

Arbitration cases before the Svea Court of Appeal

Cases that challenge arbitral awards or seek to declare them invalid are often long and complex. It is important to the parties as well as to the Court of Appeal that the handling of each case is efficient and result oriented to ensure that final decisions can be rendered as soon as possible.

To facilitate this, the procedural guidelines set out on the following two pages have been produced by the Court of Appeal following consultations with lawyers experienced in arbitration proceedings and challenge proceedings.

The procedural guidelines have been drafted with the ordinary case in mind. Some practical issues are addressed first.

Some practical issues

- ✓ Each arbitration case is assigned to a Reporting Judge – a Judge of Appeal – who is responsible for the case, as well as to a Reporting Clerk/Legal Clerk, who handles the case together with the Reporting Judge
- ✓ The Court's decision to issue a summons can be taken sooner if the claimant already in the summons application states
 - that the application fee is or will soon be paid
 - when a power of attorney for the claimant's counsel is expected to be filed (if not already filed)
 - information for serving the respondent (see Chapter 33, Section 1, third paragraph of the Code of Judicial Procedure)
- ✓ The Court of Appeal will dispatch all decisions in the case to all parties, so that the parties know how the case is moving forward
- ✓ In urgent situations, it helps if the parties send their submissions both to the counterparty and to the court
- ✓ When a time plan has been set, time extensions are granted very restrictively
- ✓ Prior to the main hearing it helps if the documentation bundle – evidence and so on – that the party intends to refer to is filed (in four copies) two weeks before the hearing

Procedural guidelines for the ordinary case

1. When an **application for a summons has been received:**

→ The Reporting Judge telephones the claimant's counsel and (presumed) counsel for the respondent for purposes of introduction. The time plan and the potential need for translation (full or partial) of the arbitral award may be discussed.

2. When a **summons is issued:**

→ Four weeks will normally be granted for the Statement of Defence.
→ The summons is copied to the claimant's counsel for information.

3. When a **Statement of Defence has been received:**

→ In consultation with counsel, the Reporting Judge makes (if not already done) a **time plan** setting the dates for:

- the parties' submissions
- preparatory hearing, preferably immediately after the Statement of Defence
- a "soft" deadline sanctioned by preclusion under Chapter 42, Section 15a of the Code of Judicial Procedure
- main hearing (or judgment on the documents only)
- estimated date of the Court's judgment

4. As soon as the **time plan has been set:**

→ Counsel are booked for the preparatory hearing and main hearing
→ These may later be cancelled if no longer required

5. A few weeks **prior to the date of preparatory hearing:**

→ The reporting Judge, in consultation with counsel, determines the need for a preparatory hearing

→ The reporting Judge provides counsel with a **summary of motions and legal grounds** and informs counsel about the issues to be dealt with at the preparatory hearing

6. After the **preparatory hearing (or after that date, if a preparatory hearing is not held):**

→ The Reporting Judge in consultation with counsel produces a **plan for the main hearing**

→ The Reporting Judge discusses with counsel:

- the possibility of the parties filing, prior to the main hearing, joint or separate bundles containing documentary evidence and other documentation

- the possibility of the parties serving their own witnesses with the Court's summonses to the main hearing

→ The Court of Appeal issues a **“soft” deadline**