

INTERLOCUTORY PROCEEDINGS: STRATEGY & PRACTICE, Joel P. Rochon, John A. Terry & Elaine Gray (Toronto: Butterworths, 1996).

The goal of the authors of *Interlocutory Proceedings: Strategy & Practice*¹ is described as their attempt to provide a “comprehensive but practical guide to preparing and arguing pre-trial motions.”² To some extent, they have met with success. The book is fairly described by the authors as a “handbook,” rather than a “treatise.”³

Beginning with a discussion of service of documents, the book includes discussion and precedent material relating to a wide series of motions, ranging from summary judgment, injunctions, security for costs, case management and appellate motions, to removing a solicitor of record. A great deal of the precedent material is reproduced from Ontario proceedings, which results in the precedent material being of somewhat limited value to those practicing outside of Ontario.

The textual portion of each chapter, which in total is less than half of the book, consists of a combination of the authors' advice and commentary on various practices or approaches to the argument of a successful motion, and a summary of the legal principles associated with the subject matter of the particular motion being discussed. While some of the advice offered may well be helpful, I doubt that there is anything unique in suggesting that “it is imperative that proper preparation be done prior to launching a motion for injunctive relief.”⁴ Indeed, presumably proper preparation is key to any success.

Unquestionably, the summaries of the applicable legal principles, which are as expected supported by authority and leading texts, are of considerable value and are well presented. The book provides a useful, up-to-date reference upon which one may confidently rely if the task at hand relates to any one of the motions reviewed.

The precedent material is obviously designed to be of assistance to the junior bar, and to the extent that precedent material may not be readily available from other sources it will not doubt be of assistance. For the most part, however, there is very little that is unique to the subject matter of this book so as to require the reproduction of Notices of Motion and the complete text of affidavits. In my view the authors, or their editing team, ought to have been more selective in the determination of what material to include as precedent. They might have also given some consideration to whether it is appropriate to reproduce, verbatim, the evidence offered in actual cases, so as to respect the privacy of the evidence offered.

At the end of the day, the question is: would I buy the book? I doubt it. If I needed to access precedent material, my references would no doubt be the time-honoured

¹ J.P. Rochon, J.A. Terry & E. Gray, *Interlocutory Proceedings: Strategy & Practice* (Toronto: Butterworths, 1996).

² *Ibid.* at vii.

³ *Ibid.*

⁴ *Ibid.* at 65.

sources readily available in any law library. However, if I wanted a quick summary of the law on the specific motions discussed, I might regret that I was so parsimonious.

Lenard M. Sali, Q.C.
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