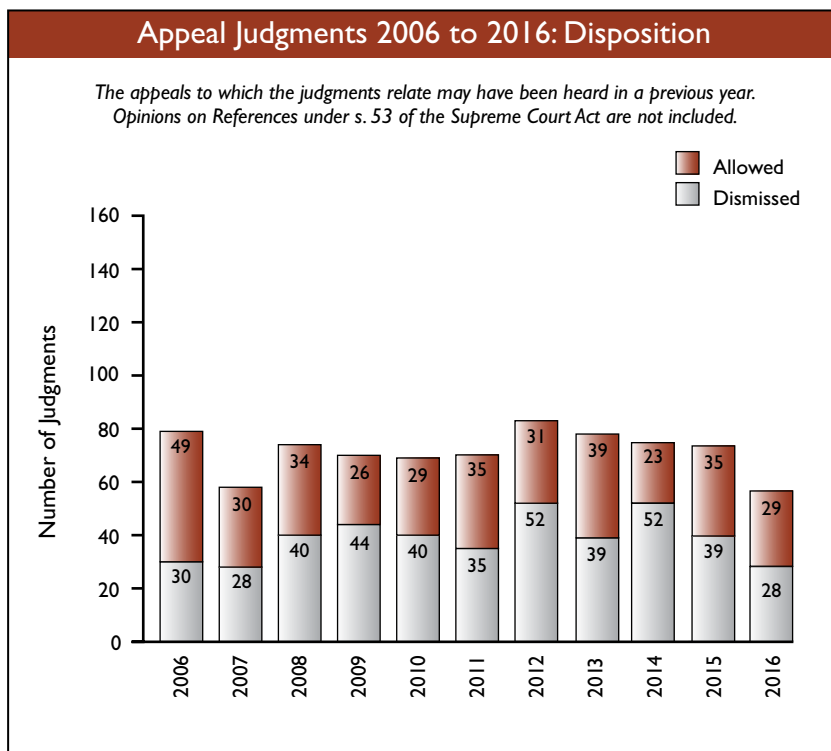


### CATEGORY 3: APPEALS HEARD (CONTINUED)



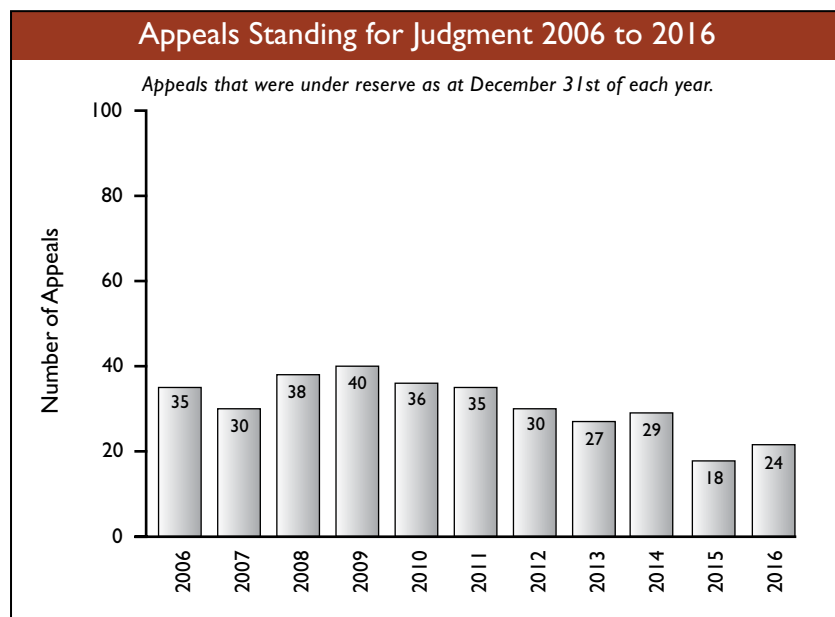
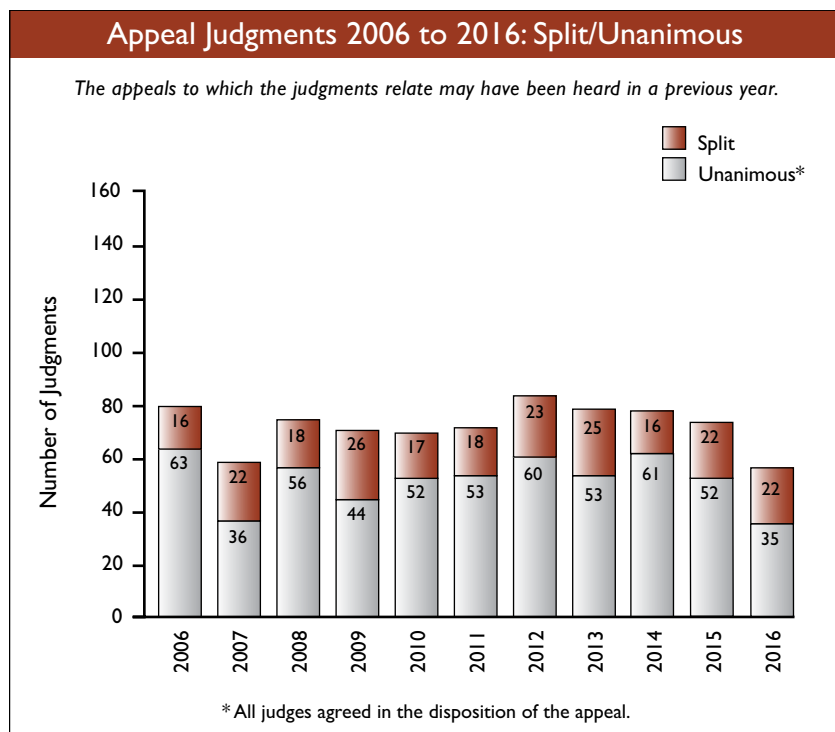


## CATEGORY 4: APPEAL JUDGMENTS





## CATEGORY 4: APPEAL JUDGMENTS (CONTINUED)





## CATEGORY 5: AVERAGE TIME LAPSES

