

**A TIME FOR APOLOGIES:  
THE LEGAL AND ETHICAL IMPLICATIONS OF  
APOLOGIES IN CIVIL CASES**

**CORNWALL PUBLIC INQUIRY  
PHASE 2 RESEARCH AND POLICY PAPER**

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## EXECUTIVE SUMMARY

Lynn Johnston, the insightful Canadian cartoonist and creator of *For Better or for Worse*, wrote metaphorically that: “An apology is the superglue of life. It can repair just about anything”.

If we follow Johnston’s metaphor, we are reminded that even though an apology can be a powerful life tool, things can go wrong. If the ingredients of the glue are not properly measured and mixed it doesn’t stick; and even if it does set, often the pieces don’t always fit together.

G. K. Chesterton, the influential British writer, cautioned that a poorly formulated apology can do harm and that a good apology has the power to heal, when he wrote that: “A stiff apology is a second insult.... The injured party does not want to be compensated because he has been wronged; he wants to be healed because he has been hurt.”

This paper examines what makes a good apology, how to use apology as a tool for healing and reconciliation and how to avoid the pitfalls of a poorly crafted apology.

During the preparation of this paper scarcely a day has gone by without the subject of apologies figuring prominently in the Canadian media and involving high profile individuals such as the torture victim Maher Arar, the falsely convicted Steven Truscott, the errant Ontario coroner Dr. Charles Smith, and the Polish immigrant Robert Dziekanski. In every case, not only the apology but also the adequacy of the apology, was the subject of the news.

It is evident that although apologies have always been a part of social discourse, over the past two decades apologies have gained prominence. World leaders, corporations, and politicians offer apologies for various wrongs. In criminal proceedings and civil dispute resolution apologies have emerged as effective tools. Not only do we live in a time of apologies but, increasingly, we live in a time for apologies.

Apologies are provided for a wide variety of wrongs from minor infractions for which there is no legal remedy; to torts or breaches of contract to which civil damages may apply; and to serious harm, such as physical or sexual abuse, which may attract both civil and criminal actions. This Paper explores the legal and ethical implications of apologies in civil cases and how apologies could be used more effectively and focuses on apologies that address serious harms.

In particular, the purpose of this Paper is to provide support to all interested parties involved in the Cornwall Public Inquiry which is investigating events surrounding allegations of historical sexual abuse of children and youth in Cornwall, Ontario. The ultimate goal of this Paper is to provide ideas and options that the Commissioner, The Honourable Justice G. Normand Glaude, can consider as he finalizes his recommendations to Government.

This Paper explores the legal and ethical implications of apologies in civil cases and how apologies could be used more effectively. This is a discussion paper that presents ideas, not a position paper that prescribes answers. The key objectives of this Paper are to:

- explore the needs and motivations of recipients and givers of apologies;
- identify the benefits and risks of apologies in civil cases at various points in the conflict resolution process;
- investigate the link between apologies and forgiveness, healing, and reconciliation;
- highlight legal and ethical considerations;
- examine circumstances that influence the effectiveness of apologies;
- canvas factors that encourage and discourage apologies;
- engage lay readers, academics, and policy-makers in a discussion about options; and
- contribute to further thinking about apologies and their role in effecting positive outcomes.

In order to ensure that an apology satisfies both the needs of victims and wrongdoers, this Paper proposes that parties engage in an “apology process” that involves four fundamental steps:

- determine the needs and expectations of the victim in relation to an apology;
- determine the needs and expectations of the apologizer;
- mediate the apology between the parties; and
- support the delivery of the apology.

It is evident that apologies involve more than the words “I apologize.” In simple terms, an apology is a form of oral communication from one party to another designed to carry out several specific simultaneous communicative and moral functions. Commentators differ in their views about the minimum requirements of a meaningful apology. Professor Nicholas Tavuchis, a Canadian sociologist, reduces an authentic apology to two fundamentals: being sorry for harm done to another and saying so. Law Professor Daniel Shuman, drawing on the work of others, concludes: “Minimally, to be meaningful, an apology must express regret for the occurrence of a harmful event and acknowledge responsibility for it.” Others add a third necessary component – that of acknowledging “that a legitimate rule, moral norm, or social relationship was broken.” Dr. Aaron Lazare, a psychiatrist and author of the influential book *On Apology*, cites four principal components of apology: acknowledging the offence, communicating remorse, providing explanations, and making reparations.

In order to formulate an effective and authentic apology, it is useful to identify the core elements of apology which emerge from the literature. Apologies require a combination of these core elements. The seven core elements of an apology are: **recognition** which involves identification of the wrong, acknowledgement of the violation of a norm, and appreciation of the extent of the harm done to the victim; **remorse** which includes genuine expressions relating to regret for the harm that occurred; **responsibility** which acknowledges that the wrongdoer did harm to the victim; **repentance** which includes attitudes and behaviours including regret, shame, humility, and sincerity and which affirms that the wrongdoer understands and acknowledges the moral wrong that has been committed; **reasons** which are explanations to the victim including the circumstances that led to the wrongdoer’s actions and/or why victims were harmed; **reparation** or restitution that is often offered as part of the apology to make the victim whole and/or restore the relationship; and **reform** which

includes personal promises by the transgressor to change behaviour and actions by an individual, organization, or government to prevent future harm or to commemorate the harm. An effective apology will include some or all of these core elements depending upon the circumstances.

Deborah Levi, a Professor of Law, postulates that there are four different types of apology. In a *tactical apology* the suffering of the victim is acknowledged to gain credibility and influence bargaining during negotiations. In an *explanation apology* the apologizer excuses behaviour without accepting any wrongdoing. A *formalistic apology* is offered without remorse under the demand and pressure of an authority figure. In a *happy-ending apology* the apologizer accepts responsibility and expresses remorse for their actions.

There are also *interpersonal apologies* between the parties which express sorrow; and *political or collective apologies* which are more concerned with getting a statement on the record.

In addition to the core elements of an apology, the “*Response to Harm*” continuum is practical tool which can be used to explore the needs and expectations of the parties in relation to harm done. The continuum transcends the act of apology with expressions or actions that a wrongdoer, another person or organization, a Government, or a justice system might offer in response to alleged harm. The response categories suggested are ordered along a continuum from lower to higher levels of taking responsibility. Some response categories coincide with core elements of an apology while others supplement apologies.

The Response to Harm Continuum comprises the following responses: *validation* in which the speaker acknowledges/confirms the victim’s experience but offers no judgment about the legitimacy of the feeling or cause of harm; *expression of benevolence* which is an empathetic expression to the victim about the harm; *expression of sympathy* by which the speaker is affected by feelings consistent with the victim’s or shows compassion; *statement of belief* in which the speaker expresses belief in the victim’s story and confirms his integrity; *acknowledgement of fact* that includes both acceptance of what a victim has described as well

as acceptance of information from other sources; an *explanation* in which the speaker responds to the information needs of the victim and, by doing so, may reduce anxiety and/or lead to reconciliation; An *expression of regret* which conveys that the speaker feels some sense of distress, but does imply any sense of responsibility; a *sorry statement* which is similar to an expression of regret and conveys a sense of unhappiness about the situation and may convey remorse or repentance; *commemoration* which is most usually undertaken by governments and may be seen as a way in which to institutionalize regret relating to harm; an *undertaking* by which the speaker promises to take actions that are relevant to the harm done, including reparation and personal reform or systemic reform; an *acknowledgement of responsibility* where the speaker assumes some form of accountability, blame or fault and an *admission of liability* which is prejudicial to the speaker's interests and may be used to prove legal liability in an adjudicative setting.

The debate over what constitutes a real apology has generated significant controversy. Deficient apologies are often viewed as insincere, conditional, grudging, self-serving or argumentative; and are labeled as non-apologies or pseudo-apologies. Some take the position that an acceptable apology must include all of the seven core elements. However, the importance of each core element – even the necessity of each part – varies from apology to apology depending on the situation. It is fair to say that, while something less than a fulsome apology might be considered adequate in certain circumstances, the chance of an apology “falling short” increases with each missing element.

At the *subjective level*, people respond to apologies within a context that is influenced by personal and cultural considerations. Indeed, even an apology that meets a particular definition of apology at the *objective level* may be rejected at the subjective level by the recipient. This is not an uncommon result.

Much discussion about apology centres on what an apology is or what it should be – the definitional issues. What is more important, perhaps, than whether a statement meets a definition, is the effect that an apology has on the audience for which it is intended.

It is time to stand this issue on its head and to evaluate an apology less by what it is and more by what it does. The starting point, then, would be “what do victims need and expect?” An apology could then be evaluated by determining the degree to which the apology meets those needs and expectations. Currently, apologies are often crafted without that kind of understanding and their prospect for success is diminished.

What emerges from the literature and the experiences of adult survivors of abuse is this: for apologies to have potential therapeutic value for them, apologies must contain what is important to them personally - to their specific and unique needs.

The following questions should be asked when formulating an apology:

**Who** are the givers and receivers of apologies? Apologies have the greatest potential impact if they are delivered by the actual wrongdoer or wrongdoers.

**What** are actual circumstances surrounding the harm? The apology must articulate these clearly.

**Why** is the apology being offered? The reasons must be clearly articulated.

**When** is the best time to apologize? Apologies offered within a reasonable time have the best chance of meaningful impact.

**Where** should an apology be offered - in private or in a public forum? Survivors usually call for two kinds of apologies: a personal, private apology, and/or an official, public apology.

**How** should an apology be offered? Whether it is oral or a written statement should be determined by the needs of the victim.

Apologies do not stand alone. Their purpose is to heal and foster reconciliation. There are important linkages between an apology and the acts of forgiveness, healing and reconciliation.

Definitions of **Forgiveness** generally include the notion of victims abandoning resentment and providing the wrongdoer with some form of pardon. Wrongdoers often seek forgiveness to assuage feelings of responsibility or guilt. Victims often forgive because it is

expected or because it is justified. Academic studies find that offenders who apologize are more likely to be forgiven than those who do not; and apologies result in forgiveness when offenders acknowledge wrongdoing or take responsibility. Victims who believe that the wrongdoer is truly sorry are more forgiving than those who doubt the wrongdoer. Forgiveness is not a necessary or predictable outcome of apology.

Forgiveness may have distinct benefits for survivors. It may relieve negative feelings and, without minimizing the past, allow them to move forward. Forgiveness does not mean excusing, condoning, ceasing to blame, losing respect for the victims, or forgetting that wrong-doing occurred. It diminishes feeling of hatred and resentment and accepts that the wrongdoer has repented and reformed. When freely given, forgiveness may promote healing and reconciliation.

An apology is often considered to be the key to *Healing*. An apology may restore dignity but cannot undo what has been done or change the past. However, it can affect the perception of the past or the harm and be able to heal wounds and allow the healing process to continue. Healing involves restoring a person to health. In the context of serious physical, emotional, and sexual abuse, the healing process may be long and complex.

A 1999 Report for the Law Commission of Canada found that survivors of abuse are driven more by the need to heal than the need to obtain compensation. For a victim, an apology is often considered to be the key that will unlock the door to healing.

The concepts of apology, healing and *reconciliation* are closely linked. Survivors and other victims may engage in a process of reconciliation with their past, with what happened to them, and with their experience – whether or not they ultimately reconcile with the wrongdoer or an organization associated with the wrongdoer. This kind of personal reconciliation supports healing. Given that apologies also play a role in healing and reconciliation, the circularity connecting these three processes is apparent.

Private *interpersonal apologies* in the context of physical, emotional, and sexual abuse have the potential to have positive effects but are rare. *Public apologies* do play a prominent role in institutional abuse cases, particularly those that stem from abuse in residential settings. A number of examples drawn from Canadian and Australian jurisdictions are examined in the Paper. In Canada, public apologies by the Government of British Columbia related to the Jericho Hill School, and the Doukhobor Children are examined; as well as apologies and responses by the Government of Canada related to the Indian Residential Schools.

The Canadian Government's response to abuse in Indian Residential Schools has generated considerable controversy because it did not include an apology. The apologies offered by the British Columbia Government were also considered inadequate by the recipients.

In Australia, thousands of indigenous children, the "stolen generations", were forcibly removed from their parents from 1910 to 1970. Apologies by State Governments, Churches, and Police Forces were provided. However, the Federal Government resisted giving the kind of apology that was recommended. Instead, it settled on a "Motion of Reconciliation" which was widely criticized as being inadequate.

In the United States, *medical malpractice* cases are prevalent and often result in extremely high damages. Apologies have been promoted and supported in many jurisdictions as a way to reduce the suffering of patients and to facilitate conflict resolution. Studies have shown that a significant portion of actions would not have gone to court if the physicians had apologized.

It is clear that apologies have a number of *benefits* – for individuals, for the justice system, and for society in general. The single most important potential benefit of apologies is their capacity to respond to the psychological needs of injured parties. Ideally, an apology which reflects the needs of the victim will contribute to healing and, depending on the circumstances, to reconciliation as well. Apologies also address the legal and strategic

motivations of victims and influence their propensity to pursue litigation and dispute resolution. Apologies have the potential to diminish the wrongdoer's psychological pain. However, some wrongdoers use apologies to serve legal and strategic motives and to secure forgiveness, to avoid punishment, to influence public opinion and to mitigate damages. Apology is an important component of conflict resolution in the Justice system and plays a role in early resolution. Often, if apologies are offered before litigation is commenced and resolution is reached, there is the added benefit of avoiding expensive proceedings. If a civil justice system does not support apologies, it discourages moral behaviour and acts in opposition to community norms.

There is a general societal expectation that those who are harmed deserve, at a minimum, an apology from the wrongdoer. Authentic apologies clearly offer the most potential for benefits at the societal level. However, even *pro forma* apologies and expressions of forgiveness may play important educative functions by reinforcing the rituals of apology and forgiveness in society. When played out, the rituals remind wrongdoers of the importance of taking responsibility for their actions and encourage victims to accept apologies and offer forgiveness.

There are a number of *risks* associated with apologies. If a wrongdoer fails to issue an apology in circumstances that call for one, there is a risk that the victim will further resent the wrongdoer and this reduces the prospect of the victim offering forgiveness. When apologies are deficient, they often do more harm than good. Once the decision is made to apologize, it is important to deliver an apology that is adequate, sincere, and will be accepted. If an apology is rejected, the consequences for the apologizer are dire. There is a risk that an apology may be insincere and have a particularly negative effect on the dynamic of the conflict. Offenders may hesitate to offer an apology on the basis that it is a sign of weakness or guilt and it will damage the apologizer's reputation. There is a relatively small risk that an apologizer may provide an apology and later regret it. This may occur when an apology is not accepted by the victim. There is also a risk that an apology will have negative legal consequences such as voiding an insurance policy or being taken as evidence of liability.

Apologies are open to manipulation and may be employed to avoid penalties or reduce liability.

The issue of how apologies should be dealt within the *legal system* in context of civil cases has been discussed and debated in many countries. It is recognized that apologies may break an impasse in negotiations, allow settlements to occur more quickly, or result in more favourable terms of settlement. The absence of an apology is one of the factors that leads injured parties to file lawsuits, to actively pursue them, and to claim higher damages.

The concern that apologies are withheld because of concerns about *legal liability* has prompted the passage of apology legislation in various jurisdictions around the world. In the United States alone, more than thirty states have enacted apology legislation over the last decade. Australia has also passed apology legislation. And Canada has witnessed a significant amount of activity on the legislative front in the last couple of years. Apology legislation has resulted, generally, from the conclusion that apologies have a positive effect on the settlement of cases and that, without legislation to protect them, apologies will be curtailed.

Traditionally, lawyers for both plaintiffs and defendants in civil cases have been resistant to apologies because they perceive that apologies may result in monetary settlements unfavourable to their clients. Furthermore, lawyers tend to focus on economic and legal issues rather than emotional and intangible ones.

However, as the advantages of apologies – to both parties – have become more apparent in recent years, lawyers have recognized the need to work with apologies in appropriate cases and have supported legislation which encourages apologies and limits liability. There is reason to expect that lawyers' receptivity to apologies will increase.

Apologies have significant potential in civil cases that involve unintentional torts such as negligence and intentional torts such as torts of assault, battery, and intentional infliction of nervous shock. The monetary damages that are awarded in civil cases are compensatory in

nature and designed to restore plaintiffs and are meant to “undo” the harm. Money cannot “undo” the losses associated with physical, emotional, or psychological harm. Apologies have the potential to address the personal pain of victims.

Apologies are currently taken account in assessing damages in defamation cases and may be relevant in assessing punitive damages. It has been argued that apologies should be taken into account in assessing damages in all civil cases.

In most common law jurisdictions in North America, the basic *rule of evidence* is that apologies may be used as admissions against interest and may be used as evidence to establish liability on the part of the wrongdoer. Although there is some protection for an apology apologizers are less inclined to provide the kind of spontaneous apologies that might be of greatest psychological or emotional benefit to them.

Concerns about the dampening effect that rules of evidence and common law jurisprudence have on apologies, many jurisdictions have passed or are considering apology legislation. The general intent of apology legislation is to encourage apologies by widening the protection for them.

The literature reveals that *spontaneous apologies* have the greatest prospect of being accepted as sincere and being therapeutic. Spontaneous apologies are generally provided in the absence of legal advice and in circumstances for which no legal privilege exist and are vulnerable to being used by victims against the wrongdoer. Victims typically look favourably upon spontaneous apologies and do not take undue advantage of wrongdoers who offer them.

*Mediation* is an alternative to adjudication in which a neutral third party intervenes in negotiations to assist resolution of conflict. In terms of using apologies to facilitate resolution, mediation offers a number of advantages over litigation. Firstly, apologies are typically protected from being used as an admission of liability. Secondly, apologies may direct parties to innovative remedies that a court would not order. Thirdly, parties are at the centre of mediation and are encouraged to interact in a non-adversarial way. Fourthly,

mediators can assist the parties in crafting apologies and statements of forgiveness that are responsive to the needs and expectations of the parties. Lastly, mediation is a flexible process that can be tailored to give sufficient time and attention to the potential of apologies

Over the last few years, research indicates that apologies make settlement more likely. They do so by altering perceptions of the dispute and the disputants, by reducing negative emotion, improving expectations about future conduct, and affecting judgments as to what is fair.

There are several factors which encourage and discourage apologies: interpersonal orientation; relationship between the parties; characteristics of disputes; ethical implications; cultural norms; and legal implications.

Individuals with a high *Interpersonal Orientation* who are sensitive to the actions of others offer apologies more readily than persons with low interpersonal orientation who view apologies as strategic devices.

*Relationships between the parties* influence the propensity to give apologies. Some writers suggest that women tend to apologize more than men because women develop their sense of identity based on relationships to others while men develop their sense of identity by distinguishing themselves from others. Accordingly, women use apologies to reinforce personal connections and men view apologies as a sign of weakness and defeat and avoid them.

The *characteristics of disputes* make some more appropriate for apology. Some researchers suggest that more severe cases are less amenable to apology although severe cases involving psychological injury benefit from apologies. It appears that apologies are less likely to play a significant role in commercial matters and more likely to have a positive effect in employment, family, and tort cases.

Apologies have *ethical implications* because to apologize in a way consistent with societal norms is to act morally; and to refuse a deserved apology is to act immorally. The willingness to apologize reflects an individual's societal commitment to established norms.

The act of apology can be considered a *cultural norm* that reflects societal and cultural values. In some societies apologizing is considered a virtue and in others a sign of weakness. Individualistic cultures (such as the United States and Canada) put great value on individual autonomy and the assertion of individual rights through litigation. They place less emphasis on apology than collectivist cultures (such as Japan) where relationships amongst group members are more highly valued than individual rights. Individualist cultures tend to be rights-based and they rely to on adjudication as a form of dispute resolution. Adjudicative processes such as arbitration and litigation are adversarial by nature. In collectivist cultures, accessing adjudicative processes are viewed as a failure to achieve harmony.

The *legal implications* of the adversarial process make parties focus primarily on the legal rights of parties and not on psychological and moral interests. Apologies have not traditionally played a leading role in adjudicative processes. It is feared that apologies and other statements of regret will be treated as admissions of liability in Court. The conventional wisdom is that any statement that expresses or implies responsibility may be treated in litigation as an admission of liability. Although statutes may protect apologies in one situation, it is not clear the extent to which apologies could be used by the parties for other purposes in civil litigation, by other parties in civil litigation, or could be used by the state in the criminal law context.

There are some important trends occurring in regard to apologies. Apologizing appears to be a *growth phenomenon*. A survey of subject demonstrates that apology is no longer limited to academic journals and conferences. Apology is the topic of newspapers, magazines, television and radio shows, cartoons, self-help books and other commonly available sources of information. More and more people are exposed to thinking on the subject. Sports heroes, actors, and other celebrities regularly take to the media to offer public apologies for their own wrongdoing.

There appears to be an increasing trend for *public apologies* communicated through broadcast media. High profile individuals, commercial ventures, religious institutions and other organizations offer apologies for actions that may be perceived to damage their reputations. Government apologies are provided by politicians and prominent public figures for a wide variety of circumstances.

*Truth and Reconciliation Commissions* are also being used in countries around the world, including Canada – for the residential schools issue.

*Governments* apologize because it is the correct response to wrongdoing, to maintain and enhance their reputation, because of external pressure, and to secure legal, strategic or tactical advantage.

Government public apologies often fall short. Such apologies are rarely spontaneous, are too formal and insincere and are often too generic. Governments tend to resist apologies for the actions of past governments and distant historical injustices and are concerned about the legal implications.

The apologies of the Government of Canada to Mr. Maher Arar, to Japanese Canadians incarcerated during WWII and to Chinese Canadian for the “head tax” exemplify the types of formal public apologies offered by governments.

The civil legal system has significant impediments to apologies. The current trend in many jurisdictions is to enact *apology legislation* primarily to address concerns about apologies leading to liability. There are many compelling arguments in support of apology legislation and many against apology legislation. The evident trend towards the enactment of apology legislation demonstrates that the arguments in favour of such legislation outweigh the arguments against. Legislatures throughout the world have embraced the potential for apology legislation to support moral, social and legal justifications for apologies.

Apology legislation has been passed in many jurisdictions around the world. The general intent of apology legislation is to shield apologizers from having their apologies used against them in civil lawsuits. A limited form of apology legislation provides that an expression of sympathy or regret is not admissible to establish liability; however, that part of an apology that contains an admission of fault or liability is either not specifically protected or is specifically excluded. This type legislation is in place in a number of U.S. States (such as California, Massachusetts, Florida, and Texas) and in several Australian states, including Victoria and Queensland. A more robust broad form of apology legislation protects both an expression of sympathy or regret and apologies that contain admissions of fault or liability. For example, the U.S. States of Colorado and Oregon have enacted this kind of legislation as has the Australian State of New South Wales.

The majority of apology legislation in the United States is limited to civil actions related to medical care although at least five states extend protection to all kinds of accidents and one state covers all civil actions. Apology statutes in Australia are limited to personal injury claims, negligence, or torts generally.

The trend towards enactment of apology legislations raises a number of questions. For example: Are the legislative definitions of “apology” appropriate? Does the liability shield diminish the power of the apology? Is there an inconsistency inherent in allowing a party to admit liability as part of an apology and allow that party to argue “no liability” at trial? To what extent will legislation remove the barriers to offering apology? Do statutes that exclude admissions of fault or liability truly change the status quo? To what degree will apology statutes change the behaviour of people involved in wrongdoing? Should apology legislation be an “all or nothing approach?”

A number of jurisdictions in Canada have enacted apology legislation. British Columbia, drawing primarily on the legislation enacted in New South Wales, Australia was the first to pass apology legislation in Canada. The other Provinces and Territories are beginning to follow suit.

British Columbia was the first Canadian Province to enact apology legislation. The *Apology Act*, took effect on May 18, 2006, is a standalone statute which defines an “apology” and provides that an apology made by or on behalf of a person in “connection with any matter” does not constitute an express or implied admission of fault or liability, does not confirm a cause of action for purposes of the *Limitation Act*, does not void insurance coverage, and must not be taken into account in determining fault or liability. Evidence of an apology having been made by or on behalf of a person are inadmissible in any “court”.

Saskatchewan enacted legislation almost identical to British Columbia’s, through passage of the *Evidence Amendment Act, 2007* which came into force on May 17, 2007.

The Yukon introduced an *Apology Act*, in April of 2007. Bill 103 departs from the British Columbia legislation in that it does not specify that an apology does not constitute confirmation of a cause of action for the purposes of the *Limitations Act*.

On November 8, 2007 the *Apology Act* of Manitoba came into force. The language and coverage is virtually identical to British Columbia’s except that, like the Yukon legislation, there is no mention of the effect of apologies on limitation periods.

The passage of British Columbia’s apology legislation prompted the Uniform Law Conference of Canada (“ULCC”) to appoint a working group to prepare a draft *Uniform Apology Act* for presentation at the September, 2007 ULCC Annual Meeting. The language proposed in the *Uniform Apology Act* is, again, virtually identical to British Columbia’s.

The author offers a number of policy options for the Commissioner of the Cornwall Public Inquiry to consider as he develops his recommendations. The ideas proposed relate to *general education and information-sharing* for disputants, their supporters and others; *education and training of lawyers and alternative dispute resolution professionals* to enhance their capacity to work with apologies in the civil justice system; promoting *apologies in the medical field* in relation to medical errors; increasing the *effectiveness of apologies* through further research, advisory services, and novel forums; considering *apology legislation*

that would protect apologies from being used to establish liability; and opportunities for *commemoration* in cases of widespread harm.

The Paper concludes by reinforcing the value of a *four-step process* that focuses on the needs and expectations of the parties in relation to apologies, so as to secure maximum benefit from this vitally important form of human interaction.