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The Pretrial Conference in the Supreme Court of Ontario

To the Editor:

In a learned article entitled "The Pretrial Conference in the Supreme Court of Ontario" published in this *Review*,[1] R. M. J. Werbicki examines that relatively new procedure and concludes that it does not improve the system of dispute resolution by suitable and effective means.

It is true that a minute dissection and literal interpretation of Rule 244 can lead one to see the pretrial conference as an instrument of oppression and as an unwarranted interference with the adversary system. In fact, however, this has not been the general experience of counsel. Pretrial conferences have proved to be very effective in achieving settlements and a great many cases are settled at that stage. Though some of these cases would have been settled eventually even without a pretrial conference, perhaps during the stage of preparation for trial or perhaps even during the trial, by bringing about an earlier settlement the pretrial conference accomplishes a substantial cost saving.

No doubt with the passage of time and with gained experience appropriate amendments to the Rule will be made to eliminate the possibilities of abuse which Mr. Werbicki has identified. In the meantime, the practising Bar of Ontario is enthusiastic about the pretrial conference and does not share Mr. Werbicki's conclusion.

It is important that litigants have the right to a trial if they wish, but that is a right which they would rather not exercise. Our clients want settlements, not trials. The pretrial conference is a vehicle by which the court can help achieve that result, and it is therefore a most welcome addition to our system.

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[1] (1981), 59 Can. Bar Rev. 485.

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