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Key Takeaways from CLUC Education & Social Day 2025

The Commercial List Users' Committee (CLUC) held its annual Education & Social Day on May 28. The annual event offers an opportunity for members of the bar to gather with the judges of the Commercial List to discuss current issues and best practices.

The case volume on the Commercial List remains high, and as a result, more careful reviews are being done to assess whether matters, particularly those outside of Toronto, will be managed at the Commercial List. The justices noted an increased effort toward making the Commercial List a court of "non-adjudgment" with a focus on getting parties the dates they need, on the understanding that once a date is set the matter will proceed as scheduled. Where an adjournment is unavoidable, the Court will impose a timetable and avoid not setting dates for adjournments. This push to eliminate adjournments requires parties to ensure they are prepared to proceed with their matter when seeking hearing dates. The justices also noted the rollout of the Commercial List's Digital Transformation has been pushed to the fall of 2025.

As always, counsel practicing on the Commercial List are expected to apply the "three Cs" of the Court: communication, co-operation and common sense.

The session panels, including senior counsel and moderated by sitting judges of the Commercial List, discussed the following topics:

Hot Topics in Commercial Litigation

- The List is seeing a marked increase in reviews of arbitral decisions, raising interesting issues regarding the applicable standard of review on such challenges post-Vavilov and Wastech.
- Commercial disputes relating to termination of long-term contracts on the basis of the shifting tariff landscape are on the rise. This trend bears similarities to the spike in force majeure-type cases that arose in the wake of the COVID-19 pandemic.
- Private company oppression claims remain a significant part of the matters managed on the Commercial List and continue to increase as we see a larger-than-usual

transfer of wealth between generations taking place.

- Shareholder activism cases continue to be hot on the Commercial List. Litigation remains an effective tool in the activist toolkit, and we are seeing a spike in the number of these cases (although many do not make it through to a hearing on the merits).

Insolvency Session – A Retrospective Review of Tacora Resources

- A behind-the-scenes look at one of the first contested Reverse Vesting Order cases on the Commercial List.

Impact of Tariffs & Changing Global Relationships, Economic Outlook of Canada

- A discussion on the economic outlook for Canada in the face of a rapidly changing tariff landscape driven by the United States and the impact of this shifting landscape on key Canadian industries.

The attendees were grateful for the helpful presentations and the participation of the Commercial List judges at this annual event.