Paul-Erik Veel
416-865-2842
pveel@litigate.com

February 10, 2025

C.J. Wagner Says Top Court â€˜Exploringâ€™ Provision of Mediation in Cases Where Leave to Appeal Denied

Paul-Erik Veel was interviewed by Law360 Canada, where he discussed his views on Chief Justice Richard Wagner of the Supreme Court of Canada's recent statement about exploring the possibility of offering mediation services in cases where the Supreme Court denies leave to appeal.

...

"[Mediation] is an incredibly important part of the civil justice process, and there's no question that it plays a useful role in resolving cases at lower cost and more quickly than adjudication in lots of cases and so, at a conceptual level, [I'm] fully on board with efforts to support further access to mediation."

"I find it a little bit inconsistent with the Supreme Court's general institutional role that they might end up taking up some of their resources on mediation."

"The court's primary function isn't to resolve individual cases. It's to make and clarify the law for other cases going forward," he elaborated. "While I'm supportive of further efforts at mediation… my perspective would be that's something really our trial courts should be focusing… further efforts [on] to push parties into, if we think there's more need for mediation. And really the Supreme Court's focus should be on identifying, and deciding as quickly as possible, those cases of public importance that come before it."

However, Veel suggested that any additional resources for mediation "could probably be better spent at the Superior Court level, where you have judges, day in and day out, doing pre trials and trying to do judicial mediation… trying to resolve cases in the trenches," rather than on enabling the Supreme Court to "branch into something that isn't really its core institutional role in our justice system."

Continue reading:
https://www.law360.ca/ca/family/articles/2295216?utm_source=rss&utm_