

“

# The Importance of Concise Decisions (And how to write them.)

”

by Emily Crocco  
Chairperson, Canada Agricultural Review Tribunal  
Presentation to the BCCAT Annual Continuing Education Conference  
November 2025

---

Any statements of law in this presentation, made in November 2025, should be taken as changeable and capable of correction in response to arguments made and later legal developments. This presentation is no substitute for sound legal advice concerning specific problems and does not address all issues a decision-writer may face.

“

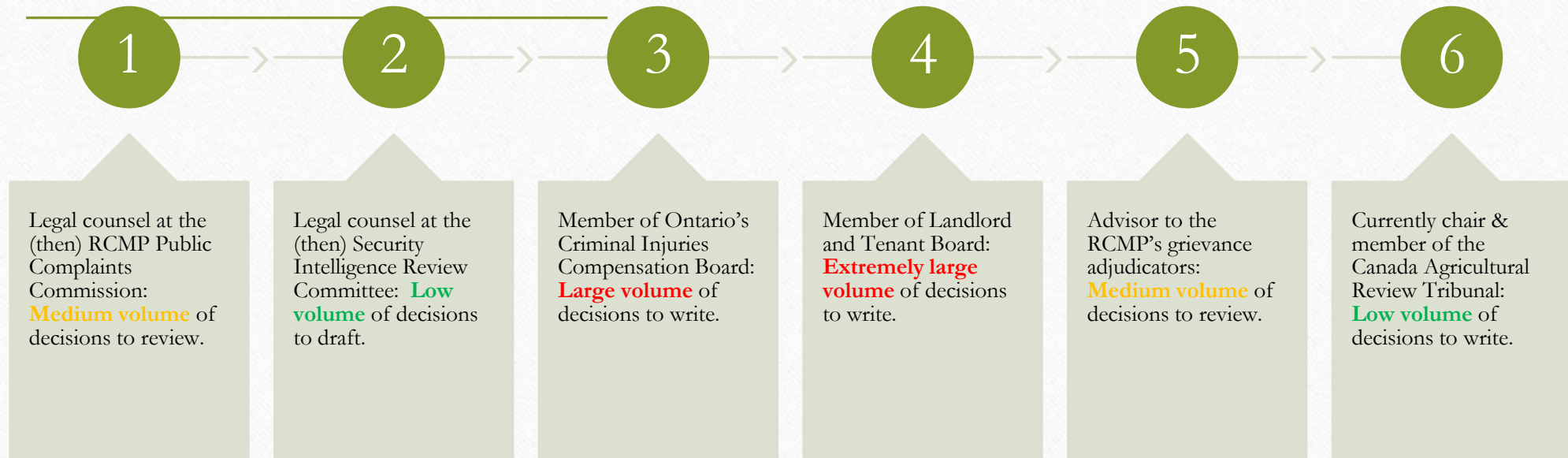
Perfection is not the yardstick here.

”

---

Gauthier JA in *Rosianu v Western Logistics Inc.*, 2021 FCA 241 at para 75.

# My background



“

“Administrative delay undermines a key purpose for which such decision-making authority was delegated - expeditious and efficient decision-making.”

”

---

-Rowe J (Supreme Court of Canada)  
*Law Society of Saskatchewan v Abrametz*, 2022 SCC 29 at para 46.

# The Federal Courts' Struggle with Brevity



From 2012 to 2022, the Federal Court received approximately **50% fewer new applications** and the number of FC **judges increased by 21%**.



Despite these advantages:

The **average decision length increased by 17%**; and

The **average number of decisions published decreased by 20%**.

The statistics at the Federal Court of Appeal were similar.

# The Federal Courts' Struggle with Brevity

---



Given this data, there are **strong negative correlations** between the average length of decisions and the average number of decisions the Federal Courts and their judges publish each year.



Although “**correlation does not imply causation**”, correlation is an important tool used to measure the strength of a relationship between variables.



In other words, there is a **strong observable pattern** between long decisions and how many decisions are issued.

Why  
longer  
decisions  
may add  
to delays



Longer decisions take longer to draft, edit, and translate.



For example, in one hour, a typical editor can edit 2-3 pages for standard texts and 1-2 pages for difficult texts.



A. Einsohn and M. Schwartz, *The Copyeditor's Handbook*, 4<sup>th</sup> ed., (Oakland: University of California Press, 2019)

Why  
longer  
decisions  
may add  
to delays



Law students, clerks, editors, etc., use these decisions as templates.



Parties' representatives see irrelevant issues addressed in decisions, and make submissions on these items in case it will change the outcome of a file.

# What *Vavilov* Says Reasonable Decisions Can Exclude

Can exclude:	When:	Pinpoint:
Essential elements of a rationale or interpretation of a statute	They can be inferred from the record	Paras 98, 103, 123
Adjudication of an issue	The parties have conceded it	Para 94
An explanation of well-established administrative law	Unchallenged	Para 94
The essential elements of a section of a law	Undisputed	Para 120

# What *Vavilov* Says Reasonable Decisions Can Exclude

Can exclude:	When:	Pinpoint:
Analysis and findings on issues and concerns	Not central	Paras 127-28
A formalistic statutory interpretation	Depending on the expertise of the decision-maker and whether the provision is a minor element of the decision	Paras 119-122
Detailed reasons	The potential for significant personal impact is limited	Para 133

““Reasonableness” is not synonymous with “voluminous reasons”; simple, concise justification will do.”

---

Diner J in *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77  
at para 17.

“There is nothing unfair or inadequate about brief reasons...so long as the Court can see a line of reasoning that could justify the decision – often referred to as “connecting the dots”.”

Phelan J in *Su v Canada (Citizenship and Immigration)*, 2021 FC 1269 at para 10.



# Barriers to Brevity

Common barriers are  
complicated facts or law.

Other major barriers are:

- Unfamiliarity with the topic
- Systemic culture of long decisions  
(for ex., training & templates)
- Risk aversion
- View that more is better

“

“[U]sing fewer citations will make some judges uneasy, worried that either their devotion or their scholarship will be called into question.”

”

---

-Selya J, “Judges on Judging: Publish and Perish: The Fact of the Federal Appeals Judge in the Information Age”, (1994) 55 Ohio St LJ 405 at 414.

“[L]arge numbers of documents do not necessarily entail complexity, especially in a routine case dealing with issues in which the tribunal has experience.”

---

Rowe J, *Law Society of Saskatchewan v Abrametz*, 2022 SCC 29 at para 66.

# Tips for Concise Writing

---

TIP	Example
Summarize the law	“For our purposes, it will not be necessary to describe in detail [the particular law]. Sufficient to say that it is...”
Summarize undisputed facts	“The facts are undisputed and may be briefly summarized.”
Summarize lengthy evidence	“The applicant essentially argues that...”
Refer only once to evidence you agree with	“The applicant argues, and I agree, that...”

# Tips for Concise Writing

---

TIP	Example
Stick to the determinative issues from the outset	“The dispute here is really about...”
Stick to the determinative issues after your conclusion	“Having found [X] to be determinative, it is unnecessary for me to assess...”
Limit your assessment to dispositive evidence	“I conclude [X] in at least one determinative respect.”

**“When I strive toward brevity, I strive toward the essential and the meaningful.  
Brevity rails against the non-essential, against filling time, against boredom,  
against self-indulgent long-windedness and against agonizing repetition...  
Brevity is economy.”**

---

R. Bergart, “What do we talk about when we talk about brevity?” (Annual Modern Languages and Literatures Annual Graduate Conference, Western University, March 8, 2014)