PILOT PROJECT:

DISPENSING WITH WRITTEN REASONS FOR JUDGMENT IN PERSONAL INJURY ACTIONS

Mr. Justice John C. Bouck

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1. *INTRODUCTION*

This is a proposal to institute a 24-month pilot project designed to assess the necessity of delivering comprehensive reasons for judgments in personal injury actions. Instead, they will be replaced by a document called Findings of Fact and Conclusions of Law (Findings of Fact) as prepared by the prevailing counsel.

Personal injury actions now occupy about 40% of court time. For many judges, a good proportion of out of court time is spent drafting written or oral judgments in personal injury actions. The vast majority of these actions are almost entirely fact based. Little law is involved. Liability is seldom in issue. Mostly, they relate to damage assessments. There are few appeals from these decisions. Hardly any trial court judgments dealing with these issues are reported.

When drafting such a judgment, most judges go through their notes, read the medical reports, summarize the facts and assess the damages. Although the judgment is often given orally, it still requires time for preparation.

Transferring a good proportion of this effort to counsel, will release judges from that drudgery and allow us to concentrate on other more complex work needing our attention. Of course, any judge who wishes to deliver a complete set of reasons, rather than

use the Findings of Fact procedure, will be perfectly free to do so.

If the test program proves successful, we can decide whether to apply it to other types of actions and motions, including Rule 18A applications. If it fails, we can abandon the experiment, try something else or go back to what we are doing now.

American state and federal law allows trial court judges to enlist this procedure when trying any case without a jury. Since the common law does not require trial judges to make findings of fact or give reasons for their decisions, U.S. legislators invented the process in order to give appeal courts a document they could use when assessing the merits of any appeal. It also allowed trial judges to spend more time in court making decisions rather than burdening them with the out of court obligation of writing reasons.

2. *HISTORICAL ANALYSIS*

Years ago, all common law actions were tried with a jury. As you know, a jury verdict does not contain any findings of fact. It simply recites a result. A judge sitting without a jury is performing the job of a jury when finding facts. Where a jury reaches a verdict, the general test is whether there is any

evidence to support the verdict. If there is, the verdict will usually be upheld. Even if there is evidence contrary to the verdict, the assumption is that the jury did not accept that evidence: *Laporte v. C.P.R.* 1924 S.C.R. 278 at 280; 282 - 283; Headnote:

> Where there is conflicting evidence on a question of fact, whatever may be the opinion of the judges on an appellate court as to the value of that evidence, the verdict of the jury should not be disturbed.

A similar rule applies to judge alone trials: *Carter v. Ferguson* [1943] 2 W.W.R. 38 at 42 (Alta. C.A.):

> The rule of practice is that where the appeal book contains no reasons for the conclusions reached by a trial judge, an Appellate Court should assume that the trial judge has found every fact open to him to find, upon the evidence, which is necessary to support the conclusions he has reached.

Nor is there any common law requirement that a trial judge, sitting without a jury, give reasons for his or her decision in any given case: *R. v. Macdonald* [1977] 2 S.C.R. 665 at 672:

> Mere failure of a trial judge to give reasons, in the absence of any statutory or common law obligation to give them does not raise a question of law.

American law is much the same, see: *76 Am. Jur. 2d* para 1252:

> At common law, in a trial by the court without a jury, the findings of fact by the court upon the evidence was unknown, and it may be said to be the general rule that the trial judge in a common law action need not make special findings of fact unless he is required to do so by statute.

Because Canadian and American courts of appeal felt they needed express findings of facts by trial judges in judge alone trials, Canadian and American law makers went about formulating a solution.

In Canada, we attempted to do it through the common law. Rather than propose the enactment of statutes or rules, the higher courts in Canada simply recommended that trial judges give reasons: *R. v. Macdonald*, supra at 672:

> The desirability of giving reasons is unquestionable. As was said in a Note in (1970), 48 C.B.R. Rev. 584 by Professor Hooper,
>
>> The arguments in favour of reasoned judgments are obvious. The process of publicly formulating his reasons may lead the judge to a conclusion other than that reached upon the basis of "intuition". The parties to the case, both the Crown and the defence, will want to assure themselves that the judge properly understood the issue before him and will want to know whether he reached any conclusions of law or fact that could be challenged at the appellate level. The general public, or at least the victim if there was one, may have an interest in knowing why a certain verdict is reached.

> These considerations and others that could be mustered go to show what is the preferable practice, but the volume of criminal work makes an indiscriminate requirement of reasons impractical, especially in provincial courts, and the risk of ending up with a ritual formula makes it undesirable to fetter the discretion of trial judges.

On the other hand, the court cautioned trial judges that failure to give reasons would make it easier for an appeal court to conclude that the judge committed reversible error: *R. v. Macdonald*, supra, page 673:

> It does not follow, however, that failure of a trial judge to give reasons, not challengeable *per se* as an error of law, will be equally unchallengeable if, having regard to the record, there is a rational basis for concluding that the trial judge erred in appreciation of a relevant issue or in appreciation of evidence that would affect the propriety of the verdict. Where some reasons are given and there is an omission to deal with a relevant issue or to indicate an awareness of evidence that would affect the verdict, it may be easier for an appellate court of for this court to conclude that reversible error was committed...

American law makers elected to take a different approach. They solved the problem through legislation or rules of court. In an American judge alone trial, their statutes and rules usually provide for the preparation of a document called Findings of Fact: *American Jurisprudence* 2d Vol. 76, para 1251:

> While under the practice of many jurisdictions a court trying an action at law involving questions of fact

> **without a jury may be required to make findings of fact, the necessity of making such findings is usually required as being a matter of statutory provision rather than a common law requirement. Findings of fact may be defined as the written statement of the ultimate facts as found by the court signed by the court and filed therein, and essential to support the judgment rendered thereon. But the opinion of a court giving reasons for its decision or a memorandum decision by a court does not operate and cannot be considered as findings of fact.**

The document entitled Finding of Fact does not have to be prepared in an American judge alone trial unless requested by counsel. In some jurisdictions, the request must be in writing: *Am. Jur.* 2d, para 1255. As a general rule, a judge may ask the prevailing party to prepare the document: *Annotation - Propriety and Effect of Trial Court's Adoption of Findings Prepared by Prevailing Party* 54 ALR 3d 868. But before adopting them, the judge must be sure they reflect his or her own views: *Am. Jur.* 2d, para 1256.5. Either party may apply to the trial judge to have the findings corrected: *Am. Jur.* 2d, para 1266. Any objections with respect to the findings will not be considered on appeal unless raised in the trial court: *Am. Jur.* 2d, para 1267.

In effect, Canadian law places the burden of preparing findings of fact plus reasons for the decision upon the trial judge. Failure of the trial judge to do so makes it easier for an appellate court to conclude the Canadian trial judge erred. American law places the burden on counsel to request findings of

fact and prepare them for the consideration of the judge. If counsel do not, then they cannot complain about the lack of such findings in an American court of appeal.

In my view, the American method of resolving the problem is far more rational than the practice we elected to follow in Canada. Since common law did not compel a trial judge to give reasons or find facts, U.S. legislatures and courts devised the Findings of Fact procedure through statutory reform. When doing so, they accepted the proposition that it would be wrong to compel trial judges to write reasons in every case. The system could not afford that kind of investment of time by trial judges.

There is no doubt that Canadian counsel and the parties to litigation like to receive written reasons for a judge's decision: *Should Canadian Judges be Legally Required to Give Reasoned Decisions in Civil Cases?*, (1983) 33 University of Ontario Law Journal, 1. The question is whether this is always a wise investment of judicial trial time, given the list of cases waiting to be heard and the flood of litigation now facing Canadian trial courts?

We now sit 32 weeks of the year in court and devote 14 "reserve" weeks, more or less, to writing judgments. The other 6 weeks are holidays. Although our sitting time is supposedly 10:00

AM to 12:30 PM and 2:00 PM to 4:00 PM (4 1/2 hours per day), we often sit longer hours both before and after those prescribed times. This extra sitting responsibility eats into our time available to write judgments because our one week of reserve after 3 weeks of sitting is often insufficient time to complete all reserved judgments. It is very easy to get further and further behind, particularly if one has several difficult judgments awaiting completion.

On the other hand, American state court trial judges sit 46 weeks and have 6 weeks holidays. They are not off the bench for 14 weeks because they do not have to write judgments. Generally speaking they sit from 9:00 AM to 12:00 noon and 1:30 PM to 4:30 PM - or longer (6 hours per day). They can do so for several reasons. First, they demand more from counsel than we do. Unlike B.C., American trial court rules and customs require counsel to prepare motions briefs, trial briefs, sentencing briefs, jury instructions, Findings of Facts in judge alone trials, etc. Also they have procedural rules that make the job of the trial judge less onerous, e.g. no appeals from interlocutory orders except as part of the appeal at the end of the trial; then the appellant must show that if the interlocutory order was in error it would have changed the outcome of the trial.

Depending on state budgets, state trial court judges may have the assistance of Law Clerks in much the same way it is done in B.C., e.g. 1 Law Clerk for every 5 judges. American state court trial judges do not usually write judgments (opinions). Even if they do, they are not published, nor are they binding on other judges of equal jurisdiction. Instead, state court trial judges usually follow the Findings of Fact procedure.

Like B.C., most state trial courts use the master calendar system of allotting trials. But some are experimenting with the individual calendar method. Initial experience seems to indicate the individual calendar approach disposes of more cases than is done under the master calendar process.

U.S. Federal court trial judges often write judgments. These are frequently reported in published law books (U.S. Supp.). United States Federal rules also allow trial judges to make use of the Findings of Fact procedure. They do not have to do both. Each U.S. Federal trial judge is assigned 2 Law Clerks. Usually, they are physically located in the judge's suite of offices. Every Law Clerk is supplied with a word processor. With the guidance of trial briefs and Proposed Findings of Facts, the trial judge's Law Clerks draft reasons for approval of the trial judge.

Federal trial court judges operate on an individual calendar system. Cases are assigned to judges as they are filed. This allows Federal trial judges to set their own trial dates, their own holidays and decide when they will hear motions, etc. They carry an inventory of around 450 civil and criminal actions. Peer pressure tends to keep most of them very busy.

Comparatively speaking, Canadian trial judges have the worst of both worlds. As you know, we infrequently get written briefs from counsel. Our rules and customs do not require them except in Third Reading Chambers. Even then, the system is flawed because it does not provide for responsive briefs. We only have 1 Law Clerk for each 5 judges. That Law Clerk is usually not near our offices. Nor does he or she have a word processor. We operate under a master calendar system without the flexibility available to U.S. Federal trial judges who work under the individual calendar method of trying cases. Our lives are controlled and regimented by others.

Over the past number of years, few rule changes have taken into consideration the work load of B.C. trial judges. For example, Rule 18A added considerable judgment writing time to our Chambers work. What was formerly a 3-day trial is compressed into a 2-hour Chambers application. A judge sitting in Chambers can get 2 or 3 reserve judgments a day from these kinds of summary judgment

motions. If Rule 18A did not exist, the same 3 reserved judgments would be spread out over 6 to 9 days. Some of them would not eat into judgment writing time since it is often possible to give an oral judgment at the end of a 3-day trial. This is because a judge hearing a trial where witnesses are called has the opportunity to absorb the evidence and determine the issues over a longer period. Because of the compression factor in Rule 18A applications, it is more difficult to do.

The imposition of the Desk Order process requires us to review these applications outside of normal court time. The same thing applies to pre-trial conferences and case management. Practically speaking, most of that type of work must be done before 10:00 AM or after 4:00 PM. Statutorily, we also hear wire tap applications outside of normal court hours. This pre 10:00 AM and post 4:00 PM time was formerly available to us so that we could write judgments and do other necessary judicial work.

Court statistics are only kept for the time a judge actually spends in a court room. Trial judges get no statistical credit for all the work they must do outside the court room.

It is time for a change. Procedures must be devised so that judges can learn to work smarter and not just harder. It is fairly easy to invent new rules that merely add to the judicial work load.

But in the long run that is counter-productive because it can detrimentally affect the quality of work done by trial judges and thus result in more costly appeals. Finally, it can be very hard on the life of a trial judge.

3. *OUTLINE OF THE AMERICAN PROCEDURE*

Because of the lack of American practice books and texts in our libraries, I cannot be certain that the following is 100% accurate. Nor do I precisely know how the system works in real life. Before we decide to actually implement the idea, some additional investigation is necessary.

In explaining the proposal I will use as examples the Washington State Rules for the Superior Court, 1991, the U.S. Federal Rules of Civil Procedure 1990, and the Local Rules for The United States District Court for the Western District of Washington.

(a) Washington State Rules for the Superior Court 1991

Generally speaking civil and criminal rules are enacted in each state with state wide application. However, each County

Superior Court has the right to make Local Rules that are not inconsistent with the governing state rules.

Washington State civil rules relating to Findings of Fact and Conclusions are set out in *Washington State Superior Court Rules*, Rule 52. It reads:

> (1) *Generally*. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law. Judgment shall be entered pursuant to Rule 58 and may be entered at the same time as the entry of the findings of fact and conclusions of law.
>
> (3) *Proposed*. Requests for proposed findings of fact are not necessary for review.
>
> (4) *Form*. If a written opinion or memorandum of decision is filed, it will be sufficient if formal findings of fact and conclusions of law are included.
>
> (5) *When Unnecessary*. Findings of fact and conclusions of law are not necessary:
>
>> (B) Decision on Motions. On decisions on motions under Rules 12 or 56 or any other motion, except as provided in Rules 41(b)(3) (our motion for a non-suit) and 55(b)(2) (our motion for an accounting).

The Federal Rules of Civil Procedure that apply to this subject are as follows:

Some state courts have customs, court rules, or statutes providing for serving party-prepared findings on the opposite party, or for otherwise giving the opposite party an opportunity to

interpose objections or amendments before the findings are signed by the trial judge.

(b) United States Federal Rules of Civil Procedure, 1990

The *U.S. Federal Rules of Civil Procedure, December 1, 1990* covers the same ground in its Rule 52. It reads:

> Rule 52. **Findings of Fact**
>
> (a) *Effect.* In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and judgment shall be entered pursuant to Rule 58; and in granting or refusing interlocutory injunctions the court shall similarly set forth the findings of fact and conclusions of law which constitute the grounds of its action. Requests for findings are not necessary for purposes of review. Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge of the credibility of the witnesses. The findings of a master, to the extent that the court adopts them, shall be considered as the findings of the court. It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of evidence or appear in an opinion or memorandum of decision field by the court. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in Rule 41(b).
>
> (b) *Amendment.* Upon motion of a party made not later than 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may thereafter be raised

whether or not the party raising the question has made in the district court an objection to such findings or has made a motion to amend them or a motion for judgment.

(c) United States Common Law Application of these Rules

When implementing the Findings of Fact procedure, flexible rules of practice allow the judge to either:

(a) Have both parties submit findings of fact and conclusions of law. The judge then marks the findings "found" or "refused." Prevailing counsel then prepares the final document for the decision of the judge.

(b) Without making any oral decision in favour of either party, have both parties submit findings and then adopt one or the other.

(c) Give an oral decision in favour of one party and have that party prepare the findings.

(d) Make an oral decision for one party giving the reasons and have the successful party submit findings in accordance with the reasons.

No state appeal court has objected to the practice of trial judges allowing or requesting counsel for the prevailing party to prepare the findings. However, the appeal courts have held that before party-prepared findings are signed by the judge, he or she should carefully peruse them to establish that they accurately reflect the judge's views and conclusions and adequately decide all the issues. In the absence of evidence to the contrary, the state appeal court will presume that such perusal was performed: *Annotation*, supra, 54 ALR 3d, 868 at 871.

Where the trial judge passes an intelligent judgment on the findings submitted, as will always be assumed, there is no objection to allowing an attorney in the case to perform the clerical labour of writing up the findings in accordance with the decision of the court as announced, leaving to the judge only the duty of examining, correcting if necessary, and finally approving the findings: *Annotation*, supra, 54 ALR 3d, 868 at 876.

An example of the type of document that results from this process is attached as a schedule to the paper. It arises from an action in the Superior Court of Washington for King County. As you can see, judgment was given in favour of the defendant and the document was prepared by the attorney for the defendant. I believe the handwritten corrections are those of the judge.

4. *SUGGESTED B.C. RULES OF PROCEDURE*

Published American Rules are rather sparse in setting out the exact mechanics of preparing and filing the Findings. Local customs, that are not reduced into written form, may govern the practice in many jurisdictions. That is why it is necessary to conduct some additional research before drafting the actual rules. With that caveat in mind, I suggest the Supreme Court Rules be amended in the following manner.

(a) Rules

RULE 40A - FINDINGS OF FACT AND CONCLUSIONS OF LAW - PERSONAL INJURY ACTIONS.

GENERALLY

1. This rule only applies to actions that are heard without a jury where the claim includes damages for personal injuries arising out of a motor vehicle accident. In such actions, the presiding judge shall find the facts specially and where necessary state separately his or her conclusions of law.

SUGGESTED FINDINGS

2. Ten days before the trial is set to commence, each party to the action shall file and deliver to every other party a copy of the Suggested Findings of Fact and Conclusions of Law (Suggested Findings). A copy of the Suggested Findings shall also be filed in the court registry where the action is set to be heard.

FORM AND CONTENT OF SUGGESTED FINDINGS

3. Suggested Findings shall state the facts and law succinctly in separate numbered paragraphs. Findings of Fact should not merely recite the evidence nor be argumentative. Conclusions of law should concisely summarize the legal principle, state the name of any authority relied upon and the exact page in any case where the principle is recited. Failure of a party to file and deliver proposed Suggested Findings may result in the defaulting party being penalized in costs.

DECISION OF THE TRIAL JUDGE

4. After hearing or reading the submissions of counsel, the trial judge may pronounce judgment on the issues.

WRITTEN REASONS MAY CONTAIN FINDINGS

5. If the trial judge reserves judgment, for the purpose of delivering written reasons, it will be sufficient if formal findings of fact are included in any such reasons.

ORAL REASONS - PREPARATION OF FINDINGS BY COUNSEL

6. If the trial judge delivers oral reasons for judgment from the bench, the judge may:

(a) include in such reasons Findings of Fact and Conclusions of Law, or

(b) request counsel for the prevailing party to prepare proposed Findings of Fact and Conclusions of Law (Proposed Findings).

SETTLING FINDINGS - ENTRY OF JUDGMENT

7. If the judge directs that the prevailing party prepare Proposed Findings, then the following rules shall apply:

(a) Judgment shall not be entered until the Proposed Findings are signed by the trial judge.

(b) The prevailing party assigned by the trial judge to prepare the Proposed Findings shall submit such findings to all other parties in the action for their approval.

(c) Upon receiving approval from the other parties, the Proposed Findings shall be submitted to the trial judge for his or her approval.

(d) The trial judge may amend or modify the Proposed Findings or request the parties to appear and make submissions with respect to any such amendments.

(e) If any party to the action neglects or declines to sign any Proposed Findings as prepared by the prevailing party within 10 days of delivery, the prevailing party may apply by motion to the trial judge for the purpose of settling the form of the Proposed Findings. On any such settlement hearing, the trial judge may increase or decrease the scale of costs to compensate the costs of the successful party at the settlement hearing.

(f) After the trial judge signs and files the Proposed Findings, they shall be considered for all intents and purposes the final decision of the court and any oral

judgment of the court previously rendered shall be merged therein.

(g) The parties may waive the necessity of filing Findings of Fact and Conclusions of Law after judgment by signing a consent waiver to that effect on the final order.

(b) **Costs**

To accommodate this new procedure, the successful party should be entitled to costs for preparing the Suggested Findings and the Proposed Findings. Under App. B, the following tariff items should be added:

28.1	Preparation of Suggested Findings under Rule 40A	1 Unit
28.2	Preparation and Settlement of Proposed Findings under Rule 40A	2 Units

(c) **Appeals**

On any appeal, the Findings of Fact made by the trial judge will be the only document for consideration. Any oral reasons for judgment are merged in the Findings. The test in the Court of Appeal will be:

(a) Was there evidence before the trial judge to support the Findings?

(b) Do the facts justify the conclusions of law and the remedy pronounced in the formal judgment?

In other words, there will be no necessity for the Court of Appeal to examine any reasons given by the trial judge. All that counts is whether or not the trial judge reached the right result on the facts so found.

5. ***QUESTIONS THAT NEED ANSWERS BEFORE PROCEEDING***

Much of the above comes from U.S. text and common law authority. Although I have talked to U.S. trial judges about the process, I did not have sufficient time to analyze all the factors involved. Therefore, further inquiries should be made in order to

completely understand how it works in practice. Here are a few examples of these concerns.

(a) After a lengthy trial without a jury, how soon after does the trial judge deliver his or her decision? Is it usually done orally from the Bench? Are the reasons recorded? Do any oral reasons form part of the Appeal Book? If they are done orally or in writing, what form do they take? Are they usually 1 or 2 pages or more?

(b) How often do counsel waive preparation of the Findings by the trial judge? In 10% of the cases, 50% of the cases, or how frequently?

(c) How often is the judge called upon to settle the form of the document?

(d) Etc.

6. ***CONSULTATION WITH THE LEGAL PROFESSION***

Before we implement such a scheme we should discuss it with the Civil Justice and Insurance Sections of the Canadian Bar Association as well as the Trial Lawyer's Association. They will

probably not like parts of it since we are shifting some of our work onto their desks. As a trade off, they will likely get more judge time. This means fewer cases will get bumped and the waiting list for getting on for trial will decrease, or not increase as fast.

We frequently worry about the cost of litigation to the parties. Some judges are prepared to do the work that counsel ought to do out of sympathy for the paying litigant. With respect, that is false economy in many instances. By assuming this burden, we make ourselves less available to other litigants. We also impose an additional load on ourselves so that we are not quite as fresh for the next case and not quite as attentive as we might otherwise be. Finally, it can affect our own lifestyle and our families. For this we get little if any thanks.

If lawyers want us to carry most of the workload, then the only alternative is more reserve weeks and thus fewer sitting days. We should remember that the 3 and 1 sitting routine was put into place in the early 1970's. At that time, the litigation pace was far less hectic. For comparison purposes, Quebec trial judges assigned to civil cases have a 2 and 2 routine. They sit for two weeks and then have two weeks to write their judgments. Many Maritime judges only sit about 45 days of the year, or less than 1 day a week.

7. *SUMMARY*

In summary:

1. We should run a 24-month pilot project designed to test the application of the American Findings of Fact and Conclusions of Law procedure in personal injury trials.

2. Temporary changes should be made to the Rules of Court and the Tariff of Costs to accommodate the suggestion.

3. If the general idea is acceptable to the majority of the members of the court, additional investigations should be made of the U.S. system in order to fill any gaps in the knowledge we now possess.

4. We should also discuss the proposal with the members of the legal profession and get their views.

8. *CONCLUSION*

Through their elected representatives, the people of Canada and British Columbia have bestowed upon the trial judges of the Supreme Court the responsibility of administering justice within

the province. When carrying out that obligation we are required to do more than just see that each case is tried as fairly as possible. We are also entrusted with the duty of administering justice in keeping with modern standards. The public expects, or should expect, that our court will be the leader in these matters.

Some of our colleagues are attracted to the slogan: "If it ain't broke, why fix it?" That is one step away from saying: "Let's wait until it falls apart before we have a look at it." With respect, such a viewpoint is misguided because it unintentionally reflects a willingness to tolerate mediocrity. Instead, we should pursue excellence. We can be much better than we are, if we are allowed to be.

Research and development are now universally recognized as an essential part of all organizations if they are to progress and flourish. They can also be part of our court system. We can learn to manage change and not be frightened by it.

In my view, our practices, procedures and methods of adminstration should be under constant review. Every part of our legal system should be the subject of continual examination and comparison. We should never stop searching for better ways of administering our affairs. We can keep up with modern practices and we can become confident enough to try new techniques.

The Supreme Court of British Columbia can be the model of excellence and quality in all aspects of its operations. We can be the court that sets the standard for the rest of Canada. Experimenting with new procedural methods is one way of achieving that ideal. Not all of them will succeed. Some will fail. But through these failures we will learn. Without trying, we will simply stagnate.

Vancouver, B.C.
January 7, 1992