

Stephan L. Jervell

Managing Partner

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Stephan works with litigation, dispute resolution, negotiations and public law framework conditions for trade and industry, including procurement and competition law. He litigates regularly before Norwegian courts, and he has litigated before the EFTA Court and carried out hearings before the EU Commission. Stephan has further pleaded 4 competition law cases for the Supreme Court, which is more than anyone else, and has won 3 out of 4 cases. For 20 years Stephan has been highly engaged in international arbitration in shipping, oil and gas, M&A disputes and general contract law. He has litigated a number of cases in the ICC and the SCC systems and has also been engaged in ad hoc arbitration. He has furthermore been arbitrator in several national and international arbitrations, and he has been chairman in the reinsurance disputes concerning the fire in Grenfell Tower in London and the terrorist attack at In Amenas in Algeria. Stephan is top-ranked (Band 1) in Chambers International and Chambers Europe in Dispute Resolution, as well as ranked within procurement law and competition law in Chambers Europe. In the Financial Daily's annual lawyer survey, Stephan is ranked as one of Norway's foremost experts on dispute resolution and is also highly ranked within the class of International lawyer and Most sought after by competitors. Stephan is the author of several legal textbooks and articles. He is the chief editor of Rettsdata's databases Administrative Law and Civil Procedure. Moreover, Stephan has extensive experience as board member of Norwegian and foreign companies and is inter alia chair of the board of Riksteatret and Opplysningsvesenets Fond and board member of inter alia Smedvig AS, Braganza AB and ABC Start siden AS.

Industry expertise

Media and Entertainment

Public sector

Sport

Technology and Digitisation

Areas of practice

EU/EEA Law

Renewable Energy

Competition Law

Contract Law

Public Procurement

Oil and Gas

Litigation and Dispute
Resolution

Stephan L. Jervell is a rock star in court, very positive and proactive, and a convincing advocate before judges.

Legal 500, 2024

Selected projects

The Competition Appeal Board's decision to prohibit Schibsted's acquisition of Nettbil (Supreme Court)

The case concerns the validity of the Competition Appeals Board's decision to prohibit Schibsted's acquisition of Nettbil. Schibsted bought Nettbil in December 2019. The value of the transaction was below the threshold values for notification, and the transaction was therefore carried out immediately. However, the Competition Authority warned in January 2020 that intervention could be relevant, and after a lengthy notification process, the Authority decided in November 2020 to prohibit the acquisition. The ban was upheld by the Competition Appeals Board in a decision in May 2021. Our assessment was that both the Authority's and the Board's decisions were weakly justified. In particular, we have been critical of whether the authorities have sufficient evidence that Schibsted's platform Finn.no actually competes with Nettbil. Schibsted therefore chose to appeal the prohibition decision to the Court of Appeal. Gulating Court of Appeal fully upheld Schibsted's appeal, and Schibsted was awarded full legal costs of approximately 8.5 million. The State and the Attorney General chose to appeal the judgment to the Supreme Court. In its judgment, the Supreme Court fully upheld Schibsted. Like the Court of Appeal, the Supreme Court strongly criticizes the authorities' assessments of evidence and use of internal documents. Schibsted was also awarded almost 6 million in legal costs for the Supreme Court. After a process that has lasted for over three years, Schibsted and Nettbil can finally put an end to the case. The case is the first merger case tried in Norwegian courts, and has raised a number of interesting questions related to, among other things, market delimitation, the courts' intensity of review when reviewing the competition authorities' professional assessments, and the evidence threshold for prohibiting a merger under the Competition Act § 16

Class action lawsuit for compensation after fines for anti-competitive practices (Supreme Court)

The issue of the case is whether the Alarm Customer Association may bring a class action with external action financing under the withdrawal option in section 35-7 of the Dispute Act against Sector Alarm and Verisure, on the assumption that the financing costs will be covered by reducing any damages awarded to the class members. The background of the case is that Sector Alarm and Verisure were fined by the Norwegian Competition Authority in 2019 for engaging in competition-restricting cooperation. Some alarm customers then established the Alarm Customer Association, which sole purpose is to claim damages for alleged financial loss on behalf of the customers. To finance the class action, the Alarm Customer Association had concluded an action financing agreement with the company Therium Litigation Finance Atlas AFP IC, registered on Jersey. If the action is successful, Therium will receive a "success fee" of 3x the invested amount, which would be covered by a preferential reduction of the total amount in damages awarded to the class members. The Alarm Customer Association wanted the courts to approve this agreement structure and made such approval a condition for being appointed class representative. The Supreme Court, like the Court of Appeal, found that there was no legal basis for holding the class members in a withdrawal action liable for the financing costs through a reduction in any awarded damages. Nor did EEA law, section 95 of the Norwegian Constitution and article 6 of the ECHR change this conclusion. The Alarm Customer Association's condition for being a class representative could therefore not be met, and the Alarm Customer Association could then not be considered "willing" to be appointed class representative, which is an absolute condition for bringing a class action under section 35-2 (1) (d) of the Dispute Act.

Work experience

Managing Partner, Wiersholm, 2024

Partner, Wiersholm, 2000

Visiting Scholar, Centre of European Law, University of Oslo, 1998

Investigator, The Parliamentary Inquiry Commission, 1997

Lawyer, the Office of the Attorney General (Civil Affairs), 1993

Course Leader, Lecturer and External Examiner, University of Oslo, 1990

Education

Master of Laws, Harvard Law School, 1994

Cand. Jur., University of Oslo, 1992

Educated mediator and arbitrator, ,

Membership

Chair of the Board, Riksteatret, 2011 - 2024

Chairman of the Board, Romerike International School, 2016 - 2024

Board member, EAM Solar ASA, 2018 - 2024

Member, the Norwegian Bar Association's Ethics Committee, 2019 - 2022

Deputy Chair and Chair of the Board, Wiersholm, 2013 - 2019

Board member, Braganza AB, 2018

Board member, Smedvig AS, 2017

Board member, ABC Start siden AS, 2018

Board member, AKO Foundation, 2017

Board member, Oslo Chamber of Commerce' Institute of Arbitration and Dispute Resolution, 2017

Board member, Smedvig Asset Allocation AS, 2005

Chair of the Board, Opplysningsvesenets Fond, 2013

Member, the Employment Panel at the Faculty of Law (UiO), 2019

Chief Editor, Rettsdata's database Administrative Law, 2004

Chief Editor, Rettsdata's database Civil Procedure, 2005
, 2023

Awards

Band 1 , Chambers Global, Dispute Resolution , 2024

Band 1, Chambers Europe, Dispute Resolution, 2024

Topp 10, Advokatundersøkelsen, Finansavisen, Dispute resolution, 2023

Topp 10, Advokatundersøkelsen, Finansavisen, International lawyer, 2023

Band 1, Chambers Europe, Dispute Resolution, 2023

Band 1, Chambers Global, Dispute Resolution, 2023

Band 1, Chambers Global, Dispute Resolution - Norway , 2022

Band 1, Chambers Global, Dispute Resolution - Norway, 2021

Band 4, Chambers Europe, Competition/Antitrust - Norway, 2021

Band 4, Chambers Europe, Competition/Antitrust - Norway,
2020

Band 1, Chambers Europe, Dispute Resolution, 2020