

# NJI COURSE DESCRIPTIONS

JANUARY – DECEMBER 2022

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: New Judges Program**

**PROVIDER: Supreme Court of British Columbia**

Date: May 24, 2022

**Overview:** This one-day program for new judges of the Supreme Court of British Columbia was delivered by senior members of the court. It provided an overview of practical considerations related to the role of a judge.

**Objective:** The objective of the seminar was to assist new appointees to the court in transitioning from practice to serving on the bench.

**Summary:** Senior judges addressed various topics of interest including managing chambers, unique challenges in family law, and strategies for managing reserves. The program ended with practical tips for

judges on circuit and an opportunity for new appointments to ask questions to senior judges.

**TITLE: Supreme Court of British Columbia Education Seminar**

**PROVIDER: Supreme Court of British Columbia**

Date: May 25-27, 2022

**Overview:** This two-day program for the judges of the Supreme Court of British Columbia explored a variety of topics including recent trends in criminal law, procedural issues, and financial questions in the context of family matters and trusts.

**Objective:** The objectives of this seminar were primarily to enhance participants' practical skills in addressing challenging matters they face in the courtroom. A further objective was to update judges about recent developments in criminal law and class action matters.

**Summary:** The Supreme Court of British Columbia's Education Seminar covered wide-ranging areas of interests for the judges of the court. The program explored difficult financial issues in the context of family matters and constructive trusts, including pension issues and income analyses. Other sessions explored the concept of extradition, injunctions, class actions, procedural issues and recent developments in criminal law.

**TITLE: Supreme Court of British Columbia Education Seminar**

**PROVIDER: Supreme Court of British Columbia**

Date: November 8-10, 2022

**Overview:** This program for the judges of the Supreme Court of British Columbia explored recent trends and developments relating to three primary topics: family, civil, and criminal law.

**Objective:** The program aimed to showcase recent decisions and potential challenges in the areas of civil and criminal law. A further objective was to enhance judges' practical skills for navigating social context considerations in their role, including in the intersection between criminal law and Indigenous legal traditions and in the context of credibility assessments.

**Summary:** The program began by exploring questions related to judicial wellness and identified potential stressors inside and outside of the courtroom. The program also addressed recent case-law relating to relocation questions in family law and potential issues in defamation law, including in the context of alleged sexual assaults, anti-SLAPP legislation, and disclosure. Other sessions examined the intersection between Indigenous legal traditions and criminal law, credibility assessments and cultural context, and effective planning conferences in civil and criminal matters.

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

**PROVIDER: Court of Queen's Bench of Alberta**

Date: January 25, 2022

**Overview:** This seminar focused on how to deliver effective oral judgments. It was geared towards newly appointed judges from 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 provide judges with practical strategies in order to efficiently deliver oral judgments in their courtroom.

**Summary:** Led by experienced trial judges and academics, through a combination of substantive lectures and exercise-based fact scenarios, this online program focused on four basic steps necessary to deliver oral judgments efficiently and effectively. The seminar explored how to: 1) identify the deep issue, 2) use an introduction to set up a structure, 3) issue spot, and 4) talk to your audience.

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

**PROVIDER: Court of Queen's Bench of Alberta**

Date: January 26-28, 2022

**Overview:** This three-day seminar focused 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 expand on substantive skills and future knowledge on a variety of topics.

**Summary:** Led by experienced judges, legal academics, and other practitioners, through a mix of lectures, panel discussions and interactive activities, the three-day seminar explored: updates on evidence; restorative justice; spousal support in family law; technology; and judicial wellness.

**TITLE: Court of Appeal of Alberta Education Seminar (ONLINE)**

**PROVIDER: Court of Appeal of Alberta**

Date: January 26-28, 2022

**Overview:** This seminar covered a variety of topics relevant to appellate judges in Alberta.

**Objective:** The objective of the seminar was to improve participants' ability to interrupt the impacts of unconscious bias and to discuss the impact on sentencing appeals of the Supreme Court of Canada decision in *R v Parranto*. It also provided participants with an update on the digitization of court records at the court.

**Summary:** Led by experienced judges in Alberta and Ontario, this two-day online seminar engaged participants in lecture-based sessions on sentencing issues that arise after the Supreme Court of

Canada's decision in *R v Parranto*. It also dealt with the impact of unconscious bias on human behaviour, judgment and decision-making and how to identify and interrupt it.

**TITLE: Joint Education Seminar of the Court of Appeal and Court of Queen's Bench of Alberta**

**PROVIDER: Court of Appeal and Court of Queen's Bench of Alberta**

Date: May 31, 2022

**Overview:** This one-day seminar focused on different forms of interpretation including: statutory interpretation, constitutional interpretation, and contractual interpretation.

**Objective:** The objectives of the seminar were to improve participants' awareness and expand their knowledge base on relevant issues of interpretation.

**Summary:** Drawing on experts from academia, sessions focused on statutory, constitutional, and contractual interpretation. Through the mix of substantive lecture and panel discussion, this seminar explored: the concept of legislative intention in statutory interpretation; the duties of good faith and performance in contractual interpretation; and different approaches to constitutional interpretation.

**TITLE: Court of Appeal of Alberta Education Seminar**

**PROVIDER: Court of Appeal of Alberta**

Date: September 27-28, 2022

**Overview:** This education seminar covered a variety of topics relevant to appellate judges in Alberta.

**Objective:** The objective of the seminar was to improve participants' knowledge of cryptocurrency, intimate partner and familial violence, social media evidence, and race and cultural assessments in sentencing.

**Summary:** Led by subject matter experts on each topic, this two-day in-person education program considered: what cryptocurrency is and how it works (including the nature of the industry and regulation, and practical issues in how to deal with it); different types of intimate partner and familial violence and its impact on children and adolescents, as well as practical strategies for court management where familial violence is present; the unique challenges presented by social media evidence in court proceedings; and the history and current state of the law relating to impact of race and culture assessments in Alberta and other Canadian jurisdictions.

**TITLE: Court of King's Bench of Alberta Education Seminar: 101**

**PROVIDER: Court of King's Bench of Alberta**

Date: October 5, 2022

**Overview:** This half-day seminar focused on bail and sentencing. It was geared towards newly appointed judges from the Court of King's Bench of Alberta but was attended by judges of all levels of seniority.

**Objective:** The objectives of the seminar were to identify key issues, expand on substantive skills and further knowledge on the law of bail and sentencing.

**Summary:** Led by experienced trial and appellate judges, through a combination of substantive lectures, exercise-based fact scenarios, and small group work, this half-day program explored: functions of bail; onus and burden of bail reviews; forms of bail; and drafting sentencing decisions.

**TITLE: Court of King's Bench of Alberta Education Seminar**

**PROVIDER: Court of King's Bench of Alberta**

Date: October 5-7, 2022

**Overview:** This seminar focused on a variety of legal and practical topics relevant to the work of the Court of King's Bench of Alberta.

**Objective:** The objectives of the seminar were to improve participants' awareness of current issues facing the court, to refine their 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, panel discussions, and interactive activities, the seminar explored: summary trials and summary judgments; honest but mistaken belief in age; assessing credibility in the sexual assault context; and interpreting scientific evidence in the courtroom.

## Saskatchewan

**TITLE: Court of Queen's Bench for Saskatchewan Education Seminar**

**PROVIDER: Court of Queen's Bench for Saskatchewan**

Date: May 31 – June 3, 2022

**Overview:** This seminar touched on a variety of topics including sexual assault law, the science of judicial health and wellness, work-life balance and methods of coping with the stresses of being a judge.

**Objective:** Objectives of the seminar included increasing participants' knowledge of sexual assault law, relevant issues in criminal law, estates, family law and foreclosures, and developing skills for achieving work-life balance and managing the stresses of judging.

**Summary:** This in-person seminar began with Family Law Division and Criminal Practice Committee meetings, which were followed by short sessions on the topics of criminal law, estates, family law and foreclosures. An update on sexual assault law was provided, and a professor of psychology discussed the science of judicial health and wellness. The final day of the program included a presentation from a retired judge on work-life balance, resilience, and the journey of judging.

**TITLE: Joint Education Seminar of the Court of Appeal for Saskatchewan and the Manitoba Court of Appeal**

**PROVIDER: Court of Appeal for Saskatchewan and the Manitoba Court of Appeal**

Date: September 22-23, 2022

**Overview:** This program brought together the judges of the Court of Appeal for Saskatchewan and the Manitoba Court of Appeal to address issues of common interest to judges of the two courts.

**Objective:** The objective of the education program was to enhance participants' knowledge on a variety of topics relevant to the work of both appellate courts.

**Summary:** The joint education seminar began with an optional tour of the Canadian Museum for Human Rights, allowing judges to consider human rights issues that arise in the courtroom through a novel lens. The remainder of the two-day program addressed recent developments in sexual assault law, emerging issues in Indigenous law, and the changing role of the judiciary. A keynote speaker examined the separation of powers between the executive, legislative and judicial branches. The program concluded with an open discussion featuring the chief justices of both courts on the similarities and differences between the two courts.

**TITLE: Court of King's Bench for Saskatchewan: National Day of Truth and Reconciliation**

**PROVIDER: Court of King's Bench for Saskatchewan**

Date: September 30, 2022

**Overview:** This half-day program focused on issues and stories related to truth and reconciliation in Saskatchewan.

**Objective:** Responding to the Calls to Action of the Truth and Reconciliation Commission of Canada, this half-day program addressed what judges see in their courtroom, explored the unique dynamics of Indigenous peoples in Saskatchewan, and discussed the path forward towards reconciliation.

**Summary:** Led by an Elder from a local First Nation, as well as an experienced academic, using storytelling, lecture, and interactive activity, this program focused on the journey towards reconciliation inside and outside of the courtroom.

**TITLE: Court of King's Bench for Saskatchewan Education Seminar**

**PROVIDER: Court of King's Bench for Saskatchewan**

Date: December 6-8, 2022

**Overview:** This three-day seminar focused on a variety of legal and practical topics relevant to the work of the Court of King's Bench of Saskatchewan.

**Objective:** The objectives of the seminar were to improve participants' awareness of current issues facing the court, to develop their substantive skills and enhance their knowledge on a variety of topics.

**Summary:** Led by experienced judges and legal practitioners, through a mix of lectures, panel discussions and interactive activities, the seminar explored: child protection; oral judgments; case-law updates relevant to the Family, Civil and Criminal divisions; the court's internal process for managing complaints; and technology updates.

## Manitoba

**TITLE: Court of Queen's Bench of Manitoba Education Seminar**

**PROVIDER: Court of Queen's Bench of Manitoba**

Date: April 21-22, 2022

**Overview:** This seminar explored judges' ethical duties and responsibilities from a number of vantage points. Sessions discussed the duty to learn, examined the Canadian Judicial Council's *Ethical Principles for Judges*, and considered issues relating expert evidence and unconscious bias. A further session focused on judicial productivity and "what gets in the way" of optimal judicial performance.

**Objective:** The objectives of this seminar were to enhance participants' understanding of the *Ethical Principles for Judges* in various contexts and their relationship to the effective administration of justice, to communicate critical updates on substantive legal issues, and provide judges with tools that promote judicial productivity.

**Summary:** The program was presented by an experienced multi-disciplinary faculty of judges, retired judges and academics. Participants explored the challenges of judging in a complex society where learning, unlearning, reflection and questioning are essential to the effective administration of justice, in accordance with aspirational goals of the *Ethical Principles for Judges*. Participants examined "automatic preferences", reflected on the importance of defining oneself in relation to core principles, and learned about a synthesized learning framework relevant to ethical dilemmas. Sessions on expert evidence allowed participants to apply this framework to questions relating among other things to the admissibility of evidence, unconscious bias in scientific evidence, and expertise. A further session seminar focused on judicial productivity and emphasized practical tools to overcome "what gets in the way" of optimal judicial performance.

**TITLE: Court of Appeal for Manitoba Education Seminar**

**PROVIDER: Court of Appeal for Manitoba**

Date: May 12, 2022

**Overview:** This practical, day-long seminar delivered timely and relevant tools for judicial dispute resolution in an appellate court context, considering recent amendments to Manitoba's *Court of Appeal Act* and rules allowing for early resolution of appeals.

**Objective:** This seminar aimed to enhance judicial skills necessary to assist parties to reach early resolution of disputes at the appellate level.

**Summary:** Led by two legal academic experts in labour and business mediation/arbitration, this seminar consisted of highly interactive sessions that delved into the role of the appellate judge in resolving disputes, settlement principles consistent with the *Ethical Principles for Judges*, the pitfalls and benefits of early resolution, appellate litigation risk assessment based on the parties' interests, and the impacts on access to justice of early dispute resolution.

**TITLE: Court of King's Bench of Manitoba Education Seminar**

**PROVIDER: Court of King's Bench of Manitoba**

Date: October 13-14, 2022

**Overview:** This seminar was a thematic examination of violence in the family and criminal law context combined with Supreme Court of Canada caselaw updates. All judges attended plenary sessions that examined intimate partner violence ("IPV"), its intersection with criminal and family law, and the specific impact of IPV in Indigenous communities. These were followed by concurrent sessions offered separately to members of the Court's Family Division and members of the Court's General Division.

**Objective:** The objectives of this seminar were to enhance participants' understanding of IPV, the broad range of behaviours, including coercive control, that encompass IPV between adult partners, and its prevalence and specific impact on Indigenous women and children. Concurrent sessions were designed to deliver jurisprudential updates from the Supreme Court of Canada, and to further explore violence in the context of sexual assault law for the members of the General Division and family law and child protection for members of the Family Division.

**Summary:** This seminar was presented by an experienced faculty of judges, retired judges, legal academics, Indigenous lawyers and an Indigenous community leader. Participants comprehensively explored IPV and its impacts on women and children in both criminal and family law contexts, with particular emphasis on impacts on Indigenous persons. General Division participants focused on the mental elements of an offence in the aftermath of the Supreme Court's 2022 judgment in *R v Brown* relating to self-induced intoxication and automatism. Interactive scenarios were used to explore the limited admissibility and permissible uses of a complainant's sexual history under section 276 of the *Criminal Code* and the production and disclosure of third-party records under section 278 of the *Criminal Code* in the aftermath of the Supreme Court's 2022 judgment in *R v JJ*. Family Division participants discussed the *Divorce Act* amendments in the context of family violence, its intersection with provincial laws, the Court's case flow model where violence is present, and child protection matters including the impact of the enactment of Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*. Participants in both Divisions also discussed Supreme Court of Canada caselaw updates impacting on the work of the Court.

## Ontario

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

**PROVIDER: Superior Court of Justice (Ontario)**

Date: May 4-6, 2022

**Overview:** This judicial education seminar addressed the challenges of managing cases in the various areas of jurisdiction of the Superior Court of Justice (Ontario).

**Objective:** The objective of this seminar was to enhance participants' knowledge on a variety of topics related to managing cases in all areas of the court's jurisdiction.

**Summary:** This three-day in-person program considered the multifunctional jurisdiction of the Superior Court of Justice (Ontario). Using lectures and moderated panel discussions, it examined how the court provides access to justice through its different lines of judicial service. Presentations by experienced judges focused on techniques and practices that promote the delivery of timely justice. Keynote speakers shared observations from the appellate court perspective about judges' responsibility and authority to manage court processes.

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

**PROVIDER: Superior Court of Justice (Ontario)**

Date: November 7, 2022

**Overview:** The seminar addressed primarily to Family Court judges of the Superior Court of Justice (Ontario) immediately preceded the court's fall education Seminar. However, all members of the court were invited to attend the program given the timely and relevant topics addressed.

**Objective:** The primary objectives of the seminar were to educate Family Court judges on expert evidence in child protection proceedings and the impact of familial violence on children.

**Summary:** Featuring sessions combining lectures, panel discussions and interactions with participants, this one-day seminar considered the use of expert evidence in child protection proceedings and the impact of intimate partner and familial violence on children and adolescents. Participants heard from leading experts and academics and experienced judges on these issues.

**TITLE: Superior Court of Justice (Ontario) Fall Education Seminar**

**PROVIDER: Superior Court of Justice (Ontario)**

Date: November 8-10, 2022

**Overview:** This seminar explored a variety of relevant and timely issues in all areas of jurisdiction of the Superior Court of Justice (Ontario).

**Objective:** The objective of the education program was to increase 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 for the judiciary.

**Summary:** Led by subject matter experts and experienced judges, sessions considered motions relating to the determination of issues before trial (Rule 21 motions), judicial resilience and wellness, French language rights in court proceedings in Ontario, obtaining children's view in court, delay in criminal law proceedings and the implications of the recent decision of the Supreme Court of Canada in *R v J.J.*

Québec

**TITLE: Superior Court of Québec: Special Meeting on the Future of the Court (ONLINE)**

**PROVIDER: Superior Court of Québec**

Date: March 12, 2022

**Overview:** This special one-day meeting was a continuation of the 2021 annual general meeting of the Superior Court of Québec and focused on the digital transformation of the justice system.

**Objectives:** The primary goal of the special meeting was to take stock of the digital transformation of the justice system precipitated by the pandemic, and more specifically the role that the Court is playing, and will continue to play, in this vast modernization effort.

**Summary:** After a brief review of the relevant background, the meeting began with a presentation of the methodology and results of a survey conducted in the summer of 2021 by the Provincial task force on the future of virtual justice. The sessions that followed allowed the members of the Court to assess the progress of the Lexius and Tremplin projects. Throughout the day, question periods and breakout discussions on topics such as virtual justice and the digitization of judges' work allowed participants to share their points of view and identify ideas for a successful digital transformation.

**TITLE: Superior Court of Québec: Division of Family Property: Partnership of Acquests**

**PROVIDER: Superior Court of Québec**

Date: April 11, 2022

**Overview:** This one-day program for judges of the Superior Court of Québec dealt exclusively with the partnership of acquests. It was intended for all judges, regardless of their familiarity with this important aspect of family law.

**Objectives:** Utilizing a variety of learning methods (lectures, clicker questions, practical examples), this program sought to both increase knowledge and develop skills. After a day of intensive training, participants were able to correctly characterize property constituting the partnership of acquests and determine its partitionable value.

**Summary:** This family law program dealt exclusively with the partnership of acquests. Introductory sessions examined the differences between the primary regime and the matrimonial regime, outlined the rules for determining the applicable regime and identified those governing its dissolution. The program then dealt with the settlement and partition of the partnership of acquests (assets of each spouse, characterization of those assets, determination of their market value, calculation of compensation and debts, partition) before addressing how to deal with other debts. Throughout the day, clicker questions allowed the participants to apply the lessons learned and test their knowledge.

**TITLE: Court of Appeal of Quebec - Spring Education Meeting**

**PROVIDER: Court of Appeal of Quebec**

Date: May 24-27, 2022

**Overview:** This spring education meeting allowed judges of Québec's highest court to explore a broad range of subjects relevant to their practice, including changes at the Court of Appeal of Québec and the broader transformations in the areas of law and justice.

**Objectives:** Throughout the two and a half-day program the participants acquired not only new knowledge of various subjects but also new competencies and tools they can apply in their daily practice. They were also made aware of the social context surrounding some of these subjects.

**Summary:** This spring education meeting focused on the three dimensions of judicial training, namely acquiring knowledge, developing skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. The first part of the program focused on some of the fundamental transformations taking place in the judicial arena, including the digitization of justice and its impact on judicial traditions, and the rise of civil disobedience. It also afforded the opportunity to address the future of the courts in a changing society. The second part of the program was devoted to practical matters of interest to the Court, namely the adoption of new rules of civil procedure, the lessons to be learned from the pandemic, the court registry, and the progress of a file from its filing through to judgment. The program concluded with sessions on our collective relationship with science and rationality and on the progress of the Ministry of Justice's Lexius project.

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

**PROVIDER: Superior Court of Québec**

Dates: June 1-3, 2022

**Overview:** This meeting allowed the participants to explore a broad range of subjects relevant to the performance of their duties. Some of the topics were intended for all judges of the Court, while others were specifically aimed at judges sitting in civil matters or judges sitting in criminal matters.

**Objectives:** Throughout the one and a half-day training session, which featured various learning methods (lectures, clicker questions, small group discussions), participants acquired not only new knowledge of various subjects but also new competencies and tools they can apply in their daily practice. They were also made aware of the social context surrounding some of these subjects.

**Summary:** This divisional meeting focused on the three dimensions of judicial training, namely acquiring knowledge, developing skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. The first day featured concurrent sessions. Judges hearing civil cases thus attended sessions on the *Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons*, the designation of a lawyer for examinations in domestic violence contexts, and treatment authorizations. In addition, short modules addressed today's intimate relationship models, tri-parenting and tri-parenthood, and the new lexicon of genders, identities and sexualities. Judges hearing criminal cases examined systemic racism and criminal justice, the use of written statements during examinations and cross-examinations, virtual hearings in criminal matters, and the situation in Ukraine in light of international criminal law. The following day, all the judges attended sessions on sexual diversity, inclusive writing and Indigenous realities.

**TITLE: Superior Court of Québec: Divisional Meeting (Québec) - Soft Skills and Judicial Know-How: Food for Thought**

**PROVIDER: Superior Court of Québec**

Dates: June 1-3, 2022

**Overview:** This educational training meeting was for the judges of the Québec City division of the Superior Court of Québec. It covered a range of subjects and issues relevant to their functions, including substantive law, competencies and knowledge of the social context.

**Objectives:** The training session aimed to deepen the participating judges' knowledge of substantive law, to strengthen their know-how and soft skills, and to induce them to reflect critically on their perceptions of cultural, social and economic contexts, in order to better equip them to meet the challenges that can arise both inside and outside the courtroom.

**Summary:** The meeting began with an examination of the validity of separation agreements in family law, before dealing with the social and legal history of the LGBTQ2S+ community in Québec and the semantics and basic concepts involved in labelling sexual diversity. This was followed by a review of applications for treatment authorization, in which stakeholders from the various sectors involved in such applications participated. Practical workshops dealt among other things with how to handle applications for recusal and the principles governing contempt of court. The program culminated with a presentation

aimed at raising the participating judges' awareness of the major challenges facing Québec in the coming decade and beyond and how to meet them, with a particular emphasis on the impact that changing demographics will have on Québec society.

**TITLE: Superior Court of Québec: Annual General Meeting**

**PROVIDER: Superior Court of Québec**

Dates: October 12-14, 2022

**Overview:** This meeting allowed the participants to explore a broad range of subjects relevant to the performance of their duties.

**Objectives:** Throughout the one and a half-day training session, which featured various learning methods (lectures, clicker questions, small group discussions), participants acquired not only new knowledge of various subjects but also new competencies and tools they can apply in their daily practice. They were also made aware of the social context surrounding some of these subjects.

**Summary:** This annual general meeting focused on the three dimensions of judicial training, namely acquiring knowledge, developing skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. The first part of the training was devoted to the important issue of domestic violence, a subject that was addressed in both a theoretical and practical manner. Participants then focused on the equally important topic of Indigenous realities, which were discussed in light of both the law and the social context surrounding it. The day also featured modules on resources and tools for newly appointed judges and on rapid legal research. Other sessions and workshops dealt with the evolution of criminal law and the implications of fundamental rights on social inclusion and exclusion, viewed from a socio-legal perspective.

**TITLE: Court of Appeal of Québec: Annual General Meeting**

**PROVIDER: Court of Appeal of Québec**

Dates: October 12-14, 2022

**Overview:** This annual general meeting allowed the judges of the Court of Appeal of Québec to examine a subject of interest for their practice: writing judgments.

**Objectives:** The objectives of this program were to help the Court of Appeal's judges improve their writing skills, provide them with practical tools for their judicial role as writers and give them the opportunity to review their working methods together.

**Summary:** Centred around judgment writing, this training session focused on practical drafting tools and included discussions on the Court's working methods. On the first day of the program, a judge of the Court shared his thoughts on writing judgments, and subsequently a panel of jurists engaged in an external appraisal of the judgments rendered by the Court. On the second day, participants discussed topics and current trends relevant to judgment-writing, including gender-neutral writing, clear and concise writing, writing-assistance technology and editing techniques. Finally, the judges of the Court had the opportunity to review drafting techniques and concepts in light of the teachings of a professor and professional writer.

**TITLE: Superior Court of Québec: Judicial Settlement Conferencing**

**PROVIDER: Superior Court of Québec**

Dates: November 23-25, 2022

**Overview:** This three-day program was an introduction to settlement conferencing. Focused on the development of judicial skills, it allowed participating judges to familiarize themselves with the procedural framework for settlement conferences and learn and apply techniques to effectively chair them.

**Objectives:** This program was aimed at developing various judicial skills in connection with settlement conferences, including identifying issues and interests, managing the process effectively and fairly, taking different approaches to negotiation, recognizing ethical issues and applying ethical rules, and helping the parties overcome barriers of resistance to settling.

**Summary:** This training utilized case studies to help judges develop and practise their skills in connection with settlement conferences. Through presentations by experienced judges, interactive demonstrations and small group exercises, the first part of the training sought to explain to participants the process to follow when chairing a settlement conference and to teach them techniques and strategies to implement when following this process. The second part of the training focused on role-playing, allowing judges to apply these techniques and get feedback from the instructors. The last part of the training examined ethical issues related to settlement conferences through case studies that were discussed in breakout groups and plenary sessions.

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

**PROVIDER: Superior Court of Québec**

Date: December 5, 2022

**Overview:** This one-day program for judges of the Superior Court of Québec dealt exclusively with the family patrimony. It was intended for all judges, regardless of their familiarity with this important aspect of family law.

**Objectives:** Using a variety of learning methods (lectures, interactive demonstrations, clicker questions, case studies), the program was aimed at both increasing knowledge and developing competencies. After a day of intensive training, participants were able to properly characterize the assets that make up the family patrimony and determine their partitionable value. The training was also aimed at enabling them to acquire new management reflexes.

**Summary:** This family-law program dealt exclusively with the family patrimony. The introduction recounted the history of family patrimony and explained the basic concepts associated with it. The composition of the family patrimony and the determination of its net value were then canvassed, following which the instructor dealt with deductions and how to determine net value. The question of family patrimony was then examined from a management perspective at all stages of proceedings. The day ended with a practical exercise in calculating

and partitioning the family patrimony, giving participants the opportunity to apply what they had learned.

## Atlantic Provinces

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

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

Date: May 26-27, 2022

**Overview:** This seminar covered a combination of substantive law, social context, and judicial skills, including hearsay and documentary evidence, electronic evidence in sexual assault trials, children resisting contact, and financial accounting issues in support.

**Objective:** The objectives of this seminar were to enhance participants' awareness of key jurisprudential developments in criminal and family law; to develop practical skills to manage hearsay and electronic evidence and social media in criminal cases, particularly in sexual assault proceedings; to develop a better understanding of the issues relating to reconciliation with Indigenous people; to develop skills in understanding financial accounting principles and how they apply to support; and to learn techniques for managing stress.

**Summary:** Senior judges, legal academics, and professionals from the field of psychology led the program and provided participants an opportunity to discuss evidence, criminal, family and social context topics. It covered a variety of subject matters including: key case-law updates in criminal and family law; evidence law; practical skills in managing hearsay and electronic evidence, and for managing the demands of a stressful workload. This program included a variety of presentations, panel discussions, and practical exercises.

**TITLE: Supreme Court of Newfoundland and Labrador Education Seminar**

**PROVIDER: Supreme Court of Newfoundland and Labrador**

Date: May 31 – June 3, 2022

**Overview:** This seminar covered a combination of substantive law, social context, and judicial skills topics, including electronic evidence, expert evidence, and credibility. Participants heard from experienced judges about ethical considerations and the judge's role both in and outside the courtroom.

**Objective:** The objectives of this seminar were to enhance participants' awareness of key jurisprudential developments in electronic and expert evidence; to develop practical skills in interpreting legislation and assessing credibility; and to develop a better understanding of the judge's role in the courtroom and in the community.

**Summary:** Led by experienced judges and legal academics, this program used a combination of lectures, discussion and interactive elements. Sessions included a review of the challenges in assessing credibility; explored issues related to evidence, specifically digital evidence and expert evidence; and principles of

statutory interpretation. The program included a moderated discussion about the judge's role both within and outside of the courtroom, and participants learned practical strategies from experienced judges on how to balance various ethical considerations.

**TITLE: New Brunswick Education Seminar: St. Andrews Lectures 2022 XV**

**PROVIDER: Court of Appeal of New Brunswick and the Court of King's Bench of New Brunswick**

Date: June 9-10, 2022

**Overview:** This program brought together judges from the Court of Appeal of New Brunswick, the Court of King's Bench of New Brunswick, and the Provincial Court of New Brunswick. It focused on important criminal law updates, with an emphasis on sexual assault matters. Concurrent sessions were offered for judges within the family division.

**Objective:** The objectives of this seminar were to provide the judicial participants with important and evolving updates to the laws of evidence and procedure involving sexual assault. The concurrent sessions endeavored to provide members of the family division with useful updates on family support matters, as well as useful tools to better understand the DivorceMate software.

**Summary:** Led by academics, experienced legal counsel, and members of the judiciary, through the use of lectures and interactive activities, this program included sessions on the mechanics of a section 276 application, records in the possession of the defence, and the admissibility of post-offence conduct evidence. The concurrent family law session provided important jurisprudential updates with respect to support and a live demonstration of DivorceMate.

**TITLE: Prince Edward Island All Courts Education Seminar**

**PROVIDER: Prince Edward Island Court of Appeal, Supreme Court of Prince Edward Island and Provincial Court of Prince Edward Island**

Date: June 15-17, 2022

**Overview:** This seminar provided training on a mix of topics. The sessions included an in-depth examination of cultural assessments and Gladue reports; a review of recent significant jurisprudence in sexual assault matters; and an examination of the impact of electronic evidence on search and seizure.

**Objective:** The objectives of this seminar were to enhance participants' awareness of key jurisprudential developments in criminal and family law; to develop practical skills in analyzing and utilizing both cultural assessments and Gladue reports; to manage electronic evidence related to search and seizure issues; to develop a better understanding of the jurisprudential developments related to consent issues in sexual assault matters; and to increase their understanding of the science behind impairment and challenges in testing.

**Summary:** Led by experienced judges and legal academics, this seminar used a combination of lectures, discussion and interactive elements. Participants were provided an opportunity to discuss electronic evidence and social context topics. The seminar also covered key cases in sexual assault law and the appropriate use of cultural assessments and Gladue reports.

**TITLE: New Brunswick Court of Queen's Bench Robert Tuck Educational Conference 2022**

**PROVIDER: New Brunswick Court of King's Bench**

Date: September 7-9, 2022

**Overview:** This seminar focused on a variety of legal and practical topics relevant to the work of the Court of Queen's Bench of New Brunswick.

**Objective:** The objectives of the seminar were to improve participants' awareness of current issues facing the court and to expand on substantive skills and future knowledge on a variety of topics.

**Summary:** Led by experienced judges and academics, through a mix of lectures, panel discussions, and interactive activities, the seminar explored: guardianship applications; self-represented litigants; legal drafting and judgment writing; probate issues; and judicial wellness.

**TITLE: Atlantic Appellate Seminar**

**PROVIDER: Prince Edward Island Court of Appeal, Nova Scotia Court of Appeal, Court of Appeal of New Brunswick and Court of Appeal of Newfoundland and Labrador**

Date: October 4-6, 2022

**Overview:** This seminar focused on a variety of legal and practical topics relevant to the work of the appellate courts in the Atlantic provinces, including sentencing, recent family law decisions, child protection appeals, judgment writing, and consensus-building.

**Objective:** The objectives of the seminar were to enhance participants' awareness of key jurisprudential developments in criminal and family law, specifically sentencing decisions and child protection appeals, and for participants to develop practical skills in judgment writing, building consensus with appellate colleagues, and dealing with challenging individuals in the courtroom.

**Summary:** Experienced judges, legal academics, and professionals from the field of psychology led the program and provided an opportunity for participants to discuss criminal, family law, and social context topics. The program explored key cases in sentencing and family law and addressed the development of practical skills in managing child protection appeals and mitigating the disruptive impact of challenging individuals in the courtroom. Participants also increased their skills in judgment writing and consensus-building. It included a variety of presentations, panel discussions, and interactive elements.

**TITLE: Nova Scotia All Courts Education Seminar**

**PROVIDER: Nova Scotia Court of Appeal, Nova Scotia Supreme Court, Nova Scotia Provincial Court**

Date: November 17-18, 2022

**Overview:** This seminar provided training on a variety of legal and practical topics relevant to the work of the courts of Nova Scotia. The sessions included an examination of electronic evidence, children's evidence, developments in Indigenous self-governance, and strategies for judicial resilience.

**Objective:** The objectives of the seminar were to enhance participants' awareness of current issues facing the courts and to expand on substantive knowledge and practical skills on a variety of topics.

**Summary:** Led by experienced judges and legal academics, this program used a combination of lectures, discussion and interactive elements. Participants were provided the opportunity to discuss civil, criminal, family law and social context topics, and to develop their skills in accommodating disabled individuals in the courtroom. Participants gained a greater understanding of how stress impacts the body and mind and learned strategies to mitigate stress.

**TITLE: Supreme Court of Newfoundland and Labrador Education Seminar**

**PROVIDER: Supreme Court of Newfoundland and Labrador**

Date: November 30 – December 2, 2022

**Overview:** This seminar provided training on a variety of substantive law, social context and judicial skills related topics. The sessions included an examination of recent and significant cases in sexual assault law, interviewing children, guardianship of the person, the jury selection process and managing difficult litigants.

**Objective:** The objectives of this seminar were to enhance participants' awareness of key jurisprudential developments in sexual assault law, children's evidence, and guardianship of the person, jury selection, and to develop practical skills in managing difficult individuals in the courtroom.

**Summary:**

Led by experienced judges, legal academics, and experts from the field of psychology, this program used a combination of lectures, discussion and interactive elements. Participants were provided the opportunity to discuss a variety of civil, criminal, and family law topics, in particular sexual assault law, guardianship of the person, and jury selection. Participants also developed their skills in managing challenging individuals in the courtroom and in interviewing children.

## Northern Courts

**TITLE: Northern Courts Education Seminar**

**PROVIDER: Supreme Court of Yukon, Supreme Court of the Northwest Territories and Nunavut Court of Justice**

Date: September 6-9, 2022

**Overview:** This joint seminar of the Supreme Court of Yukon, the Supreme Court of the Northwest Territories and the Nunavut Court of Justice covered a variety of topics relevant to the work of the courts: hearing children's evidence, case management in criminal law, the impact of intimate partner violence on children, settlement hearings, and strategies for furthering the goals of reconciliation.

**Objective:** The objectives of the seminar were to enhance participants' awareness of key jurisprudential developments in criminal and family law, specifically issues related to intimate partner violence and

children's evidence; to develop practical skills in interviewing children and build mediation or settlement skills; and to develop a better understanding of the initiatives currently being taken to advance the goals of reconciliation and the impact on courts.

**Summary:** Led by experienced judges and legal academics, this seminar used a combination of lectures, discussion and small group work. Participants were provided an opportunity to practice their mediation and case management skills. Participants also gained a greater understanding of the impact of intimate partner violence on children and how they can address this impact in their courtroom. The seminar included a moderated discussion about the courts role in advancing the goals of reconciliation.

## Federal Courts

### **TITLE: Tax Court of Canada Court Meeting and Education Seminar**

#### **PROVIDER: Tax Court of Canada**

Date: June 15-16, 2022

**Overview:** This seminar was an intensive, practical three-part session on the complexities of the GST/HST, and also included a keynote address on the interpretation of bilingual statutes.

**Objective:** The objective of this seminar was to enhance participants understanding of GST/HST legislation and the interpretative approach to bilingual statutes at the core of the Court's work.

**Summary:** Led by an experienced member of the Court, over the course of three sessions, participants were provided with an overview of the operation of Part IX of the *Excise Tax Act* and examined 5 key topics: Calculation of Net Tax, Imposition of Division II tax, Input tax credits, GST Timing Rules, and Special Rules. A retired judge delivered a keynote address emphasizing that bilingual statutes are "always speaking" in two languages and provided practical guidance on the interpretation of bilingual statutes.

### **TITLE: Federal Court of Appeal and Federal Court 50th Anniversary Seminar**

#### **PROVIDER: Federal Court of Appeal and Federal Court**

Date: June 27-29, 2022

**Overview:** This education seminar coincided with the 50th Anniversary of the Federal Court of Appeal and Federal Court. It examined the historical origins of the federal courts, their present role as centralized reviewing courts with expertise in administrative law and their likely future impact in areas of law relating to various aspects of the Canadian federation.

**Objective:** This seminar, which marked the 50<sup>th</sup> anniversary of the Federal Court of Appeal and Federal Court, was intended to explore the courts' historic, current, and future contributions to Canadian law and the administration of justice.

**Summary:** Led by senior members of judiciary, retired judges, and legal academics and historians, participants examined the historical record of the federal courts, the evolution of the courts' jurisprudence in key areas of their jurisdiction, the courts' roles as bilingual centralized

reviewing courts deciding cases with national implications, and the role of national courts in a changing world with an international panel of jurists.

**TITLE: Federal Court of Appeal Education Seminar**

**PROVIDER: Federal Court of Appeal**

Date: September 21-23, 2022

**Overview:** This seminar delivered timely updates relating to the Court’s core jurisdictions in administrative, tax and copyright law. It also explored judicial ethics, judicial decision-making, judicial productivity and emerging issues with respect to crypto-currency.

**Objective:** The seminar aimed to update judges on case law developments in the Court’s core substantive law areas, to discuss the practical application of the *Ethical Principles for Judges*, to enhance their understanding of emerging crypto-currency issues within the Court’s jurisdiction, and to promote judicial productivity.

**Summary:** Led by a multi-disciplinary faculty of experienced judges, a retired judge, and academics, the program content was presented through a mix of presentations and interactive sessions. Sessions addressed significant developments in administrative law post-*Vavilov*, the tax consequences of sections 84 and 85 of the *Income Tax Act*, and copyright law. Additional sessions included judicial ethics, judicial productivity, crypto-currency issues emerging with potential impacts within the Court’s jurisdiction, and judicial-decision making and the discipline of writing reasons in the collegial appellate context.

**TITLE: Federal Court Annual Education Seminar**

**PROVIDER: Federal Court**

Date: October 12-13, 2022

**Overview:** This seminar focused on delivering practical updates on the court’s core substantive areas of the law.

**Objective:** The objectives of the seminar were for participants to improve their knowledge base of maritime law, to review the applicable principles of expert evidence, and to discuss relevant challenges associated with class actions.

**Summary:** Led by experienced judges, academics and other practitioners, through a mix of lectures and panel discussions, the seminar explored the court’s jurisdiction over maritime law matters, and the content and sources of maritime law. Several speakers, including academics and practitioners, discussed barriers to justice in class action matters, as well as third party litigation funding in class actions. Sessions on expert evidence included a review of the applicable legal principles and a discussion of how to classify different types of expert evidence. Presenters discussed new strategies in cases where parties rely on joint experts, including the “hot-tubbing” strategy. A keynote address from a retired Supreme Court of Canada judge addressed the interaction between provincial private law and federal law.

**TITLE: Tax Court of Canada Education Seminar**

**PROVIDER: Tax Court of Canada**

Date: November 30 – December 1, 2022

Number of Participants (including Faculty): 21

**Overview:** This seminar addressed the taxation of private corporations and their shareholders and the rules on tax on split income.

**Objective:** The objective of this seminar was to enhance participants' understanding of the taxation of private corporations and their shareholders and the rules on tax on split income.

**Summary:** Led by two experienced accountants, participants explored the conceptual and theoretical foundations of the taxation of private corporations and shareholders, the rationales for their tax planning decisions and comprehensively examined the rules relating to tax on split income using routine scenarios.

## NATIONAL PROGRAMS

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

**PROVIDER: National Judicial Institute**

Date: January 17-21, 2022

**Overview:** This intensive six-day program for recently appointed judges was designed to build their competence in managing criminal trials, from judicial pre-trials to sentencing. As sexual assault trials pose some of the greatest challenges for the judicial role, the seminar used a sexual assault fact scenario to anchor the issues and allowed participants to practise the relevant skills with social context training integrated throughout.

**Objective:** The objectives of this seminar were to deliver training in substantive and procedural law and the law of evidence, including the statutory regimes governing third party records and sexual history evidence and *Charter* motions by the accused, as well as to develop skills in managing direct examination and cross-examination, dealing with self-represented accused, making credibility assessments, and ensuring sufficiency of reasons.

**Summary:** The program was led by a multi-disciplinary faculty of experienced judges, practitioners, and academics and was addressed to judges who had between one and five years of experience. Judges who attended participated in a mix of presentation and breakout exercises based on a sexual assault fact scenario from pre-trial through to sentencing with emphasis placed on the skills of trial management. Throughout the seminar, participants discussed myths and stereotypes in sexual assault cases, dealing with social media, vulnerable witnesses and the victimization of Indigenous women and girls in the justice system in a special session discussing the impact of *Barton* and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

**TITLE: Insolvency Seminar (ONLINE)**

**PROVIDER: National Judicial Institute**

Date: February 3, 2022

**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 enhance judges' knowledge of the law of insolvency through interactive sessions and improve their ability to deal effectively with insolvency proceedings.

**Summary:** Developed and led by experienced judges with the assistance of academics and senior practitioners, the program delivered practical advice and identified best practices for conducting insolvency proceedings. Experts from the judiciary, academia and the bar used a combination of case studies, interactive questions and debate to cover a broad range of issues including environmental reclamation claims, reverse vesting orders, and crypto-currencies.

**TITLE: Court Martial Appeal Court of Canada Education Seminar (ONLINE)**

**PROVIDER: Court Martial Appeal Court of Canada**

Date: February 23-24, 2022

**Overview:** This seminar was intended for judges who hear Court Martial appeals and focused on important updates on the law and context of the military justice system, including in sexual assault cases.

**Objective:** The objectives of this seminar were to deliver critical updates on the law and context of military justice and thereby enhance judges' capacity to deal with issues arising in military justice cases effectively and fairly.

**Summary:** The program was led by experienced judges, including Court Martial Appeal Court judges, with the assistance of Canadian Armed Forces representatives, and academics. It used a combination of presentations and interactive question and answer sessions. The program explored jurisprudential developments post-Royes, the complexities and challenges of sexual assault appeals, jury instructions, human rights and international humanitarian law (the law of armed conflict).

**TITLE: Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Spring Program (Common Law and Civil Law) (ONLINE and IN PERSON)**

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

Date: March 21-25, 2022

Date: October 17-21, 2022

**Overview:** All newly appointed federal judges attend these two seminars within one year of their appointment. One is held in the spring and the other in the fall. They are organized jointly by the National Judicial Institute and the Canadian Institute for the Administration of Justice.

**Objective:** The purpose of these seminars is to orient participants in their new role as judges and encourage them to maintain and enhance their knowledge of the law and to develop their judicial skills.

**Summary:** The seminars were led by experienced judges, with the assistance of seasoned lawyers and academics. Several learning methods—including lectures, courtroom role-playing videos, and small-group discussions—were used to impart the knowledge and develop the skills judges need to perform their new duties effectively. Some of the sessions were designed for all judges, while others were specifically for common Law or civil Law judges. Still others were aimed at judges sitting on the Federal Court in particular. All participants jointly attended sessions on judicial independence, conduct and ethics, judgment writing, civility and effective communication in the courtroom, self-compassion, strategies to ensure equal access to justice for persons with disabilities, and the relationship between the judge’s role and the social context, with particular emphasis on sexual assault law and cases involving Indigenous people. Judges from all jurisdictions also participated in sessions on family law, injunctive relief, oral judgments, judicial review of administrative actions, evidence law, civil procedure, self-represented litigants, courtroom management and case management. A series of sessions for common law judges focused on criminal law topics, from jury selection to sentencing to specific issues in sexual assault trials. The civil law judges, meanwhile, worked on issues of statutory criminal law and applications for care. Finally, the Federal Court judges attended separate sessions on Indigenous law, injunctions and intellectual property.

**TITLE: Criminal Law Seminar (ONLINE)**

**PROVIDER: National Judicial Institute**

Date: March 29 – April 1, 2022

**Overview:** This seminar was designed for judges hearing criminal matters and canvassed recent developments in criminal law with a focus on the challenges for trial judges.

**Objective:** The objectives of this seminar were to provide an update on the latest significant criminal law developments and enhance skills in trial management. It also sought to address a combination of substantive law, social context issues, and skills development based on a variety of recent and emerging topics in Canadian criminal law.

**Summary:** Led by experienced judges and other criminal law experts, the seminar used a combination of presentations and interactive discussions to cover the following topics: assessing credibility and reliability; perception, memory and eyewitness identification; sentencing; finding fact in the modern era; sexual assault law; entrapment in the context of the internet; jury trials in the wake of *R. v Chouhan*

and Covid-19; and a keynote address on wrongful convictions. Judicial participants had the opportunity to apply the concepts discussed during the seminar by using fact scenarios, answering interactive polling questions, and engaging in small-group discussions with their peers.

**TITLE: Building Cultural Competence (ONLINE)**

**PROVIDER: National Judicial Institute**

Date: April 6-8, 2022

**Overview:** This 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 the 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 seminar focused on key principles which 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 in virtual breakout rooms.

**TITLE: Leadership Seminar for Chief Justices and Associate Chief Justices**

**PROVIDER: National Judicial Institute**

Date: April 24-25, 2022

**Overview:** This seminar for court leaders addressed topics relevant to the work of chief justices and associate chief justices in the face of emerging challenges to the administration of justice.

**Objective:** The objective of the seminar was to better equip court leaders to face emerging challenges relating to the administration of justice.

**Summary:** The multi-disciplinary seminar brought together experts in law, psychology and communications to enhance the ability of chief justices to carry out their roles as court leaders. The seminar notably examined what court leaders can do to foster resilience and well-being among members of their court, the use of technology in the justice system, including the role of artificial intelligence in judicial decision-making; and media relations in the context of public criticism of the judiciary, from both members of the public and elected officials. An expert on international human rights law delivered a keynote address reflecting on the importance of judicial independence notably in light of the war in Ukraine.

**TITLE: Mastering the Skill of Judgment Writing: Joint CIAJ and NJI Program**

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

Date: April 24-28, 2022

**Overview:** This intensive program focuses exclusively on developing judicial writing skills at an advanced level. The seminar featured extensive small group work and individualized feedback on writing problems from experienced judicial faculty and experts on judicial writing.

**Objective:** The objective of this seminar was to refine judicial writing skills at an advanced level. Through extensive small group work and individualized feedback, participants had the opportunity to improve the effectiveness of their judicial writing, while maintaining their own voice.

**Summary:** In this seminar, participants focused exclusively on honing their judicial writing skills. They received intensive training through individualized feedback and small group work to feel confident crafting clear, concise, and persuasive judgments.

**TITLE: Criminal Jury Charge Workshop**

**PROVIDER: National Judicial Institute**

Date: April 27-29, 2022

**Overview:** This hands-on, intensive seminar provided participants with the opportunity to draft 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.

**Objective:** The objective of this seminar was to provide participants with the skills needed to prepare legally correct, yet concise, plain language jury instructions in criminal law cases.

**Summary:** This seminar was centred on a detailed attempted murder scenario. Issues that were addressed include: procedure and instructions on a challenge for cause, management of the voir dire when a witness recants, including the content of any necessary instruction to the jury, and problems arising during jury deliberations. Participants worked in small groups led by experienced judicial faculty, who offered feedback and advice.

**TITLE: Class Actions Seminar**

**PROVIDER: National Judicial Institute**

Date: May 10, 2022

**Overview:** This seminar, which served as a national forum for judges from across Canada who hear class action proceedings, examined current issues in class action law with a focus on the enduring impact of the pandemic on mass litigation.

**Objective:** The central theme of the program was to enhance participants' knowledge of mass litigation claims arising in the context of post-pandemic claims and to provide a forum to discuss the co-

ordination of regional, national and global class actions and how to manage and adjudicate a multiplicity of proceedings in class actions.

**Summary:** This program was led by experienced judges with the assistance of legal academics. Sessions examined what "success" means in class proceedings, litigation funding agreements, and novel COVID-related claims, while also focusing on the practical issues that arise when managing multi-jurisdictional claims and complex claims using technology.

**TITLE: Oral Judgments**

**PROVIDER: National Judicial Institute**

Date: May 11-13, 2022

**Overview:** This seminar focused on delivering oral judgments. Developed in collaboration with experienced judges, academics and other experts, this program helped participants practice how to better structure their oral judgments, to organize the evidence and law before and during a hearing, and to communicate effectively.

**Objective:** The objectives of the seminar were to improve participants' skills structuring a judgment (making it direct, concise and easy to follow), preparing effectively to deliver oral judgments, making and explaining credibility findings using oral reasons, 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 communication experts taught the core advanced skills involved in structuring and delivering effective oral judgments. These lectures were supplemented by intensive small group work, in which judges had the opportunity to practise these skills and to 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 feedback.

**TITLE: Civil Law Seminar**

**PROVIDER: National Judicial Institute**

Date: May 11-13, 2022

**Overview:** This intensive program was intended for judges who hear civil matters and explored tort law, as well as public and private law remedies as pandemic events unfolded. Participants explored ways the legal system and the judicial system adjusted to the pandemic to provide remedies for novel wrongs and claims, and the extent to which traditional theories of liability were adapted to social change and technical developments.

**Objective:** The objective of the seminar was to examine how Canadian common law and civil law are responding and evolving to resolve disputes in both traditional and novel fields. The seminar acquainted judges with emerging trends and developments in civil proceedings and sought to equip them to address claims efficiently and effectively.

**Summary:** Developed and led by experienced judges, with the assistance of academics and senior practitioners, this seminar examined a broad range of issues including professional negligence, duties and liabilities of officers and directors, trial management, new remedies in public law, defamation/anti-SLAPP cases, privacy, recovery for pure economic loss in negligence, good faith, unjust enrichment, mitigation, business torts, and environmental claims.

**TITLE: Access to Justice for Children: Implementing Child Rights**

**PROVIDER: National Judicial Institute**

Date: May 18-20, 2022

**Overview:** This program considered why child rights matter in all areas of law, what it means for children to have the right to participate in decisions that affect them, how to implement child rights in the courtroom, and how to incorporate child rights effectively into judicial decision-making.

**Objective:** The primary objective of this education program was to increase participants' knowledge of child rights issues in all areas of law.

**Summary:** The design of this education program incorporated a variety of learning methods including keynote and lecture-based presentations, small group work with expert facilitators, and other interactive elements. Session topics included the UN Convention on the Rights of the Child, Indigenous legal traditions and child welfare systems, healthy child development, participation rights, judicial meetings and interviews of a child, hearing the child's views and voice, and judgment writing from a child rights perspective.

**TITLE: Judging in Your First Five Years: Family Law (Federally Appointed Judges)**

**PROVIDER: National Judicial Institute**

Date: June 12-17, 2022

**Overview:** This program was designed specifically for judges with 1-5 years of experience to enhance their knowledge and skills in family law matters.

**Objective:** The objective of this program was to help recently appointed judges develop effective strategies and strong practical skills in family law matters.

**Summary:** Led by judicial leaders from courts across Canada, legal experts and interdisciplinary academics drawn from psychology and social work, the seminar employed interactive lectures, small group and plenary discussions to explore the following issues: case management and settlement skills, decision-making in complex parenting situations, financial matters such as interpreting financial statements and dealing with child and spousal support, as well as emerging trends in child protection matters.

**TITLE: Your Supernumerary Years and Beyond (Bilingual)**

**PROVIDER: National Judicial Institute**

Date: June 20-22, 2022

**Overview:** This three-day seminar covered a range of issues relevant to judges approaching the end of their judicial career, including ethical considerations relating to post-retirement endeavours, and mental and physical well-being.

**Objective:** The primary objective of this seminar was to ensure judges who are approaching retirement are fully aware of their ethical obligations upon retirement, particularly if they choose to engage in the practice of law after their career on the bench.

**Summary:** Led by experienced and retired judges, academics and other practitioners, this seminar canvassed issues faced by members of the bench in their years as supernumerary judges and into retirement. Using lecture, panel discussions and interactive activities, the program addressed topics including judicial ethics, mentoring, and health-related matters.

**TITLE: Get Inspired: Innovation in Judging and in the North (Joint CCIAWJ and NJI Program)**

**PROVIDER: Canadian Chapter of the International Association of Women Judges and National Judicial Institute**

Date: June 20-23, 2022

**Overview:** This joint seminar of the Canadian Chapter of the International Association of Women Judges (IAWJ) and the National Judicial Institute (NJI) examined a variety of social context topics relevant to the work of the courts: using creative thinking to solve challenging problems, the impact of residential schools on Indigenous children, the unique issues of conservation in the North, and strategies for furthering the goals of reconciliation.

**Objective:** The objectives of the seminar were to enhance participants' awareness of current social context issues facing courts, particularly in the North, and to develop skills such as creativity and innovation, as well as practical strategies to further the goals of reconciliation.

**Summary:**

This seminar explored how judges can appropriately address emerging issues by thinking creatively and innovating. The program included presentations and discussions with judges, legal academics and multidisciplinary speakers about how they have used innovative methods in their fields to address and overcome obstacles. Led by experienced judges, participants also learned about novel strategies to implement the principles of reconciliation within their courtrooms. Following those discussions, participants had the opportunity to hear an Indigenous author share her perspective on these issues. The seminar also focused on social context and legal issues in the North and included a visit to the Arctic Indigenous Wellness Centre to meet with Dene elders. Finally, the seminar ended with an exploration of the efforts of the IAWJ to support and relocate Afghan women judges.

**TITLE : Judging Better, Judging Smarter (Joint CSCJA and NJI Program)**

**PROVIDER: Canadian Superior Court Judges Association and National Judicial Institute**

Date: July 13-15, 2022

**Overview:** This program addressed the use of technology and its possible applications in the courtroom.

**Objective:** Throughout the two-and-a-half-day program that relied on a variety of learning methods, participants acquired not only substantive knowledge but also new skills and tools relevant to virtual court proceedings. The primary objective of the program was for judges to learn how to integrate technological tools into their practice and how to use them in the courtroom, in order to judge better and smarter.

**Summary:** This program allowed judges to further their expertise with regard to remote courtroom hearings and familiarize themselves with a variety of available technological tools, in order to judge better and smarter. The first day of the program was devoted to virtual court proceedings. It included sessions that addressed the experience virtual proceedings for lawyers and their clients during the pandemic, the digital transformation initiative of the courts in Ontario as well as the Lexius project in Québec, and the impact of virtual proceedings on the open court principle. On the second day, participants discussed data privacy and artificial intelligence. The third and final day focused on management of the “new virtual court”. Participants heard recommendations from an expert in screen reading and were then offered tips and tricks on how to use technology to simplify their work lives.

**TITLE: Evidence Workshop**

**PROVIDER: National Judicial Institute**

Date: July 18-22, 2022

**Overview:** This intensive program was a practical and applied course addressing legal issues relating to the law of evidence in criminal, civil and family matters.

**Objective:** The objectives of this seminar were to increase substantive knowledge and develop practical skills relating to the admissibility and assessment of evidence. Participants were provided with opportunities throughout the program to address situations and scenarios that frequently occur in court.

**Summary:** In this interactive, skills-based workshop, judicial participants identified, learned about, and applied the animating principles of the law of evidence. Participants used diverse fact patterns to strengthen skills analyzing evidentiary issues and applying the law to those issues. Leading judicial and academic experts presented updates on major areas of law and facilitated small group work sessions based on an hypothetical fact scenario and live simulations of evidentiary arguments. Participants also had the opportunity to submit their own evidentiary challenges for small group discussion with judicial colleagues from across Canada.

**TITLE: Family Law Seminar - Settlement Conferences**

**PROVIDER: National Judicial Institute**

Date: July 22-23, 2022

**Overview:** This two-day national program focused on settlement conferences in the context of family law.

**Objective:** This program aimed to develop the judicial skills of the participants, notably in terms of managing a settlement conference and in recognizing potential issues that may arise in this context.

**Summary:** Participants at this program were first introduced to the structure of settlement conferences, including the changing role of the judge in this context. The sessions covered potential ethical dilemmas, necessary leadership skills, and managing self-represented parties. The program also addressed recent case law regarding settlement conferences, the binding nature of settlement conferences, and potential pitfalls.

**TITLE: Justice in Motion: National All-Courts Seminar**

**PROVIDER: National Judicial Institute**

Date: September 14-15, 2022

**Overview:** Justice in Motion was a seminar conceived by French-language judges from across Canada. Its main theme, Justice in Motion, was inspired by an official visit of the Supreme Court of Canada to Québec City in September 2022.

**Objective:** Throughout the two-day program, which featured various learning methods such as lectures, clicker questions, small group discussions, and prerecorded lectures, participants acquired not only new knowledge about a wide range of subjects but also new competencies and tools they can apply in their daily practice. They were also made aware of the social context surrounding a number of these subjects.

**Summary:** Justice in Motion was an opportunity to address current trends in justice, the first one being a justice system that seeks to make itself more accessible to citizens, especially marginalized and/or vulnerable people. The program examined the forms that this trend is taking, and should take, with respect to Indigenous peoples, victims of sexual violence, members of the LGBTQ2S+ community, and finally, the Francophone minority outside Québec and the Anglophone minority in Québec. The focus then turned to trends relating to procedural matters. Particular attention was paid to the growing importance of alternative dispute resolution (ADR) and technological tools—two trends driven by, but also constrained by, the need for access to justice. These and other trends were discussed from a present-day perspective as well as a forward-looking one.

**TITLE: IOJT 2022—Effective Judicial Education: Understanding Vulnerable Populations**

**PROVIDER: International Organization for Judicial Training and National Judicial Institute**

Date: October 30 – November 3, 2022

**Overview:** The 10th International Conference on the Training of the Judiciary, organized by the National Judicial Institute in conjunction with the International Organization for Judicial Training (IOJT), brought

together representatives from around the world to discuss common issues and to share best practices with respect to judicial education.

**Objective:** The objective of the conference was to enable representatives from around the world to identify and to share best practices in judicial education with a view to strengthening the administration of justice.

**Summary:** For citizens to have confidence in the rule of law, they need to know that when they come to court, they are treated fairly, respectfully and with due regard to their own circumstances and those of the world around them. The judge plays a central role in creating a respectful courtroom and ensuring fair proceedings. The conference focused primarily on supporting training that assists judges in understanding not only the law but also the diverse realities and circumstances of the people before them and the full context of the communities and society in which they sit. The conference also provided opportunities to consider what makes for effective online judicial training and how, and whether, to integrate this approach with in-person programming. The conference consisted of workshops, panel presentations, and plenary sessions.

**TITLE: Preventing Wrongful Convictions**

**PROVIDER: National Judicial Institute**

Date: November 14-15, 2022

**Overview:** This seminar focused on the circumstances surrounding of wrongful convictions, exploring the common contributors to wrongful convictions, highlighting potential problems, and determining the appropriate judicial response.

**Objective:** The objectives of this seminar were to educate judges about wrongful convictions, help them to identify potential problems as they arise in the courtroom, and ultimately to provide judges with the knowledge and tools to prevent wrongful convictions.

**Summary:** Experienced judges and legal academics led this seminar, which also brought together persons with lived experience of wrongful convictions to discuss the impact on their lives. The program examined the scope of the problem, the social context of wrongful convictions, and the intersection of gender and race with wrongful convictions. Practical sessions focused on assessing credibility and reliability with respect to statements, confessions, perception memory and eyewitness identification, and flawed forensic evidence. The program concluded with a keynote address in honour of David Milgaard.

**TITLE: Criminal Jury Trials Seminar**

**PROVIDER: National Judicial Institute**

Date: November 16-18, 2022

**Overview:** Criminal jury trials pose unique procedural, evidentiary, and substantive law challenges. This seminar focused on criminal jury practice and law, from pre-trial conferencing to taking of the verdict, as well as a variety of evidentiary and substantive law issues trial judges will likely encounter in these cases.

**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, and to prepare trial judges for a variety of evidentiary and substantive law issues they are likely to encounter in these cases.

**Summary:** Led by experienced judges, and delivered using a combination of brief lectures, panel presentations, table exercises and small group discussions, this seminar covered a variety of topics including tips for running a jury selection, the impact of *R v Cowan* on instructions on party liabilities, addressing ss. 276 and 278 Criminal Code applications arising mid-trial, exercising trial management powers after *R v Samaniego*, refining jury instructions on *W.D.*, sentencing after a jury verdict and the need to find facts.

**TITLE: Hearing and Deciding Charter Issues**

**PROVIDER: National Judicial Institute**

Date: November 29 – December 2, 2022

**Overview:** This seminar was intended to provide judges with practical skills and tools to manage common applications under the *Canadian Charter of Rights and Freedoms*, as well as the complex procedural issues arising from these types of cases.

**Objective:** The objectives of this seminar were to provide participants with an enhanced understanding of the principles of the *Charter* and awareness of key jurisprudential developments, and to develop their skills managing *Charter* proceedings in criminal and civil matters.

**Summary:** Through a combination of lectures, presentations, small group work, other interactive learning activities, participants worked through a fact scenario with the assistance of faculty and facilitators to address topics that included: protection against unreasonable search or seizure; arbitrary detention; right to counsel; the right to life, liberty and security of the person; the right to a trial within a reasonable time; reasonable limitations on *Charter* rights; procedural issues; and remedies. This hands-on seminar helped participants enhance the skills needed to address common *Charter* issues arising in their courtroom.