Supreme Court has become an important influence on public policy since the entrenchment of the Charter of Rights and Freedoms in 1982. This report outlines a major project on agenda setting in Canada's Supreme Court that is designed to do two things: (1) establish systematic empirical explanations for how Canada's Court selects cases for review; and (2) to replicate the American research to determine whether this research can be used as a foundation in developing more general understandings of how courts of final appeal "decide to decide."

This report is organized in the following ways. First, the American research on agenda setting is reviewed. Second, the American and Canadian Supreme Courts are compared and contrasted. Third, the research project and its revisions are discussed and the "Canada Database" is described. Fourth, the process of selecting cases for review in Canada is sketched based on interviews with attorneys and former clerks.

FOUR PERSPECTIVES ON AGENDA SETTING IN COURTS OF FINAL APPEAL: THE AMERICAN LITERATURE

American research perspectives on agenda setting in the U.S. Supreme Court cluster around four broad points of view. Borrowing from Perry (1991a), the first perspective is ***jurisprudential choice***. From this perspective, the selection of cases reflects the justices' application of legal considerations to requests for review. These legal considerations pertain to such matters as jurisdiction, standing, ripeness or mootness and to other elements of the Court's Rule 10 such as conflicting lower court decisions.

The jurisprudential choice perspective posits that legal factors dominate the early stages of the agenda process as petitions are reviewed and narrowed down to a "discuss list" and to a lesser but still important degree later on when justices deliberate in conference (e.g., Provine 1980; Ulmer 1984; Perry 1991a; Stern *et al* 1993). This perspective does not assume the process is rule-bound, however. Instead legal considerations may prompt justices to give petitions a second look in a process strongly governed by the assumption that few petitions warrant approval. As Provine (1980) cautions and Perry (1991) shows, the jurisprudential perspective is alert to subtleties in the process while taking into account the legal constraints on the justices' behavior. Still, it must be stressed that legal factors are the first hurdle for