

NJI COURSE DESCRIPTIONS

APRIL 2020 – MARCH 2021

MASTER LIST – covers all programs in which NJI was involved in planning

COURT REQUESTED PROGRAMS

Supreme Courts of Nova Scotia and Prince Edward Island Family Court Meeting (ONLINE)

Date: May 22, 2020

Overview: This online seminar focused on substantive family law issues. Specifically, the seminar provided an overview of property division under the *Nova Scotia Matrimonial Property Act* and through the doctrine of unjust enrichment, as well as a review of the anticipated changes to the *Divorce Act* resulting from Bill C78.

Objective: The objectives of this seminar were to enhance participants' awareness of key jurisprudence related to property division under the *MPA* and through the law of unjust enrichment; to develop practical skills to assess property division claims; and to gain comfort in applying the proposed amendments to the *Divorce Act*.

Summary: The program was led by an expert legal academic. It provided an opportunity for judges to discuss the topics in detail. The program also included practical exercises utilizing scenarios, polling questions, and a Q & A discussion.

Court of Queen's Bench for Saskatchewan Education Seminar (ONLINE)

Date: June 29-30, 2020

Overview: This seminar touched on a variety of topics related to reserve judgments, writing principles, productivity, and time-management. The program delivered practical tools for effective work habits, delivering oral judgments, and drafting written reasons, with interactive breakout group discussions and polling questions within the online platform of Zoom.

Specific topics included:

- Effective work habits and time-management, including time-blocking and prioritization methods
- Tips and tricks for dealing with reserve judgments
- How to avoid taking reserve judgments by delivering oral judgments
- A panel discussion with Justices from the Court of Appeal for Saskatchewan
- Writing effective reasons, including point-first structure and issue driven writing

Objective: Participants developed skills for dealing with reserve judgments, as well as how to circumvent reserve judgments by delivering oral judgments. Participants practiced skills central to effective written reasons, including point-first structure and issue driven writing. Participants learned to navigate the Zoom platform—using both the plenary and breakout groups.

Summary: In this seminar, delivered entirely online using the Zoom platform, a professor of organizational behaviour explained the fundamentals of why we procrastinate and what we can do about it; Justices from the Court of Appeal for Saskatchewan covered a range of topics around decision writing and oral judgments; Justices from Saskatchewan and Nova Scotia explored the process for reserve judgments in both provinces, best practices for avoiding reserve judgments, and practical strategies for writing them; and finally, participants reviewed fundamental writing principles for effective reasons that meet readers' needs: precise issues and context before detail.

Federal Court Annual Education Seminar (ONLINE)

Overview: This seminar focused on practical updates on the Court's core substantive law areas of immigration, administrative law, Indigenous law, and intellectual property.

Objective: The objective of the seminar was for participants to review case law developments in the Court's core substantive law areas.

Summary: The program content was presented through a mix of presentations and interactive question and answer sessions, with faculty consisting of senior judges of the Court, experienced counsel, government representatives, and legal academics. Sessions included significant developments in the standards of review in Administrative law, intellectual property and trademark issues, immigration law and Indigenous Law and Indigenous Legal Traditions.

Federal Court Annual Education Seminar: Administrative Law (ONLINE)

Date: September 18, 2020

Federal Court Annual Education Seminar: Immigration Update (ONLINE)

Date: September 25, 2020

Federal Court Annual Education Seminar: Indigenous Peoples (ONLINE)

Date: October 9, 2020

Federal Court Annual Education Seminar: Intellectual Property Update (ONLINE)

Date: October 23, 2020

Court of Queen's Bench of Alberta Education Seminar: 101 (ONLINE)

Date: September 23-24, 2020

Overview: This online seminar focused on the fundamentals of judging sexual assault trials. It was intended for newly appointed judges to the Court of Queen's Bench of Alberta who had not taken the course previously; a number of more senior judges also attended.

Objective: The objective of the program was to provide judges with substantive knowledge and practical skills to effectively manage and decide sexual assault trials, by furthering their knowledge of the elements of sexual assault law and their awareness of the social context of sexual assault, including myths and stereotypes.

Summary: In this seminar, senior judges and other faculty shared their practical and substantive knowledge of sexual assault trials. Through a mix of lectures and panel discussion, interactive exercises, and small group discussion in virtual breakout groups, the seminar covered: history and context of sexual assault law, including myths and assumptions; consent and mistaken belief in communicated consent; production and admissibility of records; admissibility and relevance of other sexual history; and managing cross-examination and other courtroom management issues.

Court of Appeal of Alberta Education Seminar (ONLINE)

Date: September 23-24, 2020

Overview: This two-day online seminar with Court of Appeal of Alberta judges focused on two different themes: section 24(2) of the *Charter* and understanding anxiety and its potential effects in the courtroom, particularly during a pandemic.

Objective: The objective of this program was to provide an update and identify trends in the law of the exclusion of unconstitutionally obtained evidence under section 24(2) of the *Charter*. A second objective was to understand how anxiety may have an impact on all participants in the courtroom during the period of COVID.

Summary: The seminar opened with a two-part session led by an experienced judge and a legal academic on the topic of section 24(2) of the *Charter*. The key aspects of the Supreme Court of Canada's jurisprudence on the exclusion of unconstitutionally obtained evidence under s. 24(2) were reviewed. Following this, the speakers and participants examined and discussed the most difficult and contentious issues emerging in recent s. 24(2) case law. On day two, a leading academic addressed the biology underlying chronic stress and anxiety and how it can impact everyone who interacts within a courtroom, particularly during the period of COVID-19.

Court of Appeal for Saskatchewan Education Seminar (ONLINE)

Date: September 24, 2020

Overview: This seminar was intended to help judicial participants recognize their own internal biases and develop cultural competence skills in a safe environment as well as expanding their awareness of the realities of drug use on both on the streets in different jurisdictions of the province and how the courts do, and can, address underlying addictions issues more holistically.

Objective: Participants recognized their own internal biases through interactive exercises and small group discussions.

Participants explored the roots of internal biases, as well as how they can be counteracted by exploring case scenarios.

Participants better understood the different regional realities across different communities of the province regarding drug practices and addictions.

Participants also analysed how specialized courts offer examples of different approaches for treating these issues more holistically.

Summary: The September 2020 *Court of Appeal for Saskatchewan Education Seminar* was delivered in a hybrid form, addressing the topics of implicit bias and cultural competence, the illegal drug trade, and the intersection between addictions and the courts.

Delivered through Zoom, the virtual sessions on Implicit Bias and Cultural Competence utilized interactive techniques to challenge participants in considering their own implicit biases as they collaboratively worked through scenarios, explored implicit bias testing, and engaged in small group discussions.

The in-person program began with a session looking critically at *Illegal Drugs in Saskatchewan: A Front-Line Perspective*, which included a roundtable discussion facilitated by the Regina Police Service, addressing the realities unique to Saskatchewan.

The program concluded with a session entitled *Drug Addiction and the Courts: A Legal Approach? A Treatment Approach? Or Both?* In this session, the intersection between addictions and the criminal justice system were explored by those involved directly with Drug Treatment Court.

Court of Queen's Bench of Alberta Education Seminar (ONLINE)

Date: September 24-25, 2020

Overview: This two-day online seminar touched on a variety of legal and practical topics relevant to the work of the Court of Queen's Bench of Alberta.

Objective: The objectives of the seminar were to improve participants' awareness of current issues facing the Court and to improve their substantive skills and further their knowledge on a variety of topics.

Summary: Led by experienced judges, legal academics, and other practitioners, through a mix of lectures and panel discussions, interactive activities, and small group discussion in virtual breakout groups, the two-day online seminar explored: the Court's ongoing response to COVID-19; evidentiary issues with child witnesses; ethical issues, including recusals; publication and access restrictions and privacy issues; and dealing with high conflict family law matters.

Federal Court of Appeal Education Seminar (ONLINE)

Date: September 30 - October 1, 2020

Overview: This program explored artificial intelligence and Administrative law, maritime law, the operations and challenges of the Social Security Tribunal, and current issues in international tax law.

Objective: The objective of this program was to provide participants with timely updates on relevant legal developments and a better understanding of the context in which one of the tribunals subject to the Federal Court of Appeal's judicial review jurisdiction operates.

Summary: With a multi-disciplinary faculty led by senior judges, lawyers and legal academics, the seminar used a combination of presentations and interactive sessions to explore topics including: the

rise of “big data” in an interconnected world and its implications for artificial intelligence in administrative law; the current state of maritime law, particularly in light of the Supreme Court of Canada’s decision in *Transport Desgagnés*; the role, operations and challenges of the Social Security Tribunal; and the effects of globalization in international tax and ongoing Base Erosion and Profit Shifting issues as a consequence of Canada's ratification of the *Multilateral Convention to Implement Tax Treaty Related Measures to Prevent BEPS*.

Atlantic Appellate Seminar (ONLINE)

Date: October 1-2, 2020

Overview: This online seminar covered a mix of topics designed for the Appellate judge, including an in-depth examination of the standard of review following *Vavilov*; the anticipated changes to the Divorce Act; and a review of the significant Supreme Court of Canada criminal law cases within the last two years.

Objective: The objectives of this seminar were to enhance participants’ awareness of developments in administrative law since *Vavilov*, and in criminal law; as well as develop practical skills in implementing the changes to the Divorce Act.

Summary: Led by experienced judges and legal academics, this program used a combination of lectures and interactive elements. Participants were given the opportunity to explore the implications of *Vavilov* with using scenarios and polling questions. Judges had the opportunity to discuss and pose questions to the faculty throughout.

Court of Queen's Bench of Manitoba Education Seminar (ONLINE)

Date: October 15-16, 2020

Overview: This program focused on Administrative Law after the Supreme Court of Canada’s decision in *Vavilov*; an update on recent Supreme Court of Canada decisions in Criminal Law, and parental alienation in Family Law.

Objective: The objectives of this seminar were: to enhance participants’ understanding of the standards of review in Administrative Law post-*Vavilov*; to provide critical updates on the Supreme Court of Canada criminal law jurisprudence with particular emphasis on sexual assault developments, s.24(2) *Charter* issues, and other evidence issues; and to provide a judicial toolkit to assist judges in high conflict family law cases where parental alienation is an issue.

Summary: The program was presented by an experienced faculty of judges and legal academics. Participants examined judicial review of administrative decisions in the wake of the Supreme Court of Canada’s *Vavilov* decision. Participants in the Family Division gained an enhanced understanding of parental alienation in high conflict family law cases and the need to focus on the best interests of the child in challenging custody cases where parental alienation is an issue. Participants in the General Division gained an enhanced understanding of developments in the law of sexual assault (including in the application of s.276 of the *Criminal Code*), applications to exclude evidence under s. 24(2) of the *Charter*, and the admissibility and treatment of “after the fact conduct” evidence in criminal cases.

Superior Court of Justice (Ontario): Conducting a Virtual Child Protection/Family Law Trial (ONLINE)

Date: October 22, 2020

Overview: Responding to the changing demands caused by COVID-19, this one-hour webinar was tightly focused on conducting a virtual trial, specifically in the areas of child protection and family law.

Objective: The objective of this webinar was to build upon the experiences of judges in conducting motions and conferences through Zoom, to prepare them for a virtual trial.

Summary: The program was led by a panel of judges who offered guidance in the preparation and management of virtual trials. This took the form of reviewing technology, tools, templates, and checklists to ensure everyone involved would be ready to participate. It also included organizational tips to maximize efficiency and overcome glitches, and the webinar provided a brief live demonstration of a virtual trial.

Superior Court of Justice (Ontario) Family Court Branch Heidi S. Levenson Polowin Education Seminar (ONLINE)

Date: November 2, 2020

Overview: This one-day virtual program focused on ways in which judges could support families in the child protection system, for the benefit of children. It was centered on the intersecting ideas of resilience and resolution.

Objective: The objective of this program was to encourage judges to see themselves as key actors in a child's experience of the justice system and, consequently, provide them with ways in which they could be supportive.

Summary: This program was led by judges, professionals, and an academic. It began by considering factors contributing to the resilience of a child, highlighting the role played by the court. Participants were then provided with a framework to assess and plan for the safety of children, and tools to manage litigants with mental health issues. The day concluded with the participants invited to apply what they had learned in a practical exercise.

Superior Court of Justice (Ontario) Fall Education Seminar (ONLINE)

Date: November 3-5, 2020

Overview: This three-day virtual program focused on (i) issues arising in criminal and civil sexual assault cases, as well as on (ii) family law cases that involve domestic violence.

Objective: The objectives of this program were to engage participants in a review of the key elements of substantive law related to judging sexual assault and family cases, then support them by providing practical take-aways.

Summary: This program was led by judges, lawyers and an academic. It began by considering the issue of consent in criminal sexual assault cases, followed by questions of vicarious liability, causation, and

damages in civil sexual assault cases. After an overview of domestic violence, the program concluded with a discussion of tools and solutions available to judges.

Supreme Court of British Columbia Education Seminar (ONLINE)

Date: November 9-12, 2020

Overview: This seminar was intended to help justices across British Columbia focus on a different broad area of practice each day: aspects of mental health and courtroom management on day one, Indigenous law on day two, and the craft of judgments—both oral and written—on day three.

Objective: The objectives of the program were:

- To expose the judiciary to the psychological impact of those appearing in their courts—namely jurors and self-represented parties, to understand the resources available, explore the psychological impacts experienced by those in their courts, and analyze approaches and strategies for handling challenging self-represented parties.
- To expose the judiciary to the context and history relevant to Indigenous law cases whether centered on Rights and Title, Infringement and Justification, or Consultation and Accommodation.
- To provide participants with concrete skills in constructing a written judgment, delivering an oral judgment, and recognizing the ideal situations for choosing either one.

Summary: The Supreme Court of British Columbia's November 2020 Education Seminar was delivered entirely online over the Zoom platform.

Virtual sessions addressed several recent and ongoing developments in the law, while online coffee shops offered a space for participants to meet in a more social environment throughout the week.

On day one, topics explored included Changes to the Empaneling of Juries, Juror Mental Health, and Managing Self-Represented and High-Conflict Litigants in the Courtroom.

The second day of the seminar looked more closely at several areas within Indigenous Law because of the large and growing number of cases handled by the court. Those areas included Rights and Title, Infringement and Justification, and Consultation and Accommodation, through presentations and an interactive panel discussion.

The final day of the program focused on judgments, with sessions centered on Judgment Writing and Oral Judgments.

Superior Court of Justice (Ontario): Credibility and Domestic Violence (ONLINE)

Date: November 12, 2020

Overview: This short session (1 ¼ hours) was originally intended to be a component of the Ontario Superior Court of Justice Fall Education Seminar (specifically, on Nov 5 – the day focused on family law). However, due to the shift to online delivery, there was insufficient time to include it then. Nevertheless, the topic was deemed too important to omit entirely and was instead offered in the form of an additional synchronous Zoom seminar.

Objective: The objective of this session was to provide participants with a review of the key elements of credibility assessment, through the lens of domestic violence.

Summary: This session was led by a judge and two lawyers. The overview of credibility assessment was reinforced for participants through interactive polling. The session considered social context aspects of this area of law, such as the changing trend of Canadian demographics, changing face of abuse, and its impact on the justice system. These concepts were solidified through a discussion of their application in recent Court of Appeal cases, as well as in practical guidance for participants.

Superior Court of Quebec: Family Law - Video presentation of “The Voice of the Child” (ONLINE)

Date: November 18, 2020

Overview: This lunchtime training session dealt with the appropriate way for a judge to address and interact with a child. A video presentation showing a judge speaking with a child was followed by a discussion about the lessons to be learned from that scenario.

Objective: The objective of this training session was to teach judges how to conduct a conversation with a child when this must be done during a hearing.

Summary: This training session followed up on the presentation on family law given during the week for the Seminar for New Federally Appointed Judges (Civil Law) held on October 26 to 30, 2020. During that session, the Honourable Justice Louisa L. Arcand of the Superior Court of Québec and the Honourable Associate Chief Justice Catherine La Rosa of the Superior Court of Québec presented a video entitled “The Voice of the Child”. That scenario dealt with the appropriate way to address and interact with a child in a conversation held during the hearing of a motion to vary custody. The video was followed by a discussion about the lessons to be learned from the scenario for any case that involves a conversation with a child.

Court of Appeal of Alberta: Fundamentals of Canadian Insolvency Law (ONLINE)

Overview: This two-part Lunch and Learn program addressed the fundamentals of Canadian insolvency law

Objective: The objective of this Lunch and Learn series was to provide an overview and refresher on bankruptcy and insolvency fundamentals.

Summary: Led by a leading legal academic, this two-part online series included a mix of substantive lectures and interactive discussion with participants and addressed the *Bankruptcy and Insolvency Act*, the *Companies' Creditors Arrangement Act*, the *Winding-Up and Restructuring Act* and their parameters, recent direction in insolvency case law and issues of standard of review.

Part I:

Date: November 20, 2020

Part II:

Date: November 23, 2020

Superior Court of Quebec: Division of Family Property: Family Patrimony and Partnership of Acquests (ONLINE)

Date: November 30, 2020

Overview: This one-day program for judges of the Montréal division of the Superior Court of Québec dealt with issues in family law and specifically with the partition of family patrimony and the treatment of debts in a partnership of acquests.

Objective: The primary objective of this program was to expand the knowledge of judges, particularly newly appointed judges, about the partition of family patrimony, by developing their ability to understand and perform the calculations needed for that exercise. It was also designed to familiarize them with the treatment of debts in a partnership of acquests.

Summary: This family law program dealt primarily with family patrimony. Using interactive exercises as the main vehicle, along with presentations, it dealt with the composition and partition of family patrimony. The participants learned how to characterize the property that makes up family patrimony and determine its market value, net value and partitionable value. Two case studies provided an opportunity to calculate the partition of family patrimony in real time. They also learned more about compensatory payment and partnership of acquests (key principles and treatment of debts).

Court of Queen's Bench for Saskatchewan Education Seminar (ONLINE)

Date: December 1-3, 2020

Overview: This seminar was intended on updating judicial participants on the most recent precedents coming out of several areas of law including administrative, criminal, and employment law. The broad changes to the *Divorce Act* were addressed in some depth before an engaging discussion of what approaches different courts across the province were taking with virtual delivery was moderated by two members of the Court's IT services.

Objective: Participants learned about the most recent developments in the areas of administrative, criminal, and employment law, as well as having an in-depth understanding of the amendments to the *Divorce Act*.

Participants explored how the courts across the province were approaching virtual delivery, through an open discussion moderated by IT services.

Participants explored best approaches to virtual delivery in different scenarios through open dialogue.

Summary: The December 2020 Court of Queen's Bench for Saskatchewan Education Seminar was delivered online, addressing updates in Administrative, Criminal, and Employment Law, as well as Amendments to the *Divorce Act* and Realities in a Virtual Courtroom.

The virtual session on December 1st included Quick-Hitter segments looking at Jury Selection (Criminal Law), reviewing a number of recent cases (Employment Law) and included an Administrative Law update.

The morning session on December 2nd focused on an in-depth look at amendments to the *Divorce Act*. This session was delivered by Claire Farid, Director and General Counsel, Family, Children and Youth Section, of the Department of Justice.

The afternoon session was dedicated to addressing the Administrative Realities of Virtual Courtrooms with a localized focus.

The Seminar was preceded by the Family Law Division Meeting and Criminal Practice Committee Meeting on the morning of December 1st and followed by the Court's En Banc Meeting December 3rd.

Supreme Court of Newfoundland and Labrador Education Seminar (ONLINE)

Date: December 3-4, 2020

Overview: This online program began with an in-depth look at the issues arising from jury selection, followed by an exploration of the practical problems judges are likely to encounter in criminal jury trials. Our faculty provided best practices for conducting a jury inquiry, constructing the charge to the jury, using the pre-charge conference, and managing juror questions. The second day considered the judicial obligations that are triggered when faced with self-represented litigants in both criminal and family law, the common problems judges are likely to encounter and how best to resolve them. The program concluded with an exploration of case-management in both criminal and family law matters, with practical advice on how to manage proceedings both fairly and efficiently.

Objective: The objectives of this seminar were to enhance participants' practical skills in managing jury trials, and to develop skills in managing self-represented litigants and case management.

Summary: Led by experienced judges and legal academics, this program used a combination of lectures, and interactive elements. Participants were given the opportunity to explore how they would manage different aspects of jury trials through scenarios and polling questions. Judges had the opportunity to discuss and pose questions to the faculty throughout.

Superior Court of Justice (Ontario): The Judicial Role in Making Parenting Plans: Bills C-78 & 207, and The AFCC-O Guide (ONLINE)

Date: January 14, 2021

Overview: This virtual 1 ½ hour session focused on parenting plans. It was delivered synchronously to allow for participant interactivity but was also recorded for participants unable to attend in real time.

Objective: The objective of this session was to prepare participants for the legislative reforms impacting parenting plans, expected to come into force on March 1, 2021.

Summary: The session was led by a judge and an academic. Reforms to both the *Divorce Act* (Bill C-78) and the Ontario *Children's Law Reform Act* (Bill 207), anticipated for March 1, 2021, will entail implications for parenting plans. This session therefore emphasized the key changes judges should be aware of considering this transition, as well as the practical application of such concepts.

Court of Queen's Bench of Alberta Education Seminar (ONLINE)

Date: January 26-29, 2021

Overview: This two-day online seminar touched on a variety of legal and practical topics relevant to the work of the Court of Queen's Bench of Alberta.

Objective: The objectives of the seminar were to improve participants awareness of current issues facing the Court and to improve their substantive skills and further their knowledge on a variety of topics.

Summary: Led by experienced judges, legal academics, and other practitioners, through a mix of lectures and panel discussions, interactive activities, and small group discussion in virtual breakout groups, the two-day online seminar explored: judicial ethics; commercial law issues; French language rights in Alberta; language interpreters in court proceedings; and practical strategies for managing litigants with mental health challenges.

Court of Appeal of Alberta Education Seminar (ONLINE)

Date: January 27-28, 2021

Overview: This two-day program considered judicial mediation at the appellate level.

Objective: The objective of this program was to provide judges with a deeper understanding of judicial dispute resolution and to provide practical techniques and strategies for effective judicial mediation.

Summary: Led by experienced practitioners and legal academic, as well as a retired appellate judge who returned to teaching, this program provided a refresher on the fundamentals of mediation, including how judicial dispute resolution at the appellate level differs from mediation in other contexts, followed by a discussion of litigation interest and risk assessment. Through substantive lecture and small group work, participants considered a variety of issues that arise with judicial dispute resolution in the appellate context.

Court of Queen's Bench of Alberta Education Seminar: 101 (ONLINE)

Date: January 27, 2021

Overview: This online seminar focused on the fundamentals of criminal law sentencing. It was intended for newly appointed judges to the Court of Queen's Bench of Alberta but was attended by judges of all levels of seniority.

Objective: The objective of this seminar was to enhance the participants' substantive knowledge and practical skills in sentencing, by providing an understanding of the law and social context of sentencing.

Summary: Led by experienced trial and appellate judges, and legal academics, with a combination of substantive lecture, panel discussion and interactive small group work, this online program included dedicated sessions on the purpose, objectives, and principles of sentencing; evidence and information relevant to sentencing and fact finding; alternatives to incarceration; types of sentences, and appropriate ranges; and recent developments in jurisprudence on sentencing, including the Supreme Court of Canada's decision in *R v Friesen*.

NATIONAL PROGRAMS

Criminal Jury Trials Seminar (ONLINE)

Date: October 7-9, 2020

Overview: This three-day virtual program focused on criminal jury trials. It offered a detailed overview of procedure, evidence, and substantive law, as well as highlighting challenges unique to this area.

Objective: The objective of this program was for participants to learn about the practicalities of criminal jury trials from experienced judges. The contextual application of these issues allowed participants to solidify their technical comprehension, as well as providing them with take-aways to be implemented in court.

Summary: This program was entirely judge-led. It covered criminal jury trials from beginning (pre-trial preparation) to end (taking of the verdict). Procedural, evidentiary, and substantive law challenges were discussed and applied through the practical examples offered by experienced judicial faculty. It also considered statutory changes and jurisprudential developments, as well as providing participants to submit questions for a final "Ask Me Anything" session.

Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Fall Program (Common Law) (ONLINE)

Date: October 26-30, 2020

Overview: This 5-day online program, offered jointly by the Canadian Institute for the Administration of Justice and the National Judicial Institute, was designed so that new judges may participate in sessions that are most relevant to them topically.

Throughout the week, the seminar subjects are divided between those that apply to Common Law jurisdictions, those that apply to Civil Law jurisdictions, or both.

Simultaneous interpretation was provided for the duration of the online program.

Objective: Participants understand and discuss the ethical, conduct, and sociological changes an individual faces when joining the bench through presentations and small group work.

During the family law program, participants develop a toolkit for the most common areas of family law to familiarize them with terms and concepts, as well as situations they may come across in their courts during their first year on the bench.

During oral judgments, participants simulate and debrief on oral judgment deliveries. Participants each prepare and record a judgment that is then explored collaboratively in small groups.

Participants further analyze issues in evidence, judicial remedies, and the anatomy of reasoning.

Summary: Day one of the seminar addressed specific issues new judges face related to judicial independence, judicial conduct, and judicial ethics. A panel discussion with the program's co-chairs, as well as individual presentations, were fleshed-out with small-group discussions around questions (held in break-out rooms).

Day two of the seminar was dedicated to family law, as a primer for new appointees who have little-to-no experience with family law. During small group discussions, judicial participants with a background in family law were specifically chosen to lead discussions and to report back to the plenary (complete group of judicial participants). Short lectures focusing on child support, spousal support, parenting dynamics, and relocation were infused with small-group discussions.

Day three of the program was focused on the skills of oral judgments. The day started with a presentation on tangible dos-and-don't and followed with participants recording individual oral judgments on one of two fact patters. These recorded oral judgments were reviewed and explored in small groups of six participants in breakout rooms.

Day four of the program was a primer on issues of evidence and remedies.

The final day of the seminar looked at judicial reviews and the sufficiency of judicial reasons with short lectures off-set by large group discussions and questions.

Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Fall Program (Civil Law) (ONLINE)

Date: October 26-30, 2020

Overview: The CJC requires that all new federally appointed judges attend two seminars shortly after they are appointed. These training seminars take place over nearly two full weeks; the first is in the spring and the second in the fall. They are organized jointly with the National Judicial Institute and the Canadian Institute for the Administration of Justice.

Objective: The seminars have two objectives: to introduce participants to their new role as judges and to set them on the path to acquiring and enhancing the knowledge and skills needed for performing their new functions.

Summary: The fall seminar was led by experienced judges in collaboration with academics and senior lawyers. Faculty used a variety of learning tools to ensure that participants acquired the knowledge and skills needed in order to effectively perform their new functions: lectures, videos, mock trials, and small group discussions.

Participants first attended sessions dealing with judicial independence, judicial conduct and judicial ethics and with strategies for ensuring equal access to justice for persons with disabilities. They then took part in workshops addressing the practical aspects of the function of superior court judge, family law, the family mediation service and psychosocial reports, civil trial management and the rules of civil evidence and procedure, special injunction and contempt of court proceedings, judgments from the bench, and the principles of good communication.

Judicial Faculty Development Seminar (ONLINE)

Date: December 8-10, 2020

Overview: This three-day virtual seminar put into action the “train the trainer” model, by focusing on the skills necessary for designing effective online and in-person judicial education. This was largely presented through the lens of social context education.

Objective: In keeping with the NJI mandate of “judge-led education” the objective of this seminar was twofold, to: (i) teach participants the basics of program design, and (ii) elicit their feedback with respect to future topics for judicial education.

Summary: This seminar was led by NJI counsel and employees, an academic, and the Chief Judicial Officer. While fundamental elements of program design were discussed (e.g., identification of learning objectives), the seminar was framed in terms of social context education. Participants were provided with a live example of such a presentation and were engaged in smaller break-out sessions to encourage deeper discussion and collaboration. Responding to COVID-19, there was also a special focus on achieving success in virtual environments.

Judging in Your First Five Years: Criminal Law (ONLINE) (Federally Appointed Judges)

Date: January 18-22, 2021

Overview: This national seminar has been made mandatory by the CJC and builds on the training provided to newly appointed judges in the spring and fall of each year. Over five days of intensive and interactive work, it provides participants with a comprehensive overview of the process of conducting a criminal trial and, in particular, a sexual assault trial.

Objective: The main objective of this seminar is to equip new judges with the knowledge and skills they need to manage a criminal trial from the pre-trial stage to sentencing. As sexual assault trials pose some of the greatest challenges for the judicial role, the seminar also serves to ensure that participants understand this complex area of the law and can conduct these trials effectively, efficiently, and fairly.

Summary: This seminar was led by senior judges drawn from across Canada, with input from legal academics. Two sexual assault fact scenarios helped anchor the issues and allowed participants to

practise the relevant skills in small groups, using a blend of courtroom roleplay videos and live submissions by Crown and defence counsel.

Participants received training in substantive and procedural law and the law of evidence, including the statutory regimes governing third party records and sexual history evidence and key myths and stereotypes that have plagued sexual assault law. They also learned about keeping *Charter* motions and the trial itself on track, managing examination-in-chief and cross-examination, exercising the judicial gatekeeping function in respect of expert evidence, dealing with self-represented accused, and making credibility assessments. The sentencing component of the program reviewed the basics of sentencing before flowing into a judicial and counsel panel discussion on the import and impact of the decision by the Supreme Court of Canada in *Friesen*.

Three sessions of the seminar focused expressly on social context. First, a session led by Indigenous judges and an Indigenous law professor helped participants understand the humanity, strength, and resilience of Indigenous women through the lens of the decision by the Supreme Court of Canada in *Barton* and the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Next, three social science professors led a session on the motivations, benefits, and risks at play in respect of victim disclosures of sexual assault on social media. Lastly, participants heard from an individual who testified as a complainant in a sexual assault trial that resulted in a conviction, specifically in relation to her journey from the incident in question to the sentencing hearing and beyond.

Dealing Effectively with Judicial Review: Joint CIAJ and NJI Program (ONLINE)

Date: January 27 – February 24, 2021

Overview: This program offered jointly by the Canadian Institute for the Administration of Justice (CIAJ) and the National Judicial Institute (NJI), is designed to familiarize trial judges with principles and practices relating to applications for judicial review. The program develops a framework for dealing with judicial review applications more systematically and effectively. Online sessions for 2021 were offered once or twice per week over a five week period. The program began with refresher on administrative law and judicial review, followed by in-depth sessions on the standard of review, procedural fairness, and remedies. The program ended with an exploration of the rights of Indigenous peoples, and how those intersect with judicial review.

Objective: The objectives of this seminar were to enhance participants' practical skills in managing applications for judicial review.

Summary: The program included plenary sessions led by our expert faculty, followed by online workshop sessions that allowed participants to explore the issues in more detail. Judges were equipped to become comfortable in dealing with applications for judicial review and developed best practices for handling these matters.

Business, Corporate and Commercial Law Seminar (ONLINE)

Date: February 3, 2021

Overview: This seminar was intended for judges who preside over business, corporate and commercial matters.

Objective: The objective of this course was to provide an update on business, corporate and commercial law in the context of Covid19.

Summary: Developed and led by experienced judges and legal academics, with a combination of presentations, interactive Q&A and workshops, the seminar explored the dramatic impact of COVID-19 on the business environment. Participants examined critical issues in the law including; contract performance and excuses (force majeure, frustration and “acts of god”; commercial tenancy agreements during government enforced “lockdowns”; insurance claims, what can be insured, and business interruption triggering events; employment contracts, accommodation of employees and constructive dismissal; unconscionability in the wake of *Uber Technologies Inc. v. Heller*; and Directors’ duties, and Oppression remedies under the *Canada Business Corporations Act* when business liquidity is at issue during the pandemic.

Resilience during COVID (ONLINE)

Date: February 3-5, 2021

Overview: Judges have experienced new and unique challenges during the pandemic. This program explored those challenges and provided participants with skills and strategies for maintaining or improving resilience. Topics included improving your brain health, optimizing your energy, and increasing your comfort in managing virtual hearings. The seminar featured notable experts, including infectious diseases specialist Dr. Isaac Bogoch, who discussed what to expect as the pandemic progresses and comes to an end.

Objective: This program provided participants with skills and strategies for maintaining or improving resilience during a particularly stressful time.

Summary: Led by experienced judges and legal academics, this online program used a combination of lectures, and interactive elements. Judges had the opportunity to discuss and pose questions to the faculty throughout, and to develop their individual strategies for resilience.

Insolvency Seminar (ONLINE)

Date: February 4, 2021

Overview: This seminar was intended for judges who hear insolvency cases and provided an overview of both substantive and procedural law developments.

Objective: The objective of this course was to provide an update on the law of insolvency through interactive sessions, including addressing insolvency issues occasioned by the pandemic.

Summary: Developed and led by experienced judges, academics, and senior practitioners, the program delivered practical advice and best practices for conducting insolvency proceedings. Drawing on leaders from the judiciary and academia, and using a combination of case studies, interactive questions and debate, the seminar covered a broad range of issues including: key jurisprudential decisions from the Supreme Court of Canada; material adverse change clauses in the context of M&A agreement; the application of the doctrine of frustration and force majeure clauses in response to Covid19; an update on amendments to the Bankruptcy and Insolvency Act and the Companies Creditors Arrangement Act; and tools to manage the technology for virtual insolvency proceedings.

Communicating Effectively in the Time of COVID (ONLINE)

Date: February 24-26, 2021

Overview: This three-day online seminar focused on a range of topics related to effective communication during court proceedings.

Objective: The objectives of this program were to assist participants in developing improved skills in effective communication in the courtroom, including traditional in-person courtroom settings as well as in the contexts of remote proceedings by telephone and video that continue to arise more frequently during the COVID-19 pandemic.

Summary: Presented by experienced judicial faculty and communications experts, this online seminar applied an experiential skills-based approach to teaching communication to participants. It involved lecture, small group work and, on the final day, virtual interactive role play exercises of common communication challenges where judges had the opportunity to practice the skills they learned and receive feedback from trained facilitators. The seminar explored the topics of communicating authentically with the people who appear in court; effective listening and non-verbal communication; how to recognize and counteract unconscious biases; how to ensure courtroom communications do not further traumatize those involved in court proceedings; and practical communication tools to manage challenging courtroom environments.

Indigenous Law Seminar (ONLINE)

Date: March 3-5, 2021

Overview: This seminar provided judges with an overview of the landscape of Indigenous law initiatives occurring across Canada and offered insights as to how they could more comfortably integrate Indigenous laws into the judicial process.

During the first two days of the seminar, speakers from Indigenous nations across Turtle Island presented case studies of initiatives aimed at revitalizing and developing Indigenous laws. Day One featured presentations on 'what is occurring within Indigenous adoption' with an Innu case study from Quebec as well as the Cowichan experience in British Columbia. This was followed by a Governance session with case studies from the Teslin Tlingit in the Yukon as well as a counsel's perspective from Ontario.

Day Two explored natural resources from both a judicial and non-judicial vantage point and examined the way that Restorative Approaches are woven into Criminal Justice, using a case study involving judicial and community perspectives of a case that has gone through the court system successfully.

Day Three of the Seminar was collectively titled: *Where Do We Go from Here?* This part of the seminar tackled situations where Canadian courts are asked to apply or recognize Indigenous laws in the courtroom. Sessions explored the court's role in recognizing Indigenous laws; examined how Indigenous laws and spirituality are sometimes confused, with examples where they have been successfully brought into the courts; and discussed the presentation of evidence of Indigenous laws. The day concluded with a discussion on the journey the *Restoule* case took in bringing Indigenous Ceremony into the court process.

Objective: Participants got a sense of the diversity of lived experiences for different Indigenous nations across Turtle Island today.

Participants were exposed to innovative projects currently underway in the areas of Indigenous Adoption and Governance.

Participants explored how to bring restorative approaches into colonial court proceedings, so they may recognize when and where they can take the same approaches in their courtrooms.

Academics and members of the judiciary helped participants see how the previous objectives could assist them in their own courts.

Summary: The first two days of this seminar gave participants a glimpse into the legal issues facing several unique communities across Turtle Island. Connections were made throughout the sessions on these days by the members of the judiciary who commented on the sessions.

The third day of the seminar was led by members of the judiciary and academics with the goal of giving participants direction on some possibilities for how the knowledge from days one and two can be applied, or referred to, in a more direct/practical sense moving forward.

Criminal Law Seminar (ONLINE)

Date: March 24-26, 2021

Overview: This year's Criminal Law Seminar brought participants up to speed in a number of key areas and equip them to grapple with new and emerging challenges.

Brief updates on the law of sexual assault and sentencing changes during the pandemic were offered alongside a more in-depth examination of the current state of police powers under the Charter, and selected issues in sentencing – namely, where the law appears to be headed as concerns segregation and consecutive periods of parole ineligibility.

Participants also experienced panel discussions of a highly practical nature, including strategy-sharing for dealing with family violence across multiple concurrent proceedings and best practices for managing mental health challenges in the courtroom.

The annual Justice Marc Rosenberg Keynote Address featured insights into the judicial role at the International Criminal Court.

The seminar was rounded-out with the ever popular Case Law Update, with judicial, Crown and defence perspectives on the most significant criminal cases from the past year.

Objective: Participants learned the current issues around police powers and their potential conflicts with the Charter.

Participants analysed the most recent updates to sexual assault law.

Participants were exposed to the ongoing discussion around issues in sentencing, segregation, parole in hearing from a panel of different professions. This was followed by a conversation specifically addressing the impact the pandemic has had on bail and sentencing proceedings.

Participants explored issues that put criminal and family law in conflict as they overlap through cases of inter-personal violence.

Participants were exposed to the most recent updates across the criminal landscape in the Case Law Update session.

Summary: This seminar featured panel discussions and individual speakers addressing the most current developments regarding police powers under the *Charter*, sexual assault law, issues in sentencing and incarceration (both in general and specific to the pandemic), and the ways criminal and family law matters overlap—particularly around matters of interpersonal violence.

These sessions were joined by the Marc Rosenberg Keynote Address and the Case Law Update to close the seminar.