

GUIDING PRINCIPLES

The Task Force established the following set of guiding principles in order to provide a framework within which to assess reform options:

- (i) Reforms should promote access to justice for both represented and unrepresented litigants by reducing unnecessary delay and cost associated with discovery.
- (ii) Reforms should encourage parties to engage in discovery planning and to resolve discovery issues cooperatively, with timely recourse to the court where intervention is warranted (for example in complex or problem cases).
- (iii) Reforms should apply fairly in all parts of the province and be feasible in both case managed and non-case managed proceedings. Province-wide predictability with respect to procedures is important.
- (iv) Reforms should promote timely and cost-effective disclosure, production and examination for discovery.
- (v) Reforms should not impose unnecessary procedural steps.
- (vi) The discovery process should not be “micro-managed” through the rules.
- (vii) Reforms should reduce and streamline motions activity.
- (viii) Reforms can only be effective if they have the support of both the bench and bar.
- (ix) Rule changes alone cannot improve the discovery process. Issues relating to civility, professionalism and competence must also be addressed through legal education and training.