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Fasten Your Seatbelts for Civil Procedure Rules Reform

At the opening of the courts on September 25, 2025, Chief Justice Morawetz gave an update on the status of the civil procedure rules reform process. He stated that when he was appointed in 2019 he foresaw two changes: first, the change from a paper-based to an electronic system, and second, the complete reform of the civil procedure rules, which have not been updated for more than 40 years.

Consultation Process Concluded

The civil procedure rules review was announced in fall 2023 and a working group was struck to prepare reforms to make the civil justice system more affordable and accessible. The group set out to develop a new process model, which was described in a report released to the profession in spring 2025.

Phase 2 featured broad consultations between April and June 2025. The working group connected with thousands of lawyers and practitioners and engaged in rigorous debate. They received over 200 submissions from a broad range of stakeholders totaling approximately 2,000 pages of input.

The working group is now preparing their final report and delivered the executive summary to Chief Justice Morawetz and the Attorney General on September 12.

Key Changes in the Final Report

Chief Justice Morawetz noted feedback from the consultation led to significant revisions of the reforms originally proposed in the report. In particular, he noted:

- How cases are entering the justice system is changing. There will now be a single point of entry for all matters, eliminating the previous system.
- The imposition of strict deadlines will be necessary for cultural change in the justice system.
- There is a new proposed three-track system that aims to improve efficiency and timelines in higher-value cases. This system will allow limited, focused oral discovery in cases on the high-value track (the report had previously said no oral discoveries would be permitted). There will be modest differences in the others.

The Future

Chief Justice Morawetz and Attorney General Downey are now studying the working group's findings and recommendations and will provide their approvals and implementation plans in due course. The Chief Justice stressed that although nothing is decided at this time, the status quo is not an option. He noted the need for a timely, relevant, and responsible justice system and the importance of access to civil justice as a cornerstone in a well-functioning market economy.

It's clear from the Chief Justice's comments that the working group took the feedback it received seriously and made changes in consideration of that feedback, including the change to allow limited examinations for discovery in certain cases. While we don't know the full extent of the changes yet, we know substantive changes are coming. As Attorney General Downey said in his final comment, "Fasten your seatbelts."