

Table 1
AGENDA SETTING IN CANADA AND IN THE UNITED STATES

PROCEDURAL FEATURES	CANADA	UNITED STATES
DISCRETION OVER AGENDA	Broad: some mandatory appeals and Reference questions	Broader: very few mandatory appeals and no advisory opinions
JURISDICTION	Broader: both federal and provincial laws, plus constitutional and Charter questions	Narrower: federal law only; diversity, plus constitutional questions
VOLUME OF DISCRETIONARY APPEALS AND ACCEPTANCE RATE	Much smaller volume; higher rate of acceptance	Much larger volume; very low acceptance rate
INTEREST GROUP INVOLVEMENT?	Rare before merits	Frequent before merits
WHO SETS THE AGENDA?	Three panels of three justices each; followed by conference of nine justices as needed to add or delete cases	Chief Justice prepares "Discuss List" followed by conference vote by all nine justices who may add cases
AGENDA DECISION RULE?	Unanimity Norm	"Rule of Four" and "Join Three"
ARE AGENDA VOTES PUBLIC?	Yes; panel only	No
WHO DECIDES ON MERITS?	Panels of 5, 7, or 9 justices	All 9 justices sitting <i>en banc</i>
REVERSAL RATE OF APPEALS?	Lower	Higher
DISSENTS ON FINAL OPINION?	Less Frequent	Very Frequent