



**TASK FORCE ON THE DISCOVERY
PROCESS IN ONTARIO**

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**GRUPE D'ÉTUDE SUR LES
ENQUÊTES PRÉALABLES EN
ONTARIO**

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December 5, 2003

Mr. J.M. Hickey
Frontenac Law Association
93 Clarence Street
P.O. Box 100
Kingston, ON K7L 1X2

Dear Mr. Hickey:

On behalf of the Discovery Task Force, we would like to express our appreciation for the contribution made by you and your organization to the important work of the Task Force. We are pleased to submit our Report, together with an Executive Summary.

This Report completes the review of the discovery process in Ontario, which we were requested to undertake in 2001 by the Attorney General and the Chief Justice of the Superior Court of Justice. As set out in the Terms of Reference, the Task Force has reviewed all aspects of the discovery process, identified problems, and made recommendations for reform. In conducting this review, the Task Force has engaged in province-wide consultation, conducted empirical research, and examined discovery processes in other common law jurisdictions.

The Task Force recommends changes to the Rules of Civil Procedure to incorporate enhanced cost and time saving mechanisms into the discovery process. However, during the Task Force's deliberations, it became apparent that rule changes alone could not address all discovery problems, particularly those related to the prevalent culture of litigation.

The Task Force therefore recommends that ongoing work be undertaken to develop "best practices" on the discovery process. The objective is to establish acceptable standards for the conduct of discovery in a collaborative and cost effective manner, in order to promote the efficient resolution of litigation.

To this end, the Task Force has consulted with the Law Society of Upper Canada, the Ontario Bar Association and the Advocates' Society, who have agreed to work with Task Force members and other judicial, bar and courts representatives to develop a "Best Practices Manual".

The Manual will provide guidelines and time standards for, among other matters, discovery planning, documentary disclosure and production, oral and written discovery, and the discovery of expert evidence. Guidelines for specific case types (for example, construction lien, wrongful dismissal, motor vehicle and medical malpractice) will also be included. It is anticipated that a consensus approach to the development of best practices will complement the recommended rule changes in promoting more timely and efficient resolution of civil cases.

In gathering background information, comments and proposals for this Report, the Task Force has been aided enormously by members of the judiciary, bar organizations and individuals who are noted therein. The Task Force has also been greatly assisted by counsel in the Civil/Family Policy and Programs Branch of the Ministry of the Attorney General, who have provided dedicated project management and research support.

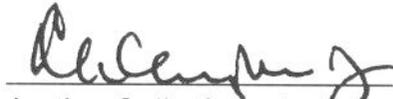
We would appreciate if you could make the Report and Executive Summary available to your members by creating a link from your website or directing them to <http://www.ontariocourts.on.ca/discoveryreview/index.htm>.

Should you wish to provide comments in response to the recommendations in this Report, you are invited to direct them to any member of the Task Force or to:

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Thank you once again for your involvement in this review.

Yours truly,



Justice Colin Campbell
Superior Court of Justice
Chair



Debra Paulseth
Assistant Deputy Attorney General
Court Services Division
Ministry of the Attorney General
Associate Chair