

longer if the case is complicated and sometimes shorter if it is simple). They claimed they might spend as many as three days reviewing a case.

The objective summaries prepared by the legal services section are of little value to the clerks when they draft their memos. They recalled that they might incorporate a summary's statement of facts in their memos but "threw out the rest" and generally started from scratch. This is partly a matter of how they viewed their responsibility as clerks; they did not feel they were there to parrot what was in the objective summaries. The objective summaries suffered from their purpose or virtue; they lacked a point of view, an argument about the strengths or weaknesses of applications. The justices expected a frank appraisal of the applications, something the objective summaries lacked. It was the clerk's job to compensate for this weakness so they felt compelled to learn as much about the leave applications as they could. They also viewed their relationship with the justice for whom they worked as dependent in part on the quality of the memo they prepared. Similarly, the recommendations made by the staff attorneys in the objective summaries were of little help to the clerks. In very many instances, a recommendation as to whether leave should be allowed or dismissed is obvious. At the extremes, the choice is simple: many applications are clearly "frivolous" and a few transparently warrant review. It is the gray area between these extremes that creates problems for clerks. Their task is not made easier by the objective summaries in these cases since the summaries also did not always include recommendations in these instances. Thus, when the clerks needed help it was not available.

Each Canadian justice has three clerks (the U.S. justices have four clerks except for Chief Justice Rehnquist who prefers three) whose stay with the justice lasts a year, although the start of their terms is staggered during the summer so that turnover in clerks will not be abrupt. Overlapping terms means experienced clerks can teach new clerks the ropes; informal rules and expectations are thus transferred from one generation of clerks to the next. Once applications are assigned to a panel, the nine clerks assigned to the three justices informally distribute the applications among themselves. No formal rules govern this process, nor is it random. Clerks look for cases that interest them or those for which they feel they have some professional expertise; the two concerns generally overlap, although eventually each clerk must work on dull applications or those involving unfamiliar legal issues. (Attorneys complained that the