

PART VII: CONCLUSION

The objective of the Task Force has been to study the discovery process and recommend reforms that will promote access to justice by improving the efficiency of the process, without compromising fundamental disclosure principles. It is clear that the views of the profession vary greatly. Many are content with the *status quo*, viewing reforms such as case management and mandatory mediation as unnecessary or unwarranted. Many others welcome changes designed to reduce cost and delay for litigants in the civil justice system.

The Greek philosopher Heraclitus said, over 2500 years ago, “There is nothing permanent except change.” As the study of other jurisdictions reveals, improvement in the delivery of civil justice is and will be an ongoing initiative in most common law systems.

A central theme of the Task Force recommendations is that management of the discovery process should, to the extent possible, remain with the parties, with rules operating as a default standard in the absence of consensus. A key to the success of this approach will be recognition by the bar of the value of cooperation in conducting discovery. Equally important is the need for a flexible regulatory scheme that recognizes the unique features and exigencies of different types of cases. A “one size fits all” approach does not allow for the differing timelines and information needs of, for example, personal injury and medical malpractice claims as opposed to wrongful dismissal or commercial cases. At the same time, there is a reasonable expectation that the discovery process will be managed in a predictable and consistent manner throughout the province, whether or not a formal case management scheme is in place.

It is hoped that rule changes recommended in this Report, together with the collaboration of the bench and bar in developing a best practices manual, will contribute to a more cost-effective and efficient discovery process in Ontario.