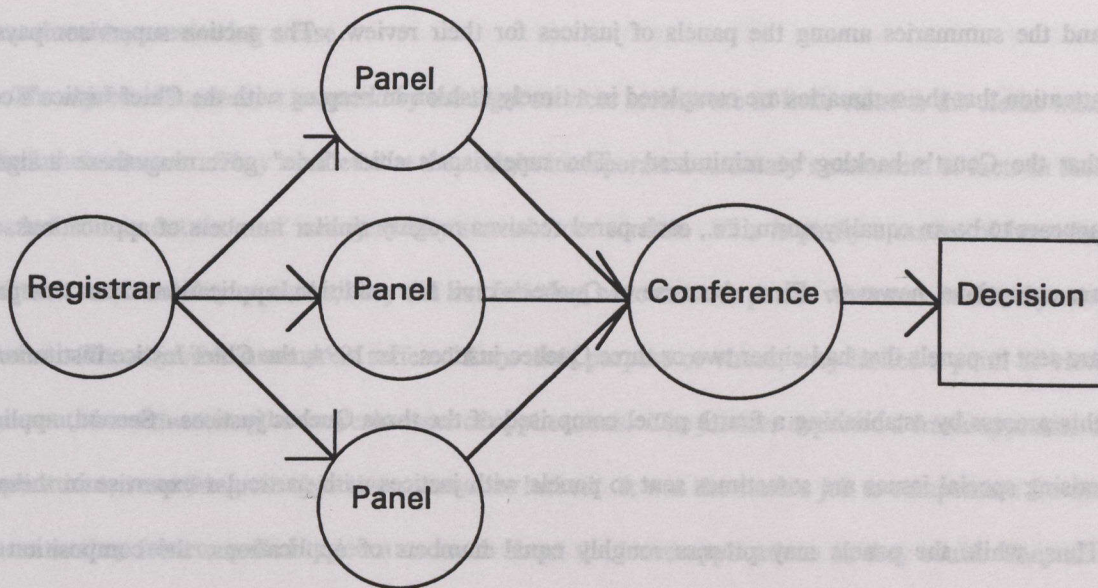


FIGURE 1: STAGES IN AGENDA SETTING PROCESS



The review process begins with the Registrar where the applications are certified as to whether they meet various formal requirements outlined in the Court's Rules. This stage is directly analogous to the first step in the United States where the Clerk of the Court reviews the certiorari petitions to determine whether they meet certain standards set by the Court's rules (Perry 1991; O'Brien 1996). Leave applications satisfying the requirements are then forwarded to the legal services section of the Court which in 1988-1989 assumed the task of preparing "objective summaries" of the applications. The purpose of this change was to reduce the burden on the justices' clerks who until then drafted "bench memos" for the justices when oral hearings were part of the leave to appeal process.<sup>5</sup> The section normally has half a dozen full-time attorneys, including a supervisor, with tenures between five and six years. The summaries review the lower court decisions, present the facts of the cases, and list the legal grounds or issues raised by the appeal. Since the start of the 1994-1995 term the summaries have also included the staff attorneys' recommendations as to whether the applications should be granted. With the exception of these recommendations and some other material, the nature of the case and its procedural history are extracted from the summaries and reported in the *Bulletin*.

<sup>5</sup> Justice Sopinka does not mention this change in his book on the appeal process. See Sopinka and Gelowitz (1993, 171) for a description of how the process presumably operated before the change. Oral hearings are no longer a routine part of the process. The Court may conduct hearings under certain circumstances at its discretion, but they are rare.