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Is Canada's Supreme Court divided?

Partner [Jeremy Opolsky](#) has co-authored a study titled "[How Divided is the Wagner Court? An Assessment of Disagreement Over Its First Five Years](#)". In it, he examines Canada's judicial system led by the current chief justice.

Jeremy spoke with [Canadian Affairs](#) in an interview where he noted the frequent comparisons of Canada's legal system to the United States, despite Canada's strong non-partisan, apolitical court.

"When Canadians hear things that are political, partisan and polarized—that there are closely split decisions [in the U.S.]—that is the overriding message in our media landscape. I worry that people form similar opinions about close decisions in the Supreme Court of Canada (SCC)," he said.

"Sometimes our discussions veer into an assumption that [the Court is] split on party-appointment lines."

The study also addressed the increase of SCC decisions with dissents in the recent years under Justice Wagner. While observing the importance of dissents and the role it plays in the judicial structure, Jeremy identified that dissents can be problematic if there is persistent harsh and critical disagreement—"particularly in the form of dissents where the court is closely split on the outcome."

"The bottom line of our paper is that not every dissent is the same, and not every disagreement is the same," Jeremy concluded.

You can read more about our [Disputes and Investigations](#) work on our practice page.

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