

Generally, I wish to repeat what has been said by others and is evident from the relatively few comments received: this draft is really well done, thank you to the authors.

I agree with most of the previous drafting comments, particularly those of Mireille Tabib. I note that on page 16 of her draft, a few words may be missing after “disproportionate” in paragraph 2. It should read “disproportionate use of rights given under the rules”.

I also suggest that the word “study” at line 9 of recommendation 12 (page 29) be changed to “review”.

I must say that I do not understand the expression “concentrated oral trial” in paragraph 5 at page 9. Did you mean to refer to a full trial on the merits, the traditional method of adjudication? Like Mireille, I do not believe that we can say that traditional trials are a rare occurrence (now compared to 10 years ago). Giovanna Calamo should be contacted; she has all the statistics in this respect.

Like Mireille again, I believe that paragraph 5 at page 24 and penultimate paragraph at page 28 should better reflect the situation in the Federal Court. At this stage, they address what goes on in the Federal Court of Appeal. See also her comment at paragraph 6 on page 10.

As mentioned by John Morrissey, historically the CJs have made practice directions only after consultation. This is not really reflected at paragraph 6 of page 27 and paragraph 2 of page 28.

Turning to the more substantive issues:

- i) like John, I prefer the word “resolution” to “disposition”, but as noted by our Chair, we are not at the drafting stage. Still to be fair and to avoid giving the impression that there is unanimity on the wording, we should use both expressions on page 9 at paragraph 6, even in the title of this section.
- ii) Like Robert and Mireille, I do not agree with the original recommendation in respect of vexatious litigants. I thank John for his latest efforts, his suggestion should suit everybody. I for one agree.

Finally, I like the extract from *Ashmore v. Corp. of Lloyd’s*, cited by Professor Ferland (page 18).