

NJI COURSE DESCRIPTIONS

APRIL – DECEMBER 2021

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

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COURT REQUESTED PROGRAMS

British Columbia

TITLE: Supreme Court of British Columbia Education Seminar (ONLINE)

PROVIDER: Supreme Court of British Columbia

Date: May 26-28, 2021

Overview: This online program dealt with the impact emotions have on judging with sessions focusing on unconscious bias and first-hand accounts regarding triggering court experiences. It also considered the effect the pandemic has had on courtroom processes, wrongful convictions, and adverse childhood experiences.

Objective: The objectives of this seminar were to enhance participants’ understanding of unconscious bias and the emotional impact some cases can have on both members of the judiciary and court staff. A further objective was to enhance judges’ practical skills for navigating their courtrooms in an increasingly virtual landscape.

Summary: Led by experienced judges, legal academics, and experts in the criminal and family justice system, this program used a combination of lectures and interactive elements. Participants were given the opportunity to explore their own unconscious biases, as well as increase their exposure to the

perspectives of those who have been involved in highly emotional cases from the other side of the bench. The program also considered the effect the pandemic has had on courtroom processes, including remote hearings and electronic documents. Sessions on wrongful convictions and brain science and adverse childhood experiences were also included in the seminar. Judges had the opportunity to discuss and pose questions to the faculty throughout.

TITLE: Supreme Court of British Columbia Education Seminar (ONLINE)*

PROVIDER: Supreme Court of British Columbia

Date: November 8-10, 2021

Overview: This online program dealt with a range of topics, including current issues in sexual assault law, bail and conditional sentence orders, complicated situations in chambers and in trial, and family justice.

Objective: The objectives of this seminar included enhancing participants' practical skills in addressing the complicated, or unusual, matters they face in chambers or trial, as well as creating space to discuss the challenges of interviewing children. Further objectives included providing the most recent updates in sexual assault law and assisting participants in recognizing issues of perfectionism and procrastination in their work lives.

Summary: This online program began with an in-depth look at current issues in sexual assault law, with a specific emphasis on implications for the application of *R. v. Gladue*. This was followed by a focused presentation on perfectionism and procrastination as it is uniquely experienced by the judiciary. The day ended with a session on bail and conditional sentence orders. The second day considered complicated situations in chambers and in trial, drawing on first-hand accounts from members of the Court. This was followed by an exploration of how family justice could be reimagined, which included an examination of the challenging task of interviewing children. Led by experienced judges and academics, this program used a combination of lectures, demonstrations, and interactive elements. Participants were given the opportunity to explore how they would handle difficult situations of law and challenging dynamics in the courtroom. Judges had the opportunity to discuss and pose questions to the faculty throughout.

Alberta

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

PROVIDER: Court of Queen's Bench of Alberta

Date: June 4, 2021

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

Objective: The objectives of the seminar were to improve all participants' awareness of current issues facing the court, to improve their substantive knowledge, and to further their knowledge and skills in a variety of relevant subject areas.

Summary: Led by experienced judges and other legal practitioners, the one-day online seminar explored the topics of the voice of the child in legal proceedings, the role of children's counsel, judicial

interviews of children, early intervention cases conferences, and civil contempt, using a mix of lecture, panel discussion, interactive activities, and small group discussions.

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

PROVIDER: Court of Queen's Bench of Alberta

Date: October 6, 2021

Overview: This seminar was targeted to newly appointed judges, but all judges were encouraged to attend. It focused on practical skills to deal with “desk applications” and managing court proceedings with self-represented or high conflict litigants.

Objective: The objectives of the seminar were to provide concrete skills to judges in managing court proceedings.

Summary: This half-day online seminar focused on practical skills to deal with desk processes, consent orders, and divorce matters. It also included an update on the surrogate application process in Alberta. The seminar also addressed how to manage court proceedings with self-represented or high conflict litigants and how to approach the difficult issues that can arise in those circumstances. The seminar targeted newly appointed judges, but all judges were encouraged to attend.

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

PROVIDER: Court of Queen's Bench of Alberta

Date: October 6-8, 2021

Overview: This three-day online program touched on a variety of substantive and practical topics relevant to the work of the judges of the Court, including issues related to capacity and guardianship, emerging issues related to technology, and risk-based assessments in all areas of the Court's jurisdiction.

Objective: The objectives of the seminar were to enhance participants' knowledge on a variety of topics and to develop practical skills and best practices to address current and emerging issues in several subject areas.

Summary: Led by experienced judges, academics, and medical professionals, this program began with an in-depth look at issues related to capacity and guardianship, followed by an exploration of emerging online and technology related issues judges are likely to encounter, such as electronic evidence and the tort of privacy and online abuse. It closed with an examination of risk-based assessments in all areas of the Court's jurisdiction. It used a combination of lectures, panel discussions and interactive elements such as polling and small group discussion to explore the seminar topics.

Saskatchewan

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

PROVIDER: Court of Queen's Bench for Saskatchewan

Date: June 1-3, 2021

Overview: This online program dealt with a wider array of issues of interest to the Court's judges, including binding pre-trials, judicial alternative dispute resolution and the use of technology.

Objective: The objectives of this seminar were to enhance participants' practical skills, substantive knowledge, and awareness of social context issues with a particular focus on binding pre-trials and the use of different technological platforms to hold virtual hearings.

Summary: Led by experienced judges and the Court's IT staff, this program used a combination of short lectures, panel discussions, and demonstrations to address topical issues for the judiciary, including binding pre-trials, judicial alternative dispute resolution and the use of technology. Judges had the opportunity to discuss and pose questions to the faculty throughout.

TITLE: Court of Appeal for Saskatchewan Education Seminar

PROVIDER: Court of Appeal for Saskatchewan

Date: September 23, 2021

Overview: This online seminar focused on judgment writing, key jurisprudential developments in criminal law, and Indigenous justice issues.

Objective: The objectives of this seminar were to improve the participants' substantive knowledge of significant developments in criminal law, develop their practical skills in concise judgment writing, and increase awareness of the issues facing Indigenous communities in Saskatchewan.

Summary: The program was led by legal academics and an Indigenous community leader, using a combination of lectures and interactive discussions. It provided training on delivering effective, concise judgments. The program also focused on significant developments in criminal law and explored the current issues facing Indigenous communities in the region.

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

PROVIDER: Court of Queen's Bench for Saskatchewan

Date: November 30 – December 2, 2021

Overview: This online program dealt with a range of topics, including reconciliation in the judicial system, with a contextual history of the realities specific to Saskatchewan and insights into initiatives being taken across the country. Other topics covered included brain science and the potential adverse impact that being in court can have on children.

Objective: The objectives of this seminar were to enhance participants' understanding of substantive matters underlying reconciliation that are specific to Saskatchewan, and to provide insight into the science behind the developing mind of a child.

Summary: This online program began with an in-depth look at Reconciliation in the judicial system, with a contextual history of the realities specific to Saskatchewan and insights into initiatives being taken across the country. The second day began with various updates from members of the Court. The final session explored brain science and the potential adverse impact being in court can have on children. Led by experienced judges and academics, this program used a combination of lectures and panel discussions. Participants were exposed to different initiatives across the country relating separately to Reconciliation and family court. Judges had the opportunity to pose questions to faculty throughout.

Manitoba

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

PROVIDER: Court of Queen's Bench of Manitoba

Date: April 22-23, 2021

Overview: This seminar focused on the broad themes of the COVID-19 pandemic in the administration of justice, and substantive law matters of bail and bail review, jury selection, and variation of support orders in family law.

Objective: The objectives of this seminar were to enhance participants' understanding of the impact of the pandemic on the administration of justice and to provide critical updates on substantive law matters including bail and bail review, jury selection, and variation of support orders.

Summary: The program was presented by an experienced faculty of judges and legal academics. Participants examined the future of justice post-pandemic, technology in the courtroom and courtroom management with a focus on contempt in virtual proceedings. Participants in the Family Division gained an enhanced understanding of spousal and child support variation orders in anomalous economic cycles. Participants in the General Division gained an enhanced understanding of bail and bail review and jury selection issues in criminal proceedings.

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

PROVIDER: Court of Queen's Bench of Manitoba

Date: October 14-15, 2021

Overview: This seminar focused on the administration of justice in the context of reconciliation, implicit bias, cultural competence, and judicial ethical principles. Concurrent sessions of the General and Family Divisions provided timely updates on substantive law issues involving criminal law and family law.

Objective: The objectives of this seminar were to enhance participants' understanding of reconciliation, cultural competence, implicit bias, and judicial ethics, to provide practical tools for trial management,

and to discuss timely substantive law updates in concurrent sessions for the General and Family Divisions.

Summary: The program was presented by an experienced faculty of judges and legal academics. Participants examined the administration of justice in the context of reconciliation, implicit bias, cultural competence, and judicial ethical principles. Participants in the Family Division gained an enhanced understanding of retroactive child support post-*Colucci*, bankruptcy and property division in family law, protection order set aside trials under the *Domestic Violence and Stalking Act*, and applications to oppose registration under the *Child and Family Services Act*. Participants in the General Division gained an enhanced understanding of judicial notice and cultural competence in criminal trials, trial management principles and powers specific to criminal matters, and jury selection post-*Chouhan*.

Ontario

TITLE: Superior Court of Justice (Ontario) Spring Education Seminar (ONLINE)

PROVIDER: Superior Court of Justice (Ontario)

Date: May 5-7, 2021

Overview: This seminar focused on a building cultural competence in the administration of justice.

Objective: The objective of this seminar was to enhance participants' understanding of cultural competence in the context of access to justice, the rule of law, and as a fundamental aspect of judge craft.

Summary: Faculty included judges, senior practitioners, and multi-disciplinary academics. Participants examined the sociology, psychology and philosophy underlying cultural competence research and the connection to substantive law, including the presentation and evaluation of evidence, persuasion, legal writing, decision-making, and the judiciary's ethical, professional, and societal responsibilities to be culturally competent in the administration of justice.

TITLE: Superior Court of Justice (Ontario): Shared Parenting, the New Normal? (ONLINE)

PROVIDER: Superior Court of Justice (Ontario)

Date: June 23, 2021

Overview: This webinar focused on considerations related to shared parenting following the amendments to the *Divorce Act* and the *Children's Law Reform Act*, which came into force on March 1, 2021.

Objective: The objective of this webinar session was to enhance understanding of the effects of Bill C-78 on parenting, with a particular focus on shared parenting, and its relationship with child support, as well as to prepare participants to handle matters involving parental conflict.

Summary: This session discussed legal, mental health, and practical considerations for judges when: (1) facilitating negotiated settlements for shared parenting at conferences, and (2) making orders for shared parenting after contested hearings. Participants explored topics such as: the changes made to parenting orders by Bill C-78; different decision-making models; coparenting and shared parenting;

measures to mitigate risk of conflict; step-up parenting plans; and the role of the judge in structuring shared parenting.

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

PROVIDER: Superior Court of Justice (Ontario)

Date: November 2, 2021

Overview: The 2021 Heidi S. Levenson Polowin Education Seminar was an online seminar for Family Court branch judges that immediately preceded the court's Fall Education Seminar. It focused on the role of evidence-based social science research in child protection decision-making and an understanding of the *Act respecting First Nations, Inuit and Métis children, youth, and families*.

Objective: The objectives of the seminar were to educate Family Court branch judges on the use of social science research in child protection decision-making and to help judges understand their obligations under the *Act respecting First Nations, Inuit and Métis children, youth, and families*.

Summary: This one-day online seminar considered the role of evidence-based social science research in child protection decision-making and judges' obligations under the *Act respecting First Nations, Inuit and Métis children, youth, and families*. Participants heard from leading experts and academics and experienced judges on the issues.

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

PROVIDER: Superior Court of Justice (Ontario)

Date: November 3-5, 2021

Overview: This online program considered criminal, family, and civil law issues over three days, using a combination of lecture and moderated panel discussions.

Objective: The objectives of this seminar were to enhance participants knowledge on a variety of topics in all areas of the court's jurisdiction and to develop practical skills to address current and emerging issues.

Summary: This three-day online program considered a variety of criminal, family, and civil law issues, using a combination of lecture and moderated panel discussions. Led by experienced judges, legal practitioners, and academics, it began with a focus on matters relating to sexual assault law, dealing with the application of sections 276 and 278 of the *Criminal Code*. This was followed by a discussion of electronic and social media evidence, cyberbullying and the tools available to address the issues. Following an update on court security, the program concluded with a review of issues related to costs in civil law proceedings.

TITLE: Court of Appeal of Québec - Spring Education Meeting (ONLINE)

PROVIDER: Court of Appeal of Québec

Dates: May 26-28, 2021

Overview: This spring education meeting allowed judges of Québec's highest court to explore a wide range of topics of interest to their work, including judicial writing, civil procedure, evidence, issues related to the digitization of justice, and the ethical principles for judges.

Objective: Over the course of the program held over three half-days, participants acquired new knowledge on a variety of topics, as well as new skills and tools that they will be able to apply in their daily duties. They also explored the social context of relevant topics.

Summary: This spring education meeting focused on the three dimensions of judicial education: acquiring knowledge, developing skills and abilities, and developing awareness of the social context relating to a variety of legal and justice issues. The first day centred on practical issues, including drafting the conclusion in Court judgments. The second day dealt with the Canadian Judicial Council's new ethical principles for judges, highly publicized trials, the virtual judge-alone pilot project, and criminal forensic psychiatry. The last day included sessions on emojis, emoticons and other digital pictograms in law, and the transformation of the justice system.

TITLE: Superior Court of Québec: Divisional Meeting (Montréal) (ONLINE)

PROVIDER: Superior Court of Québec (Montréal Division)

Dates: May 27-28, 2021

Overview: This meeting allowed participants to explore a wide range of topics relevant to their field of practice. Some themes were aimed at all judges of the Court, while others were more specifically tailored to who hear civil matters or to judges who hear criminal matters.

Objective: Over the course of the day-and-a-half session, which involved a variety of teaching methods, participants acquired new knowledge on various topics, as well as new skills and tools that they will be able to apply in their daily duties. They also explored the social context of relevant topics.

Summary: This divisional meeting focused on the three dimensions of judicial education: acquiring knowledge, developing skills and abilities, and developing awareness of the social context relating to a variety of legal and judicial issues. On the morning of the first day, simultaneous sessions were held for civil judges and criminal judges. Judges who hear civil matters attended sessions on the new *Divorce Act*, which included a discussion of the social context underlying the concepts of best interests of the child and domestic violence. Judges who hear criminal matters successively examined the impact on a jury of sexual assault myths and stereotypes, technology in the courtroom, and the implementation of new jury selection provisions. All participants participated in sessions on judicial notice, on different types of evidentiary privileges (including both theoretical and practical perspectives), on the key principles of judicial review on the merits, and on psychosocial expert reports in family cases.

TITLE: Superior Court of Québec: Divisional Meeting (Québec) (ONLINE)

PROVIDER: Superior Court of Québec (Québec Division)

Dates: June 3-4, 2021

Overview: Entitled "Post-Pandemic Justice: Keeping People at the Forefront", this meeting allowed participants to explore a wide range of topics relevant to their field of practice, including the use of technology in the Courtroom, effective management of hearings with self-represented parties, and custody and access disputes involving allegations of spousal and domestic violence.

Objective: Over the course of the day-and-a-half training session, which involved a variety of learning styles, participants acquired new knowledge on a number of topics, as well as new skills and tools that they will be able to apply in their daily duties. They were also made aware of the social context relating to some of these topics, as well as the issue of mental health and wellness in the workplace.

Summary: This divisional meeting focused on the three pillars of judicial training: acquiring knowledge, developing skills and abilities, and developing awareness of the social context relating to a variety of legal and judicial issues. The meeting began with the theme of technology in the Courtroom, which was presented in both a historical and forward-looking perspective. Participants then had a collective discussion about the issue of self-represented litigants, with an emphasis on how to effectively manage hearings they are involved in. Other sessions were held for family law including custody and access disputes involving allegations of spousal and domestic violence, as well as expertise (and its adjunct) in custody and access matters. The last theme covered was mental health and wellness in the workplace. It involved an interactive workshop whose primary objective was to educate participants on how to identify and mobilize the personal, collective, and environmental resources that promote coping skills and wellness in the workplace.

TITLE: Superior Court of Québec: Annual General Meeting (ONLINE)

PROVIDER: Superior Court of Québec

Dates: September 23-24, 2021

Overview: This meeting allowed participants to explore a wide range of topics relevant to their field of practice, including the use of technology in the Courtroom, stress, the new ethical principles for judges of the Canadian Judicial Council, and the drafting of judgments.

Objective: Over the course of the training session, which involved a variety of learning styles, participants acquired new knowledge on various topics, as well as new skills and tools that they will be able to apply to their daily duties. They also explored the social context of relevant topics, as well as the issue of mental health.

Summary: This annual general meeting focused on the three dimensions of judicial training: acquiring knowledge, developing skills and abilities, and developing awareness of the social context relating to a variety of legal and judicial issues. It also explored the key issue of mental health. It began with a presentation intended to debunk the popular definition of stress and to summarize the scientific findings of the past 30 years on the workings and effects of stress on physical and mental health. The rest of the day focused on the theme of technology in the Courtroom, a topic that was discussed from a variety of angles, drawing on the skill of experts from both private practice and academia. The day concluded with a presentation on the promise and limits of artificial intelligence in the legal field. The

second day centred on the Canadian Judicial Council's new ethical principles for judges and the art of writing a judgment.

TITLE: Court of Appeal of Québec: Annual General Meeting (ONLINE)

PROVIDER: Court of Appeal of Québec

Dates: October 13-14, 2021

Overview: This meeting provided an opportunity to explore two topics of critical importance to the judiciary: artificial intelligence and stress management.

Objective: The educational aspect of the meeting allowed participants to not only acquire new knowledge about artificial intelligence and mental health, but also to develop their ability to manage and deal with stress on a daily basis.

Summary: The educational segment of the meeting allowed judges to learn more about artificial intelligence. A presentation on the biology of stress and its effects, which included both theoretical and practical components, provided judges with many tips and tools to cope and deal with it.

TITLE: Superior Court of Québec: Division of Family Property - Family Patrimony

PROVIDER: Superior Court of Québec

Date: December 6, 2021

Overview: This one-day program for judges of the Superior Court of Québec focused exclusively on family patrimony. It was open to all judges, regardless of their degree of knowledge of this fundamental family law topic.

Objective: This program involved a variety of learning methods (lectures, interactive demonstrations, polling questions, case studies), and aimed to broaden knowledge and to develop skills. At the end of the intensive day of training, participants were able to identify the assets that make up the family patrimony and determine their shareable value. The program also aimed to help them develop new case management skills.

Summary: This family law program focused exclusively on family patrimony. An initial introduction traced the history of the family patrimony and recalled the basic concepts relating to it. The instructor discussed the components of the family patrimony and the determination of its net worth, before moving on to deductions and how to determine net worth. The issue of family patrimony was then examined from a case management perspective at each stage of the case. Finally, the last part of the day was spent on a practical exercise of calculating and dividing the family patrimony, giving participants the opportunity to apply what they had learned during the day.

Atlantic Provinces

TITLE: Court of Queen's Bench of New Brunswick New Judges' Program

PROVIDER: Court of Queen's Bench of New Brunswick

Date: September 7, 2021

Overview: This seminar was intended for newly appointed judges and was designed to supplement the national training provided in the Seminar for Newly Appointed Judges. This program focused on substantive, procedural, and administrative issues applicable to trial judges in New Brunswick.

Objective: The objectives of this seminar were to support newly appointed judges in making a successful transition from lawyer to judge, to equip them with tools, resources, and information pertinent to the work of the court, and to benefit from the experience and advice of experienced judges in an open forum.

Summary: Led by senior judges from the Court of Queen's Bench of New Brunswick, participants engaged in discussions covering a wide range of issues including judicial ethics. Presenters shared advice on best practices within the courtroom and chambers. In addition, the program provided a venue for experienced judges of the court to share information with their newly appointed colleagues on the rules, practices, and procedures of the court as well as other available resources.

TITLE: New Brunswick Court of Queen's Bench Robert Tuck Educational Conference (ONLINE)

PROVIDER: Court of Queen's Bench of New Brunswick

Date: September 8-9, 2021

Overview: This online seminar involved a range of topics related to substantive issues in criminal, civil and family law, courtroom and trial management, and the social context of law.

Objective: The objectives of this program were to improve participants' substantive knowledge and skills regarding significant criminal, civil and family law developments, as well as case management.

Summary: Led by senior judges, experienced practitioners, and legal academics, with a combination of presentations and interactive discussions, the program addressed developments in criminal and family law, including the assessment of children's evidence, the impact of technology on privacy, and issues related to dealing with the media. In addition, the program explored how Indigenous legal traditions can be included within the courtroom.

TITLE: Supreme Courts of Nova Scotia and Prince Edward Island Education Seminar (ONLINE)*

PROVIDER: Supreme Court of Nova Scotia and Supreme Court of Prince Edward Island

Date: May 13-14, 2021

Overview: This online seminar explored a range of topics including important developments in criminal, civil and family law, opinion evidence, effective jury instructions, and assessing child protection risks.

Objective: The objectives of this seminar were to enhance participants awareness of key jurisprudential developments in criminal, administrative and family law, to develop practical skills in analyzing opinion evidence, assessing spousal support, drafting jury instructions, and judgment writing, and to develop a better understanding of the social context issues in child protection matters.

Summary: Led by experienced judges and legal academics, this program provided an opportunity to discuss civil, criminal, family, and social context topics. It included an update on key cases in criminal and family law; an exploration of summary judgment; practical skills in drafting judgments and jury instructions; assessing risk in child protection matters; and engaging judges on ethical challenges facing the modern judiciary. This program included a variety of presentations, panel discussions, and practical exercises.

TITLE: Atlantic Courts Education Seminar for Federally Appointed Judges (ONLINE)*

PROVIDER: National Judicial Institute with the superior and appellate courts of New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador

Date: November 3-5, 2021

Overview: This program focused on a variety of topics relevant to judges in Atlantic Canada, including child protection matters, the revitalization of Indigenous legal traditions, coercive control in intimate partner relationships, and the impact of the COVID-19 pandemic on access to justice.

Objective: The objectives of this program were to enhance practical skills in jury trials, to provide a better understanding of the impact of race and cultural factors in child protection proceedings, to increase knowledge of key jurisprudential developments in criminal and family law, to provide a better understanding of coercive control and how it manifests in intimate partner relationships, and to explore the revitalization of Indigenous legal traditions and how this could impact the judiciary.

Summary: With a combination of presentations, panel discussions and exercises led by senior judges, multi-disciplinary academics, and representatives from the local community, the program explored topics including substantive legal updates in the areas of criminal, administrative, family, and Indigenous law; training on judicial ethical issues, coercive control in intimate partner relationships, and child protection matters. It also included an in-depth discussion on the effects of the COVID-19 pandemic on the public and access to justice.

TITLE: Supreme Court of Newfoundland and Labrador Education Seminar

PROVIDER: Supreme Court of Newfoundland and Labrador

Date: December 1-3, 2021

Overview: This program focused on providing participants with practical tools to become more effective judges, by improving their physical and mental health.

Objective: The objectives of this program were to enhance participants' knowledge and understanding of the factors that undermine wellness and to provide them with concrete tools and tips to implement better habits when it comes to physical and mental health, in order to carry out their judicial responsibilities more effectively.

Summary: This program examined the internal and external factors that impact well-being. Led by multi-disciplinary academics, the sessions explored various wellness topics and provided opportunities

for discussion. Participants were equipped with practical tools to improve their overall physical and mental health, in order to carry out their judicial responsibilities more effectively.

Federal Courts

TITLE: Federal Court of Appeal Education Seminar (ONLINE)

PROVIDER: Federal Court of Appeal

Date: September 22-24, 2021

Overview: This program explored the impact of virtual appellate hearings on the administration of justice, substantive law issues in maritime law and motions in writing, and judgment writing skills.

Objective: The objectives of this program were to enhance participants' understanding of the impact of the COVID-19 pandemic on the administration of justice in the appellate context, to provide timely updates on maritime law and motions in writing brought pursuant to Rule 369 of the Federal Courts Rules, and to deliver practical sessions on judgment writing skills.

Summary: With a multi-disciplinary faculty led by senior judges, lawyers and academics, the court examined the impact of the pandemic on appellate proceedings, reviewed and updated the substantive law in maritime matters and motions brought pursuant to Rule 369 of the Federal Courts Rules, and concentrated on practical aspects of judgment writing.

TITLE: Federal Court Annual Education Seminar (Online)

PROVIDER: Federal Court

Overview: The Federal Court Annual Education Seminar, delivered in a virtual environment over a series of four, two-hour Zoom webinars, focused on practical and timely topics in the areas of constitutional law, privacy and open courts, intellectual property, and unconscious bias.

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, and academics. Session topics included significant developments in constitutional law, privacy law, intellectual property, as well as unconscious bias.

Webinar 1

Date: September 24, 2021

Webinar 2

Date: October 8, 2021

Webinar 3

Date: October 22, 2021

Webinar 4

Date: November 5, 2021

TITLE: Federal Court of Appeal and Federal Court 50th Anniversary Programming (ONLINE)

PROVIDER: Federal Court of Appeal and Federal Court

Overview: This series of online seminars was held to commemorate the 50th anniversary of the Federal Court and the Federal Court of Appeal.

Objective: The objective of the seminars was to reflect on the past, present, and future role of the federal courts in matters related to immigration, national security, and intellectual property.

Summary: To celebrate 50 years of service to Canadians and to commemorate the foundation of the first Canadian national, bilingual, bijural, and itinerant court, the Federal Court of Appeal and the Federal Court held a series of webinars in conjunction with the launch of the book entitled “The Federal Court of Appeal and the Federal Court: 50 Years of History”. The series of webinars, which was open to the public, featured presentations and remarks from the Chief Justices of both courts, current and former justices of both courts, as well as academics and practitioners who work on issues that fall under the courts’ jurisdictions. Each of the webinars concluded with questions and comments from participants.

Book Launch (ONLINE)

Date: October 1, 2021

Immigration (ONLINE)

Date: October 29, 2021

National Security (ONLINE)

Date: November 26, 2021

Intellectual Property (ONLINE)

Date: December 10, 2021

TITLE: Tax Court of Canada Education Seminar

PROVIDER: Tax Court of Canada

Date: December 2-3, 2021

Overview: This program addressed judgment writing skills, oral judgments, hearsay and opinion evidence, respectful communication, and strategies for staying healthy and resilient.

Objective: The objective of this seminar was to cover many of the fundamental skills needed to be a fair and effective judge.

Summary: On the first day of the program, attendees participated in sessions on effective judgment writing, a session on cultural competence and skills for creating an inclusive and accessible process, and

a panel discussion on best practices for communication in the courtroom. On the second day of the program, attendees participated in sessions on evidence law, a session led by a cognitive neuroscientist on dealing with stress, and a panel discussion on preparing and delivering oral reasons for judgment.

NATIONAL PROGRAMS

TITLE: Building Cultural Competence (ONLINE)

PROVIDER: National Judicial Institute

Date: April 7-9, 2021

Overview: This online seminar focused on how judges can continue to develop their cultural competence and deepen their understanding of social context issues in court proceedings.

Objective: The objectives of this seminar were for judges to learn about, and then practise, the skills associated with effective judicial cultural competence and to gain an understanding of how cultural competence is relevant to the justice system and the role of judges.

Summary: This three-day online seminar focused on the key principles that underlie cultural competence for judges. Together with experienced judges and expert faculty, participants examined implicit bias, privilege and marginalization, systemic racism, and discrimination, and how to continually develop cultural competence. Participants discussed key communication skills and identified best practices they can adopt and adapt to their role as judges. The program included a combination of lectures, panel presentations, videos, skills-based exercises such as role-playing and small group work.

TITLE: Seminar for New Federally Appointed Judges (ONLINE)”

PROVIDER: National Judicial Institute and the Canadian institute for the Administration of Justice

Date: April 12-16, 2021

Date: October 25-29, 2021

Overview: All new federally appointed judges attend this pair of seminars within a year of their appointment, with one held in the spring and one in the fall. They are organized jointly by the National Judicial Institute and the Canadian Institute for the Administration of Justice.

Objectives: The objectives of these seminars are to orient participants in their new role as judges and to initiate their efforts to maintain and enhance their legal knowledge and judicial skills throughout their years on the bench.

Summary: These seminars were led by senior judges, with input from legal academics and experienced lawyers. A number of learning tools – including lectures, courtroom roleplay videos and small-group discussions – were deployed to help convey the knowledge and skills judges require to be effective in their new role. Some of the sessions were addressed to all judges, while some were tailored to common law judges, others to civil law judges, and others to judges sitting in federal court.

All participants jointly attended sessions on judicial independence and judicial ethics, judgment writing, civility in the courtroom, strategies for ensuring equal access to justice for persons with disabilities, as well as the relationship between judging and social context, with a particular focus on the law of sexual

assault and cases involving indigenous peoples. Judges from all jurisdictions also attended sessions on applications for injunctions, the preparation and delivery of oral judgments, the law of evidence, civil procedure, judicial review of administrative action, self-represented litigants, and courtroom and case management. Finally, a suite of sessions for common law judges dealt with family law and criminal law topics ranging from jury selection to sentencing, including questions specific to sexual assault trials. Civil law judges spent time working on family law matters, effective communication in the courtroom, regulatory offences, and the law relating to consent to medical care.

TITLE: Oral Judgments (ONLINE)

PROVIDER: National Judicial Institute

Date: April 14-16, 2021

Overview: Developed in collaboration with experienced judges and pedagogical and communications experts, this program helped participants learn and practice how to better structure their oral judgments, organize the evidence and law before and during a hearing, and to communicate effectively.

Objective: The objectives of this program were to assist participants in developing improved skills in structuring a judgment, making it more direct, efficient, and easy to follow; preparing oral judgments; structuring and communicating credibility assessments; and delivering clear oral judgments.

Summary: This seminar applied an experiential skills-based approach to teaching oral judgment skills to participants. Throughout the seminar, short lectures from experienced judges and experts on writing and communications taught the core advanced skills involved in structuring and delivering effective oral judgments. These lectures were supplemented by intensive small group work, where judges had the opportunity to practice these skills and receive individualized feedback both from their peers and from trained facilitators. The program ended with participants delivering a full oral judgment, which was followed by expert feedback.

TITLE: Criminal Jury Charge Workshop (ONLINE)

PROVIDER: National Judicial Institute

Date: April 28-30, 2021

Overview: This online skills-based seminar focused on the preparation of jury instructions in criminal cases, requiring participants to craft jury instructions in response to the issues raised in a hypothetical attempted murder trial scenario.

Objective: The objective of this seminar was to provide judges assigned to criminal jury cases the skills needed to prepare legally correct, yet concise, plain-language jury instructions.

Summary: In this hands-on, intensive seminar, participants drafted instructions at all stages of a jury trial, from jury selection and opening remarks, through the presentation of evidence, to the final charge and responses to questions from the jury. Participants worked in small groups led by experienced judicial faculty, who offered feedback and advice. Issues addressed included: procedure and instructions on a challenge for cause; management of the *voir dire* when a witness recants; content of necessary instruction to the jury; and problems during jury deliberations.

Your Supernumerary Years and Beyond (English) (ONLINE)

Date: June 16-17, 2021

Overview: This online program covered a range of issues of importance to judges approaching retirement, including ethics obligations and issues faced when retiring from the bench.

Objective: The primary objective of this program was to ensure judges are fully aware of their ethical obligations upon retirement, particularly if they engage in the practice of law afterwards.

Summary: This program canvassed issues faced by judges retiring from the bench, whether seeking to re-enter private practice or engaging in other professional and non-professional roles. Led by a senior judge and academics skilled in ethics, mentoring, health and well-being, the program addressed a wide range of topics including ethical issues, mentoring, volunteering, and health-related matters.

Judging Better, Judging Smarter (ONLINE)

PROVIDERS: Canadian Superior Courts Judges Association and National Judicial Institute

Dates: July 7-9, 2021

Overview: This program focused on the use of technology in the courtroom and the opportunities it offers. The topics covered included virtual hearings and trials, digital documents, communication, and practical tips and tricks on how to use technology to make your life easier.

Objective: Over the course of the two-and-a-half-day program, which used a variety of learning methods, participants acquired new knowledge, as well as new skills and tools relating to justice and technology. The primary objective was for judges to learn how to integrate technology into their work and to use it in the Courtroom in order to judge better and judge smarter.

Summary: This seminar allowed judges to learn more about digital justice, as well as to familiarize themselves with the technological tools at their disposal in order to judge better and judge smarter. The first day began with a brief review of recent technological developments in the courts and in the wider world. This was followed by a discussion on how to conduct virtual hearings effectively during the pandemic. The second day began with a look into the world of cognitive science aimed at learning more about reading on digital platforms. This was followed by a discussion on the electronic document repository and how it is used by judges. The last day provided an opportunity to focus on effective communication before participants received practical advice on how to choose the best technology tools and use them efficiently. The day ended with a group discussion on the virtual court of the future.

Evidence Snapshots Series Workshops (ONLINE)*

PROVIDER: National Judicial Institute

Date: July 20-22, 2021

Overview: In this online workshop, participants had the opportunity to discuss a variety of evidentiary topics in facilitated small group discussions.

Objective: Tailored to an online environment, the objective of this program was to provide an opportunity for participants to discuss relevant evidentiary issues with their judicial colleagues from across the country.

Summary: This online program combined synchronous and asynchronous learning. Three live events built on pre-recorded videos that each reviewed a specific evidentiary issue. Topics included the rule in *Browne v Dunn*, consent, and admissibility of evidence in sexual assault proceedings, surreptitiously obtained electronic evidence, the gatekeeper role of a trial judge as it relates to expert evidence, after-the-fact conduct, *Vetrovec* warnings, and prior consistent statements. Participants also had the opportunity to submit their own evidentiary challenges for small group discussion with judicial colleagues from across Canada.

TITLE: Appellate Courts Seminar (ONLINE)

PROVIDER: National Judicial Institute

Date: November 23-25, 2021

Overview: This three-day online seminar addressed themes specific to the work of appellate court judges, focusing on developments in medical law and climate change litigation, the use of technology and the law, the revised *Ethical Principles for Judges*, as well as race and culture in judgments.

Objective: The objective of this program was to inform participants on new and emerging issues affecting the work of appellate court judges and to provide a forum to discuss the implications of developments in the law and social context regarding the revised ethical principles guiding judicial conduct.

Summary: Led by a variety of judges and academics, this seminar addressed the following topics: the present state of the science and the Canadian government's policy on climate change; the law and issues surrounding medical assistance in dying; the revised *Ethical Principles for Judges* and the boundaries of good ethical behaviour in the work of appellate judges; race and cultural assessments, and methods to address race in judgments; and technology and the law, including discussions on the use of artificial intelligence in judicial decision-making and technological competence.

TITLE Criminal Jury Trials Seminar (ONLINE)*

PROVIDER: National Judicial Institute

Date: November 24-26, 2021

Overview: This seminar was intended for new judges and built on the jury training provided during the *Seminar for New Federally Appointed Judges*.

Objective: The objective of this seminar was to provide judges with comprehensive training on the evidentiary, procedural, and substantive law challenges that arise in criminal jury trials, from pre-trial conferencing through to the taking of the verdict.

Summary: Led by experienced judges with expertise in this area, and delivered by using a combination of short presentations and panel discussions, this seminar covered topics including: the impact of *R. v. Chouhan* on jury selection procedure, including the use of the standby power and expanded challenges

for cause; the principles of party liability in trials of co-accused; instructing a jury on consent and mistaken belief in communicated consent in sexual assault cases; and tips for narrowing issues and focusing the trial.