

When the objective summaries are completed, the section supervisor distributes the applications and the summaries among the panels of justices for their review. The section supervisor pays close attention that the summaries are completed in a timely fashion in keeping with the Chief Justice's concern that the Court's backlog be minimized. The supervisor's chief "rule" governing these assignments appears to be an equality norm, i.e., each panel receives roughly similar numbers of applications. There are exceptions, however. First, because of Quebec's civil law tradition, applications from this province are sent to panels that had either two or three Quebec justices. In 1994, the Chief Justice institutionalized this process by establishing a fourth panel comprised of the three Quebec justices. Second, applications raising special issues are sometimes sent to panels with justices with particular expertise in these areas. Thus, while the panels may process roughly equal numbers of applications, the composition of the applications may be dissimilar. Clerks volunteered, for instance, that it seemed that the more challenging criminal cases found their way to the panel on which the Chief Justice sat because he has a keen concern for this area of the law.

Although the summaries were supposed to relieve the clerks' burden of processing leave applications, the clerks nevertheless still prepare memos on each application. In this sense, the clerks' perform a function that is similar to the clerks in the "cert pool" in the United States who also write brief assessments for the eight justices who participate in the pool and which facilitate the Chief Justice's preparation of the "discuss list," a preliminary list of petitions the nine justices will consider in conference. Clerks in the American cert pool, however, handle many more cases than their peers in Canada, and the American process is both more centralized while also being more "chambers-oriented" than in Canada.

A striking difference between Canada and the United States is the contrast in the clerks' workloads. A Canadian clerk on the average is responsible for between 20-25 applications during the year or roughly one leave application every two weeks. Each pool clerk in the United States handles at least ten times that number or about 5 petitions a week. The Canadian clerks consequently have plenty of time to review leave applications, and it shows up in the length of their bench memos. While American clerks usually prepare one page memos, clerks in Canada report their memos range between 5 and 10 pages (sometimes