

success of their applications depended in some unknown measure on how keen or skilled the clerk was with regard to the issues raised in an application.)

The panel clerks form three work groups with the clerks assigned to the Quebec justices forming an overlapping fourth group. Unlike clerks in the United States whose work on certiorari petitions and cases to be decided on the merits is coterminous, clerks in Canada discharge their duties in different overlapping groups. The group of clerks created by the composition of the leave panels will not necessarily be the same group that will work on cases heard by the Court. This reflects the fact that the merits corams vary in size and may not include the justices who sat on the leave panel. At the same time, however, Canada's clerks work in a separate space in the Supreme Court Building and not in the chambers of the justices to whom they are assigned unlike clerks in the United States. In this sense the ecology of work differs for clerks in the two courts with Canada's clerks less chambers-oriented than American clerks.

Each leave group of clerks selects a leader to oversee the leave process so that applications are not ignored and the memos are completed expeditiously. Clerks confessed they found leave applications to be a chore and less exciting than their work involving cases heard by the Court. The group leaders reported they occasionally rode herd on their peers to make sure that leave applications were not ignored for more glamorous tasks. The clerks, however, do not routinely discuss leave applications among themselves; their memos are not a joint product of the work group but normally a solo effort. For one thing leave applications do not involve the kinds of complicated questions that arise if the Court decides to hear a case or when it prepares an opinion. Leave applications are less interesting, less demanding; clerks prefer to complete them with as little fuss as necessary. The other reason is that when clerks are working on bench memos for cases that will be heard or helping to draft an opinion, they can approach their fellow clerks in chambers and those assigned to other justices who are involved in the case to discuss knotty questions. This is not true of leave applications. Thus, it is time-consuming to "bring up to speed" another clerk in order to hash over a problem. Consultation with other clerks tends to be infrequent and ad hoc.

Until recently the clerks received little direction from the Court as to what criteria to apply when they reviewed the applications. About 1994 Justice Sopinka began conducting informal seminars at the