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Better Evidence, Better Decisions: Key Takeaways from CLUC Education & Social Day 2026

On Tuesday, May 26, 2026, the Commercial List Users' Committee (CLUC) held its annual Education & Social Dinner at the Arcadian Court, bringing together judges, practitioners, and honoured guests for an evening of learning, recognition, and connection.

The program opened with remarks from Justice Kimmel, the Commercial List Team Lead, and included presentations from Commercial List judges and practitioners, emphasizing the continuous impact of the Commercial List in expediting high-stakes business disputes, overseeing corporate restructurings, and handling insolvency matters in a highly efficient, judge-led manner. It was also a fitting occasion to mark the retirement of Chief Justice Morawetz, with a heartfelt toast from Justice Conway.

Public affairs specialist Chad Rogers delivered the keynote, providing valuable insight on the role of jurists as protectors of the truth. A lively discussion on the Hudson's Bay restructuring followed, drawing critical lessons from this high-profile litigation on topics including lease assignments, *ipso facto* clauses, and stakeholder dynamics.

Evidence in Commercial Litigation

The standout session from the evening was a two-part discussion on the rules of evidence in commercial litigation, which included a brief introduction by Marie Henein, followed by an informative discussion between Ms. Henein and Justice Myers, moderated by Chantelle Cseh.

To kick off the discussion, Ms. Henein challenged the familiar idea that civil cases warrant looser evidentiary standards, when commercial litigation – with its volume, speed, and complexity – demands more discipline, not less. The rules of evidence are essential servants and gatekeepers of the administration of justice, regardless of context, and force counsel to identify what is provable and relevant while excluding unreliable or inadmissible material from the record.

Justice Myers offered the perspective of the bench, emphasizing the importance of the rules of evidence in civil litigation and the nuances of how evidence functions depending

on the type of proceeding. The overarching message from Justice Myers was that courts need admissible evidence to decide cases, but they operate under real constraints: compressed timelines and limited hearing slots make trade-offs inevitable at times.

Key Takeaways

The discussion yielded several practical insights for counsel approaching evidence on the Commercial List:

- **Distil and focus the issues in dispute**. When cases are focused on the determinative issues, the volume of evidence required also typically narrows. In this context, the rules of evidence do not overburden the case and, instead, allow for better decision making and more effective fact finding.
- **Prioritize evidentiary discipline**. Evidentiary discipline is not about restriction for the sake of restriction. It is about ensuring the material before the Court is reliable, relevant, and manageable.
- **Leverage the rules for efficiency**. On the Commercial List, where cases can involve thousands of complex documents and compressed hearing schedules, disciplined use of the rules supports better decision-making and more effective fact-finding.