

NJI COURSE DESCRIPTIONS

JANUARY – DECEMBER 2023

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

PROVIDER: Supreme Court of British Columbia

Date: May 24-26, 2023

Overview: This two-day seminar for the judges of the Supreme Court of British Columbia explored a variety of topics including criminal trial and sentencing procedures; evidentiary issues in criminal, civil and family law; selected topics on chambers practice management; approaches to complex calculations in family property division and child and spousal support calculations, specifically business valuations and corporate income; and judicial wellness and resilience in the context of difficult family and criminal matters.

Objective: The objectives of this seminar were primarily to enhance participants' practical skills in addressing challenging matters they face in and out of the courtroom, from managing chambers to dealing with the unseen impact of difficult cases. Further objectives were to update judges about recent

developments in the law of evidence, provide practical approaches to complex financial calculations in family matters, and to provide insight from senior members of the bench on various criminal law matters.

Summary: The Supreme Court of British Columbia's Education Seminar covered wide-ranging areas of interests for the judges and masters of the court. The program explored difficult financial calculations in the context of family matters, including business valuations and corporate guideline income. Other sessions focused on the admissibility and treatment of surreptitious recordings, chambers practice, and various pre-trial matters. There was discussion with senior members of the bench on a variety of criminal matters, from complex trials to innovative approaches to sentencing. For the latter, presentations were also offered by a judge of the Provincial Court and a justice of the Manitoba Court of King's Bench, and from the First Nations Justice Council and Aboriginal Legal Services. Finally, the seminar included a judicial wellness component providing judges with tools to aid in understanding and building resilience, especially when dealing with difficult family and criminal matters.

TITLE: British Columbia All Courts Education Seminar

PROVIDERS: British Columbia Court of Appeal, Supreme Court of British Columbia and Provincial Court of British Columbia

Date: November 8-10, 2023

Overview: The theme for this seminar was The New Era of Judging. The seminar addressed questions relevant for all three levels of court in British Columbia: how courts can contribute to increasing access to justice; how courts and the judiciary should engage with social media in order to contribute to respect for the administration of justice; what challenges and opportunities artificial intelligence poses for the judiciary; what role courts play in reconciliation with indigenous peoples in Canada; and what issues are emerging in criminal, civil and family law.

Objective: The primary objective of this seminar was to explore major emerging topics relevant to all three levels of court in British Columbia, combining doctrinal and aspirational elements and providing judges with a concrete toolbox of take-aways.

Summary: This seminar was led by experienced local, national, and international judges, academics, and researchers. The program began with a keynote address on what access to justice means for judges, and then moved to explore ways in which self-represented litigants are engaging with technology, including artificial intelligence, as they navigate the justice system. There was an artificial intelligence forecast for the judiciary, which included a demonstration and discussion of the regulation of use of AI by the courts and the legal profession. There were also sessions on use of social media by judges and the courts, and the law on the admissibility of digital evidence. The second day of the seminar focused, initially, on reconciliation and the path forward. This included an opening keynote from an Indigenous Elder with a message of unity and of the importance of meeting face-to-face to learn and take steps along the path of reconciliation. This was followed by a presentation by a panel of judges exploring the initiatives their courts have undertaken to advance reconciliation, and to offer a comparative perspective from the High Court of New Zealand on the relationship between the courts and Maori people and on the recognition of Tikanga (customary Maori law) in by courts in New Zealand. A panel of academics then explored the concept of legal pluralism and how Indigenous laws may come to be considered and recognized by the courts. The program also addressed recent cases of interest in civil, criminal, and family law. The day

ended with a session presented by members of the Court of Appeal for British Columbia on the ins and outs of appellate review.

Alberta

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

PROVIDER: Court of King's Bench of Alberta

Date: January 24, 2023

Overview: This one-day seminar focused on the duty of good faith, the oppression remedy, and elements of judge-craft. 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 improve participants' awareness of current issues facing the court and to expand on substantive skills and knowledge in relation to a variety of topics.

Summary: This program was led by experienced trial judges and academics. Through a combination of substantive lectures, exercise-based fact scenarios, and small group work, the program explored: the duty of good faith, the oppression remedy and important lessons learned from an experienced trial judge on issues such as wellness, self-care, and work-life balance.

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

PROVIDER: Court of King's Bench of Alberta

Date: January 25-27, 2023

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 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 knowledge in relation to a variety of topics.

Summary: This program was led by experienced judges, legal academics, and practitioners. Through a mix of lectures, panel discussions and interactive activities, the program explored: third party records in sexual assault cases; intimate partner violence; firearms and illegal drugs; the role of children's services in parenting disputes; interjurisdictional issues in family law; and cryptocurrency.

TITLE: Court of Appeal of Alberta Education Seminar

PROVIDER: Court of Appeal of Alberta

Date: January 25-27, 2023

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

Summary: Led by subject matter experts on each topic, the program considered: how to interpret different kinds of scientific data and how to avoid common pitfalls when relying on scientific evidence; anecdotal testimonials from Afghan women judges and their achievements; the role of children's services in parenting disputes; interjurisdictional issues in family law; and guidance on effective judgment writing.

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

PROVIDERS: Court of Appeal and Court of King's Bench of Alberta

Date: May 16, 2023

Overview: This seminar focused on judicial independence.

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

Summary: Drawing on experts from academia and experienced trial and appellate judges, sessions focused on the fundamentals of judicial independence; judicial independence and community engagement; and social media usage.

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

PROVIDER: Court of King's Bench of Alberta

Date: September 27, 2023

Overview: This seminar focused on expert evidence. 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 improve participants' awareness of current issues facing the court and to expand on substantive skills and knowledge in relation to expert evidence.

Summary: Led by experienced judges and a prominent legal academic, through a mix of lectures, panel discussions and interactive activities, the seminar provided judges with guidance and advice on how to manage different kinds of expert evidence.

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

PROVIDER: Court of King's Bench of Alberta

Date: September 27-29, 2023

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 and to expand on substantive skills and knowledge in relation to 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: updates in criminal law jurisprudence, costs, family law processes, judicial wellness, and artificial intelligence.

Saskatchewan

TITLE: Court of King’s Bench for Saskatchewan Education Seminar

PROVIDER: Court of King’s Bench for Saskatchewan

Date: May 30 – June 1, 2023

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 for Saskatchewan.

Objective: The objectives of the seminar were to improve participants’ awareness of current issues facing the court, to develop their substantive skills, and to 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 sessions, the seminar explored pre-trial motions, including third party records and records in the possession of the accused, the law governing the production/disclosure of third-party records in sexual offence prosecutions and the new statutory scheme governing the admissibility/use of records in the possession of the accused; cryptocurrency, including the ways in which the Court may encounter “crypto” in family and civil matters; and a discussion on contempt and judicial case conferencing in family law.

TITLE: Court of Appeal for Saskatchewan Education Seminar

PROVIDER: Court of Appeal for Saskatchewan

Date: September 27-29, 2023

Overview: This seminar addressed topics relevant to the work of appellate court judges. The seminar focused on communication skills, judgment writing, and developments in artificial intelligence and judicial decision-making.

Objective: The objectives of this seminar were for judicial participants to develop practical skills for communicating with colleagues, to improve judgment writing skills, and to learn about key artificial intelligence developments applicable in the appellate court context.

Summary: This program brought together experts in court administration, law, and artificial intelligence to enhance the ability of justices to communicate and render decisions in the appellate court context. An international expert in court administration led an exercise to assist participants in understanding how they process information, organize their work, and make decisions. A panel of experts discussed the structure and style of the Court’s judgments – sharing insights with participants about how the Court’s judgments are read, interpreted, and experienced by readers. The final session provided an

overview of the challenges that artificial intelligence decision-making poses for the administration of justice and explored potential avenues for courts to overcome those challenges.

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

PROVIDER: Court of King's Bench for Saskatchewan

Date: November 28-30, 2023

Overview: This seminar focused on a variety of legal and practical topics relevant to the work of the Court of King's Bench for 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, including in relation to mental health in the workplace.

Summary: Drawing on the expertise of experienced judges, academics, and other professionals, this seminar considered issues relating to judicial wellness and intimate partner violence, with a focus on family violence and how it impacts children. Experienced academics, a judge and a probation officer shared best practices around the use of pre-sentence reports, reliance on Gladue factors and the application of Impact of Race and Culture Assessments. A legal academic discussed three emerging themes: self-government, non-discrimination, and access to justice, in an Indigenous context. The seminar concluded with a session on binding pre-trials.

Manitoba

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

PROVIDER: Court of King's Bench of Manitoba

Date: April 13-14, 2023

Overview: This seminar focused on developing judicial skills with a direct, positive impact on judicial wellness. It included sessions on efficient judgment writing, oral judgment delivery, managing difficult litigants, and high-profile, emotionally draining cases, the preparation of reasons in sexual assault cases and culturally complex parental capacity assessments. The seminar ended with a session about reconciliation with Indigenous, Metis and Inuit Manitobans.

Objective: The central objective of this seminar was to bolster practical judicial skills with a direct, positive impact on judicial wellness. These skills included efficient judgment writing, oral judgment delivery, managing difficult litigants, dealing with complex, high-profile cases, avoiding common pitfalls in sexual assault cases, and navigating culturally complex parental capacity assessments. As part of the commitment to reconciliation, the Seminar also incorporated a dialogue on the history, legal processes, and traditions of Indigenous, Metis and Inuit Manitobans seeking to enrich the Court's appreciation of Canada's fractured history, enhance its capacity for understanding and mutual respect, and reinforce hope in reconciliation.

Summary: This seminar was presented by an experienced faculty of judges, legal academics, and professionals working inside and outside of the legal system. Participants were provided with concrete tools and advice to promote efficient judgment writing and the ability to deliver oral judgments. They explored ways in which judges and courts can better interact with different categories of difficult or abusive litigants. Judges discussed best practices to prepare, manage, and remain resilient when presiding over high-profile trials. A session for General Division judges focused on writing reasons in sexual assault cases and discussed: the impermissible use of common-sense reasoning in assessing credibility; stereotypical reasoning in relation to cross-cultural interpretations of human behaviour; and errors applying *W.D.* Meanwhile, a session for Family Division judges provided practical approaches to the use parental capacity assessments and culturally based parenting practices. The final session focused on the importance of and need for reconciliation with Indigenous peoples.

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

PROVIDER: Court of King's Bench of Manitoba

Date: October 12-13, 2023

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

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

Summary: Drawing on the expertise of experienced judges, academics, and other professionals, this seminar began with concurrent sessions for General Division and Family Division judges. The General Division sessions offered a refresher and update on the law of evidence in relation to: the principled approach to hearsay; the admissibility, proof and use of prior statements of witnesses; the realities of federal and provincial corrections; pre-sentencing reports, Impact of Race and Culture Assessments, and sentencing more generally. The Family Division sessions examined children's evidence and expert evidence in family law; income determination; and updates on new family law jurisprudence. All judges attended sessions on Métis history, rights, and laws, and on judicial review.

Ontario

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

PROVIDER: Superior Court of Justice (Ontario)

Date: May 3-5, 2023

Overview: This judicial education seminar explored a wide variety of topics relevant to the work of the court.

Objective: The objective of this seminar was to enhance participants' knowledge and skills in relation to a variety of topics relevant to the role of a judge of the Superior Court of Justice (Ontario).

Summary: Using lecture presentations, panel discussions and interactive elements, this three-day in-person program considered issues related to judgment writing and reserves, historical sexual assault, and French language rights in Ontario, and provided case law updates in all areas of the court's responsibility. It also explored communication in the courtroom, the Hague Convention, insurance issues and homicide trials.

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

PROVIDER: Superior Court of Justice (Ontario)

Date: November 6, 2023

Overview: The seminar was intended primarily for Family Court judges of the Superior Court of Justice (Ontario) and was held immediately prior to the court's fall education seminar. All members of the court were invited to attend the afternoon keynote address given the timely and relevant topic addressed.

Objective: The primary objectives of the seminar were to educate Family Court judges on issues related to child protection and enhance their skills managing cases in this area.

Summary: Featuring sessions combining lectures, panel discussions and interactions with participants, this one-day seminar considered the interplay between the *Youth Criminal Justice Act* and the *Child, Youth and Family Services Act (CYFSA)* through the *Cross-Over Youth Project*; the interplay between *An Act respecting First Nations, Inuit & Metis children, youth and families* and the *CYFSA*; and the impact of the *CYFSA* on parenting orders made under the *Divorce Act*. It also explored a variety of practical issues related to the daily work of Family Court judges. 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 7-9, 2023

Overview: This seminar addressed a variety of issues related to the trial process in all areas of the court's responsibility.

Objective: The objective of the education program was to increase participants' knowledge on a variety of topics related to the trial process and to develop practical skills to address current and emerging issues in all areas of the court's jurisdiction.

Summary: Led by experienced judicial faculty, and using brief lectures, panel discussions and interactive elements, this program considered a wide variety of issues related to all stages of the trial process. The three-day in-person program included a panel discussion with retired judges who provided their observations on and experiences with trial management over the course of their judicial careers. The program also provided case law updates in all areas of the court's responsibility and a French language rights update.

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

PROVIDER: Superior Court of Québec

Date: January 25, 2023

Overview: This lunchtime seminar for judges of the Superior Court of Québec dealt with appropriate ways for judges to address and interact with children in court cases.

Objectives: The seminar had four objectives: (1) impress upon participants the importance of the judge’s behaviour during a conversation with a child; (2) explain the best practices and approaches to adopt when speaking with a child; (3) help participants learn from their peers by giving them an opportunity to share their experience speaking with children and any apprehensions they may have in that regard; and finally (4) help participants develop the skills and aptitudes required to conduct a conversation with a child effectively and respectfully.

Summary: This seminar was a follow-up to the program on family law given in fall 2022 at the Seminar for New Federally Appointed Judges. Participants first viewed three videos showing a judge talking to a child in the context of a motion to vary parenting time. The trainers then gave practical advice relating to children testifying. The session concluded with a guided discussion on lessons learned from the case scenario for any case involving a conversation with a child.

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

PROVIDER: Superior Court of Québec

Date: April 3, 2023

Overview: This one-day seminar 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 facet of family law.

Objectives: This seminar was designed to improve knowledge and develop skills related to the partnership of acquests. After a day of intensive training, participants were able to correctly characterize property comprising the partnership of acquests and determine its partitionable value.

Summary: This family-law seminar dealt exclusively with the partnership of acquests. The seminar examined how to settle and partition the partnership of acquests and how to deal with other debts within this partition. It also covered the rules for determining the applicable matrimonial regime and those governing its dissolution. 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 24-26, 2023

Overview: This seminar dealt with judicial well-being, public confidence in judicial institutions, the justiciability of vulnerable individuals' rights, legal pluralism in an Indigenous context. It also discussed emerging issues at the U.S. Supreme Court.

Objectives: This seminar involved a variety of learning methods and gave participants new insights into a range of topics, together with new skills and tools for use in their day-to-day work. It was also designed to raise participants' awareness of the social context underlying several of these topics and educate them on mental health and well-being in the workplace.

Summary: This seminar covered a broad range of topics to help judges gain relevant skills, tools and knowledge. Workshops about judicial well-being were followed by presentations on the state of the justice system and the role of the judge in contemporary society. Participants also discussed Indigenous law, legal pluralism, and the justiciability of social and economic rights and how case law might evolve in this area. The program concluded with a presentation on emerging issues at the U.S. Supreme Court and what Canadian judges can learn from them.

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

PROVIDER: Superior Court of Québec

Dates: May 31 – June 2, 2023

Overview: In this seminar, participants explored a broad range of subjects relevant to the performance of their duties. The topics were chosen to be of interest to all the Court's judges whether they hear civil or criminal cases, or both.

Objectives: This one-and-a-half-day seminar featured various learning methods (lectures, clicker questions, breakout discussions, panel interviews) to help participants gain new insight on various topics, develop new competencies, and acquire tools they can apply in their daily work as judges. Participants were also made aware of the social context surrounding some of these subjects.

Summary: This divisional meeting focused on the three dimensions of judicial education, namely developing substantive knowledge, improving skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. At the start of the training, issues related to self-represented litigants and contempt of court were studied in depth. Other sessions discussed safeguard orders in family matters, notification outside Québec, and emojis, emoticons and other pictograms and how the law deals with them. Finally, the education seminar included two optional sessions on digital resources offered by the National Judicial Institute to help judges work more efficiently.

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

PROVIDER: Superior Court of Québec

Dates: May 31 – June 2, 2023

Overview: In this spring education seminar, judges explored a wide range of topics relevant to their work, including health law and patients’ rights, recent developments in certain areas of law, and current access-to-justice issues.

Objectives: The aim of this training seminar was to help participants gain new insight on various topics, develop new competencies, and acquire tools they can apply in their work. Participants were also made aware of the social context surrounding some of these subjects.

Summary: This spring seminar focused on the three dimensions of judicial education, namely developing substantive knowledge, improving skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. The program began with a discussion of human rights issues, judgment writing and what happens after a treatment order is made. Participants were then introduced to new digital tools and technological information resources available at the Court. The seminar also explored current issues around litigants’ perceptions of, and access to, justice.

TITLE: Superior Court of Québec: Annual General Meeting

PROVIDER: Superior Court of Québec

Dates: October 4-7, 2023

Overview: This education meeting allowed participants to explore a broad range of subjects relevant to the performance of their duties as judges of the Superior Court of Québec.

Objectives: This seminar featured various learning methods (lectures, clicker questions, breakout discussions, panel interviews) to help participants gain new insight on various topics, develop new competencies, and acquire tools they can apply in their daily work as judges. Participants 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 education, namely developing substantive knowledge, improving skills and competencies, and gaining awareness of the social context surrounding various law and justice issues. The seminar began by continuing a discussion about domestic and family violence that was initiated at the last annual general meeting of the Court. Participants learned about femicide and infanticide, then discussed how to deal effectively with allegations of violence in their role as trial judges. Participants then shared their experiences involving litigants in psychological distress. Other sessions focused on changing demographics in Québec society, the use of social media, and how to deal with criticism. Lastly, a psychologist shared her tips for living well “in the public eye” and a final session dealt with motivation at work.

TITLE: Court of Appeal of Québec: Annual General Meeting

PROVIDER: Court of Appeal of Québec

Dates: October 11-13, 2023

Overview: The annual general meeting provided an opportunity to consider various social and political trends that are challenging the courts' traditional role in Western democracies. A roster of expert speakers examined this topic from a variety of perspectives.

Objectives: This education seminar was designed to help Court of Appeal judges broaden their knowledge of judicial reform issues, and to reflect on how the social context influences their decisions and how their decisions in turn may influence the surrounding social context. Participants explored critical perspectives while gaining insight into public perceptions of the judicial system.

Summary: This education seminar focused on the shift in public perceptions of the judicial system in Québec and elsewhere. Guest speakers included a former Israel Supreme Court judge and an expert in judicial independence. Participants discussed judges' role in preventing and deterring crime, and their limited ability to curb criminality in our society. A panel of experts explored Quebecers' perceptions of the judicial system, providing an opportunity for participants to assess the relationship between trust in the media and the media's impact on perceptions, as well as disinformation, social media, and the influence of international politics. The closing remarks examined judicial discipline through the lens of public law values, considering in particular the recent reform of the complaint and discipline procedure for federally appointed judges.

TITLE: Superior Court of Québec: Judicial Settlement Conferencing

PROVIDER: Superior Court of Québec

Dates: November 7-9, 2023

Overview: This three-day competency-based program was an introduction to settlement conferences. It allowed participating judges to familiarize themselves with the procedural framework for settlement conferences and, more importantly, to learn and apply effective techniques for presiding them.

Objectives: This program aimed to help judges develop useful skills for conducting settlement conferences, including identifying parties' issues and interests, managing the process effectively and fairly, taking different approaches to negotiation, recognizing ethical issues, following the rules of conduct, and helping the parties overcome resistance.

Summary: This seminar used case studies to help judges develop and practise skills relevant to settlement conferences. Through presentations by experienced judges, interactive demos and breakout exercises, the first part of the seminar familiarized participants with the process for chairing settlement conferences and went over useful techniques and strategies. The second part focused on role-playing, allowing judges to apply these techniques and get feedback from the instructors. The last part 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 4, 2023

Overview: This seminar for judges of the Superior Court of Québec dealt exclusively with the family patrimony. It was open to all judges, regardless of their familiarity with this key concept in family law.

Objectives: The program used a variety of learning methods (lectures, interactive demonstrations, multiple-choice questions, case studies) to broaden knowledge and develop skills. After a day of intensive training, participants were able to identify the property that constitutes the family patrimony and determine its partitionable value. They also learned new case management skills.

Summary: This family-law program dealt exclusively with family patrimony. The course began by reviewing the origins of the family patrimony and the basic principles that govern it. The instructor then discussed its composition, deductions, and how to determine its net value. The family patrimony was then examined from a case management perspective. The day ended with a practical exercise in calculating and partitioning the family patrimony, enabling participants to apply what they had learned.

Atlantic Provinces

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

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

Date: May 18-19, 2023

Overview: This seminar covered a combination of substantive, social context, and skill building topics relevant to the work of the judges of the Supreme Court of Nova Scotia and the Supreme Court of Prince Edward Island. Senior judges, academics, and professionals engaged in the community delivered presentations, participated in panel discussions, and led problem-solving exercises with participants.

Objectives: The seminar had four primary objectives. First, it aimed to bolster the participants' substantive law knowledge in the field of criminal, family, and private international law, including a review of key decisions impacting sexual assault and intimate partner violence cases. Second, the seminar aimed to increase the participants' appreciation of social context through discussions and presentations on issues associated with intergenerational trauma, sexual abuse, and intimate partner violence. Third, the seminar aimed to improve judicial skill-building by reviewing legal factors to assess credibility and to draw inferences; by learning to distinguish between junk science and reliable scientific information; and by improving communication and legal writing skills. Fourth, the seminar sought to promote judicial wellness by exploring strategies to increase judicial resilience.

Summary: The seminar began by exploring the phenomenon of intergenerational trauma from the standpoints of neuroscience, the experiences of Black and Indigenous Nova Scotian communities, and that of two judges. Two concurrent sessions then dealt respectively with techniques for distinguishing credible science from junk science, and with natural justice and proportionality issues. A further panel provided guidance on how to effectively conduct credibility assessments and draw inferences in criminal,

family, and civil proceedings. The program continued with a presentation on judgement writing, focusing specifically on the issue-driven format and point-first writing. Concurrent sessions followed on private international law, private records in sexual assault cases, and a review of the year's family law jurisprudence. The seminar ended with a plenary session which explored resilience and improving judicial responses to stress-laden work environment.

TITLE: Supreme Court of Newfoundland and Labrador Education Seminar

PROVIDER: Supreme Court of Newfoundland and Labrador

Date: May 30 – June 2, 2023

Overview: This seminar covered a combination of substantive law, social context, and judicial skills, including decision-making in sexual assault matters, the standard of review post-*Vavilov*, case-management in criminal matters, and issues with surrogacy contracts.

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 challenging matters such as writing decisions in sexual assault matters, working with vulnerable litigants, and case-management in criminal matters, and to better understand the social context in which such issues arise.

Summary: Senior judges, legal academics, and professionals from the field of psychology led the program and provided participants with the opportunity to discuss challenging matters in administrative law, criminal, family, and social context topics. The program, which included a variety of presentations, panel discussions, and practical exercises, covered a number of subjects including: jurisprudential developments in the standard of review; case-management in criminal law, and enhanced practical skills in managing challenging litigants including self-represented litigants, as well as writing decisions in sexual assault matters. Judges were also provided with a unique social context session in which they heard directly from a woman judge who had escaped from Taliban-controlled Afghanistan.

TITLE: Court of Appeal of New Brunswick Education Seminar: St. Andrews Lectures 2023 XVI

PROVIDER: Court of Appeal of New Brunswick

Date: June 8-9, 2023

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 addressed five main topics: Charter challenges, the law of evidence, decision-making, trial management, and Supreme Court of Canada jurisprudence.

Objective: The objectives of this seminar were to provide the judicial participants with important legal updates relating to the five topics of study and to develop judges' competencies at making decisions and managing files in these areas.

Summary: Leading criminal law experts from the bench, the Crown and defence delivered focused and practical presentations on recent legal developments and complex issues relating to Charter challenges, the law of evidence, decision-making, trial management, and Supreme Court of Canada case-law. Interactive activities and discussions reinforced participants' adjudication skills in the areas of detention

and stereotypical reasoning. The seminar was divided into five segments: presentations on Charter principles and provisions, including topics surrounding s. 8, s. 10(b) and s. 24(2) of the Charter; presentations on evidence, including hearsay and circumstantial evidence; decision-making topics, such as guidance on structuring reasons and ensuring sufficiency, and applying *R. v. W.(D.)*, 1991 SCC 93. Other sessions also focused on trial management and an overview of recent Supreme Court of Canada caselaw.

TITLE: New Brunswick Court of King's Bench Robert Tuck Educational Conference 2023

PROVIDER: New Brunswick Court of King's Bench

Date: August 30 – September 1, 2023

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

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

Summary: Led by experienced judges, academics, and legal professionals, this seminar featured a mix of lectures, panel discussions, and interactive activities. The seminar explored the following themes and topics: how poverty and homelessness intersect with the judicial process, best practices in settlement conferences, judicial review after the Supreme Court of Canada's decision in *Vavilov*, bankruptcy, and strategies for resilience during a judicial career.

TITLE: Atlantic Courts Education Seminar for Federally Appointed Judges

PROVIDERS: Nova Scotia Court of Appeal, Prince Edward Island Court of Appeal, Court of Appeal of New Brunswick, Newfoundland and Labrador Court of Appeal, Supreme Court of Nova Scotia, Supreme Court of Prince Edward Island, Court of King's Bench of New Brunswick and Supreme Court of Newfoundland and Labrador

Date: October 11-13, 2023

Overview: This program focused on a variety of substantive, skills-based, and social context topics relevant to superior court and appellate judges across Atlantic Canada. Sessions included a combination of presentations, panel discussions, and interactive group conversations led by senior judges, multi-disciplinary academics, professionals, and representatives from the local community.

Objective: The objectives of this program were to: (1) enhance practical skills related to judgment writing, managing complex trials, conducting alternative dispute resolution proceedings, and addressing procrastination; (2) increase substantive knowledge in the areas of digital evidence, financial statements and judicial privilege when crossing the Canadian border and; (3) develop awareness of the social context around microaggressions and how poverty and trauma impact individuals' interaction with the justice system.

Summary: The seminar began with an overview of recent Supreme Court of Canada and appellate cases in criminal, family, and civil law. A family law and a valuation expert then delved into the legal intricacies of financial statements in family and other matters. Other sessions explored the following issues: what cognitive science can teach judges about judgment writing, and the nature of microaggressions and how they can be addressed.

The program continued by focusing on the following topics: how to organize complex trials in criminal and family matters; challenges judges encounter when navigating and assessing social media evidence; myths and preconceptions about people living in poverty, barriers between individuals living in poverty and the judicial system, as well as how courts can lessen barriers and avoid re-traumatizing individuals experiencing poverty; issues surrounding judicial privilege when judges cross the Canadian border. The seminar concluded with a discussion about best practices when conducting alternative dispute resolution proceedings, and an interactive presentation on the psychological mechanisms which underpin procrastination, and best practices to avoid it.

TITLE: Supreme Court of Newfoundland and Labrador Education Seminar

PROVIDER: Supreme Court of Newfoundland and Labrador

Date: November 29 – December 1, 2023

Overview: This seminar covered a combination of topics relating to substantive law, social context, and judicial skills, including evidence, domestic contracts, estate law, managing jury trials, conducting bail review hearings, and the intersection between coercive control and human trafficking.

Objective: The objectives of this seminar were to: enhance participants' understanding of essential evidentiary principles, with a focus on hearsay; develop practical skills in managing jury trials and bail review hearings; increase the competence of judges dealing with issues involving domestic contracts and complex estate matters; and to develop awareness of the relationship between coercive control and human trafficking.

Summary: Led by experienced judges and legal academics, this program used a combination of lectures, discussion, and interactive elements. Sessions included a "primer" on hearsay including a review of the traditional exceptions and the "principled approach" for admissibility; an interactive discussion on issues arising in domestic contracts; a session on estate litigation including how estate law intersects with family law; and practical sessions designed to increase judicial skills in managing jury trials and conducting bail review hearings. The program also included a presentation on the intersection of coercive control and human trafficking, in which participants heard from a survivor, a representative of law enforcement and academic faculty.

Northern Courts

TITLE: Northern Courts Education Seminar

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

Date: October 3-6, 2023

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 and incorporated education in substantive law, judicial skills and the social context specific to judging in the northern territories.

Objective: The objectives of the seminar were to enhance participants' awareness of key jurisprudential developments in criminal and family law matters, specifically issues related to sexual offences; to develop practical skills in judgment writing with a focus on writing judgments efficiently and clearly; and to better understand the social context of judging in the northern territories, specifically with respect to indigenous communities in the north.

Summary: Led by experienced judges and leading academics, this seminar used a combination of lectures, discussions and an off-site visit as means for judges to increase knowledge in substantive criminal and family law matters, to enhance judgment writing skills, and to explore and learn more about the social context of northern indigenous communities. Participants were provided with an in-depth overview of recent developments in Canadian law on sexual offences, including the law related to third party records applications and records in the possession of the accused; other sessions examined the Hague *Convention on the Civil Aspects of International Child Abduction* and the challenges associated with electronic evidence in court, and social media evidence in particular. Judges were provided guidance about crafting concise, sufficient, and accessible reasons, and a multi-disciplinary panel guided participants through the multiple normative orders of the Canadian legal landscape, with specific reference to Indigenous legal orders in the northern territories. The seminar concluded with a visit to a local wellness camp for a session led by local Indigenous elders.

Federal Courts

TITLE: Tax Court of Canada Court Meeting and Education Seminar

PROVIDER: Tax Court of Canada

Date: June 20-22, 2023

Overview: This seminar was an intensive, practical, and interactive session encompassing substantive law, judicial skills, and social context. The topics covered included self-represented litigants, the Canadian Judicial Council's *Ethical Principles for Judges*; documentary and electronic evidence; and the general anti-avoidance rule.

Objective: The objectives of this seminar were to enhance participants' understanding of substantive legal questions, to support the development of judicial skills when dealing with ethical issues, to deepen

participants' understanding of the social context of self-represented litigants, and to provide judges with the skills required to manage the complexities of cases involving self-represented litigants.

Summary: Led by both experienced judicial faculty and subject matter experts, this seminar utilized lectures, case studies, and discussions to address four main topics: (1) the management of cases involving self-represented litigants, including those experiencing mental health challenges; (2) the Canadian Judicial Council's Ethical Principles for Judges; (3) evidentiary issues frequently arising in the Tax Court of Canada with particular attention to documentary and electronic evidence; and (4) a review of the General Anti-Avoidance Rule, including a discussion of recent amendments.

TITLE: Federal Court Annual Education Seminar

PROVIDER: Federal Court

Date: September 27-29, 2023

Overview: This seminar focused on practical legal updates relating to the Court's core substantive areas of jurisdiction.

Objective: The objectives of the seminar were to improve participants' knowledge of immigration law and intellectual property law, to improve their competency dealing with applications for injunctions and stays, and to learn about recent developments and emerging issues in administrative law.

Summary: The seminar was led by experienced judges, academics and legal practitioners and featured a mix of lectures, workshops, and panel discussions. The program included a presentation on the latest quantitative research on applications for leave and stays, a discussion on practical and strategic considerations for litigants on both sides of stay proceedings, an examination of the challenges arising in stay and injunction motions, and a scenario-based workshop on stays of removal. Other sessions brought together representatives of the Refugee Protection Division, the Refugee Appeal Division, the Department of Justice, and the private bar to discuss recent developments in immigration law and its institutional context, areas of administrative law jurisprudence that remain controversial post-*Vavilov*, and emerging issues intellectual property law, including the implications of artificial intelligence.

TITLE: Tax Court of Canada Education Seminar

PROVIDER: Tax Court of Canada

Date: October 4, 2023

Overview: This program focused on judicial skills. Experienced judicial faculty, from both within the Tax Court of Canada, and from other courts, discussed strategies and effective practices relating to oral reasons for judgment, time management, and managing reserves.

Objective: The objectives of this seminar were to better understand when and how to effectively render oral judgments, and to develop practical skills with respect to time management, generally, and management of reserves, specifically.

Summary: Led by experienced judges, this seminar used a lecture-based approach to better understand and develop skills with respect to preparing and delivering oral reasons for judgements; and to develop strategies for effective time management and managing reserves.

TITLE: Federal Court of Appeal Education Seminar

PROVIDER: Federal Court of Appeal

Date: October 18-20, 2023

Overview: This annual seminar delivered timely updates on areas of law within the core jurisdiction of the Court, notably in administrative and intellectual property law. It also explored questions relating to judicial ethics, artificial intelligence, internal court processes, and judicial wellness.

Objective: The objective of the seminar was to increase participants' knowledge and skills when dealing with a variety of issues relevant to their work as judges of the Federal Court of Appeal.

Summary: Led by appellate court judges, experts, and academics, and presented through a combination of presentations and interactive scenario-based discussions, this seminar included sessions on the following topics: an overview of current issues in administrative law; issues in intellectual property law, focusing on patents and copyrights; interactive discussions surrounding the Canadian Judicial Council's Ethical Principles for Judges; a primer on artificial intelligence; best practices with respect to internal court processes practices at the Federal Court of Appeal; and practical guidance to equip participants with tools to manage stress.

NATIONAL PROGRAMS

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

PROVIDER: National Judicial Institute

Date: January 16-20, 2023

Overview: This intensive five-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 practice the relevant skills, with social context training integrated throughout.

Objective: The objectives of this seminar were: (1) to deliver training in substantive and procedural law and the law of evidence, including the statutory regimes governing third party records, sexual history evidence and records in the possession of the accused; (2) to equip participants to adjudicate *Charter* applications by the accused, manage direct examination and cross-examination, deal with self-represented accused, make credibility assessments, and ensure the sufficiency of their reasons for judgment; and (3) to situate the law governing sexual offences and intimate partner violence more broadly in their respective social contexts.

Summary: The program was led by a multi-disciplinary faculty of experienced judges, practitioners, and academics and was addressed to judges having between one and five years of experience. Participants engaged in a mix of presentations 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 also learned about myths and stereotypes in sexual assault cases, the statistical realities and social dynamics of intimate partner violence, testimonial accommodations for vulnerable witnesses, and the experiences of Indigenous women and girls in the criminal justice system.

TITLE: Dealing Effectively with Judicial Review: Joint CIAJ and NJI Program

PROVIDERS: Canadian Institute for the Administration of Justice and National Judicial Institute

Date: January 31 – February 3, 2023

Overview: Offered jointly by the Canadian Institute for the Administration of Justice and the National Judicial Institute, this biennial program was designed to deepen judges' understanding of the fundamental principles relating to applications for judicial review. The program familiarizes participants with a practical framework which promotes the effective adjudication of these applications.

Objective: The objectives of this program were to (1) reinforce participants' substantive knowledge of judicial review of administrative action; (2) to equip them with an analytical framework to tackle these applications in an effective manner; (3) and to provide them with a greater understanding of jurisprudential developments and debated issues in this field.

Summary: Leading experts including judges, lawyers, and academics led a variety of lectures and practical workshops around preliminary issues in a judicial review application, procedural fairness and substantive review, and remedies. Presenters also discussed the intersection of Indigenous law and judicial review, as well as future challenges in this field.

TITLE: Business, Corporate and Commercial Law Seminar

PROVIDER: National Judicial Institute

Date: February 1, 2023

Overview: This seminar addressed issues relevant to judges who preside over business, corporate, and commercial law matters.

Objective: The objective of this seminar was to improve judges' ability to competently manage and resolve cases featuring business, corporate, and commercial law issues.

Summary: Developed and led by experienced judges and academics, with a combination of presentations, scenarios, polling questions, and interactive question-and-answer periods, this seminar explored recent developments in the law on recovery of pure economic loss in negligence and the effect of climate change on future potential climate-related claims against businesses. It also included a refresher and update on officers and directors' duties and liabilities and a session on recent developments in restitution.

TITLE: Insolvency Seminar

PROVIDER: National Judicial Institute

Date: February 2, 2023

Overview: This seminar addressed issues relevant to judges who hear insolvency matters.

Objective: The objective of this seminar was to enhance judges' knowledge of the law of insolvency and to improve their ability to deal effectively with insolvency proceedings.

Summary: Developed and led by experienced judges with the assistance of a law professor and two senior practitioners, the program delivered key jurisprudential updates, explored judicial powers of supervision/discretion in expedited restructuring processes, and engaged participants in an interactive "Law and Order: Insolvency" session. It also included an interactive session on crypto currencies that examined the challenging jurisdictional and asset valuation issues that arise in insolvency proceedings.

TITLE: Family Law Seminar: Financial and Property Issues

PROVIDER: National Judicial Institute

Date: February 15-17, 2023

Overview: This seminar focused on financial and property issues arising in the family law context, particularly with respect to determining income, determining child and spousal support, and accounting for tax implications.

Objective: This program was intended to provide family court judges with the substantive knowledge and skills to effectively decide financial and property issues, and to strengthen the analysis that judges should use when settling financial issues in family law.

Summary: Led by experienced family law judges, academics, and senior lawyers, this seminar explored practical and relevant topics such as child and spousal support, division of pension assets, varying orders after retirement, understanding tax implications, and working creatively towards financial settlements.

TITLE: Communicating Effectively in Your Courtroom

PROVIDER: National Judicial Institute

Date: March 8-10, 2023

Overview: This seminar focused on judicial communication skills in the courtroom.

Objective: The objectives of this program were to improve judges' communication skills with the people who appear before them and allow them to better manage the courtroom.

Summary: Presented by experienced judicial faculty and communication experts, this seminar used a highly interactive skills-based approach to teach and practice communication skills in the courtroom. Throughout the seminar, short lectures emphasized core communications skills, and highlighted skills necessary to recognize and counteract implicit bias and communicate effectively with individuals who

have experienced trauma. These lectures were supplemented by intensive small group work, where judges were given an opportunity to practice these skills and receive personalized feedback from their peers and the faculty. Workshops dealt with a wide range of courtroom scenarios including sexual assault proceedings and dealing with self-represented litigants.

TITLE: Indigenous Law Seminar

PROVIDER: National Judicial Institute

Date: March 8-10, 2023

Overview: This seminar focused on Indigenous law and legal orders. The program integrated elements of substantive legal knowledge and traditional Indigenous knowledge. It included a discussion of different approaches taken by Indigenous communities regarding their legal traditions and provided participants with opportunities to apply the lessons learned throughout the seminar to the courtroom environment. The program also included an off-site component.

Objective: This program provided participants with an improved understanding of the importance of Indigenous legal traditions in the Canadian justice system, to provide social context on Indigenous culture and traditions, while giving participants practical skills to apply in the courtroom.

Summary: This seminar began with a pipe ceremony and teachings from a local Elder to situate Indigenous legal traditions within a broader understanding of legal orders. The day followed with discussions surrounding concepts of traditional conceptions of justice and law, and how legal orders interact in a pluralist environment. Participants visited the White Buffalo Youth Lodge and heard presentations from representatives from the Whitecap Dakota First Nation. The following sessions included discussions on Indigenous self-governance, Indigenous law in criminal and family matters, and mechanisms for applying Indigenous laws in Canadian courtrooms. Discussions also centered on the ethical considerations of ceremonies and cultural events in and out of the courtroom.

TITLE: Managing and Maintaining Control in Complex Criminal Jury Cases

PROVIDER: National Judicial Institute

Date: March 21, 2023

Overview: This advanced seminar was intended for judges with significant experience managing complex criminal jury cases or were likely to preside over such matters in the future. The one-day seminar was delivered using a combination of lectures, panel discussions and table exercises.

Objective: The primary objective of the seminar was to promote more effective judicial management of complex criminal jury cases, by identifying best practices and sharing innovative approaches to case management during both the pre-trial phase of proceedings and the trial itself.

Summary: This seminar brought together experienced judges from across Canada and the world. Presentations were delivered by judges from the United Kingdom, Australia and the United States of America, and panel discussions and table exercises were led by leading judges from jurisdictions across Canada. Participants were able to explore jurisdictional differences, identify best practices, and share

effective strategies for the management of complex criminal jury cases through small group exercises facilitated by experienced judges. Sessions also addressed how to deal with self-represented litigants and discussed relevant legislative changes relating to criminal jury trials.

TITLE: Criminal Law Seminar

PROVIDER: National Judicial Institute

Date: March 22-24, 2023

Overview: This annual seminar brought together seasoned criminal law experts to canvas recent developments in the field, provide guidance on essential trial management skills, and enhance awareness of social context issues relevant to the criminal justice system.

Objective: The objectives of this seminar were to update judges on significant developments in substantive criminal law, enhance judges' trial management skills, and learn about social context issues relevant to sentencing and incarceration.

Summary: Led by experienced judges and other criminal law experts, the seminar used a combination of presentations and interactive discussions to cover the latest jurisprudence on sexual offences, police questioning and police powers, sentencing and incarceration, the relationship between courts and the press, digital evidence, and best practices for high-profile cases. Participants had the opportunity to engage with fact scenarios, answer interactive polling questions, and engage in small-group discussions with their peers.

TITLE: Criminal Jury Charge Workshop

PROVIDER: National Judicial Institute

Date: April 12-14, 2023

Overview: This hands-on, intensive seminar provided participants with the opportunity to practice drafting instructions with respect to 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 utilized a fact-pattern based approach to drafting jury instructions, centred on a detailed attempted murder scenario. Issues that were addressed include: procedure and instructions on a challenge for cause, mid-trial instructions, assembling the charge to the jury, charging the jury, and post-charge instructions. The seminar was led by experienced judges, and delivered using a combination of brief lectures, panel presentations, table exercises, and small group discussions.

TITLE: Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Spring and Fall Programs (Common Law and Civil Law)

PROVIDERS: Canadian Institute for the Administration of Justice and National Judicial Institute

Date: April 16-21, 2023

Date: October 23 – November 3, 2023

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, or for judges sitting on the Federal Court or Federal Court of Appeal. All participants jointly attended sessions on judicial independence, conduct and ethics, judgment writing, civility and effective communication in the courtroom, unconscious bias, 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, racial discrimination, 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. Civil law judges, meanwhile, worked on issues of statutory criminal law, applications for care, and the practical aspects of being a judge. Finally, Federal Court judges attended separate sessions on the scope of the Federal Court’s jurisdiction, citizenship, immigration and refugee law, Indigenous law, and intellectual property.

TITLE: Oral Judgments

PROVIDER: National Judicial Institute

Date: April 19-21, 2023

Overview: This three-day seminar is focused on oral judgments. Developed in collaboration with experienced judges, academics and other experts, this program assisted participants in organizing, preparing, and delivering an effective oral judgment.

Objective: The objectives of the seminar were to improve participants’ skills in structuring a judgment, preparing effectively before and during hearings, making and explaining credibility findings using oral reasons, and delivering a clear and concise oral judgment.

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 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: Judges and Jails: The Realities of Incarceration

PROVIDER: National Judicial Institute

Date: May 7-12, 2023

Overview: This program focused on the judicial role in determining fit sentences for criminal offenders, considering the effective use of pre-sentence reports, social context, the nature of programming and treatment available in provincial and federal correctional institutions, and the parole system.

Objective: The objective of this seminar was to help judges interpret and apply the laws of custodial sentencing against the backdrop of the *Charter*, legislation, relevant jurisprudence, and the relevant social context of incarceration and sentencing.

Summary: This program provided skills-based learning on sentencing and correctional issues through a combination of lectures, plenary discussions, a review of the programming offered within correctional facilities, and visits to correctional facilities. Led by judges, legal academics, practising lawyers, and experts from within and outside the correctional system, this seminar covered the following topics: managing prisoner documentation during sentencing; parole board hearings; myths and assumptions about sentencing and corrections; proportionality and individualization in sentencing; mental health in prisons and sentencing; best practices around using pre-sentence reports, consideration of the *Gladue* factors and applying Impact of Race and Culture Assessments; and the practical realities and legal framework of probation. Participants were also given the opportunity to learn from the experiences and “best practices” of their peers. Tools were provided to help judges craft sentences that take into account the relevant circumstances of the offender and the impact of the sentence, to make appropriate determinations of whether to impose a provincial or a federal sentence, to better understand the effect of carceral sentences on recidivism, and to recognize the role that the pandemic has played with respect to incarceration.

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

PROVIDER: National Judicial Institute

Date: June 12-16, 2023

Overview: This program was designed specifically for judges with one to five years of experience as a judge, 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, this intensive course focused on the skills judges need to manage family matters fairly and effectively. These skills include communicating with individuals in crisis, settlement conferencing, managing a file over the long term, identifying the needs of the litigants and their families, and other relevant considerations when making decisions affecting families.

TITLE: Your Supernumerary Years and Beyond

PROVIDER: National Judicial Institute

Date: June 21-23, 2023

Overview: This seminar was intended for judges approaching retirement and considered a wide range of issues relevant to their transition from the bench to retirement.

Objective: The objective of this program was to ensure judges who are approaching retirement are fully prepared for this transition and aware of their ethical obligations upon retirement.

Summary: Led by experienced and retired judges, academics, and other practitioners this seminar canvassed issues faced by members of the judiciary in their years as supernumerary judges and into retirement. Using lectures, panel discussions, and interactive activities, the program addressed topics such as physical and mental well-being and judicial ethics.

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

PROVIDERS: Canadian Superior Court Judges Association and National Judicial Institute

Date: July 5-7, 2023

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

Objectives: In this two-and-a-half-day mixed-learning-method seminar, participants gained new insights competencies, and tools relevant to the transition towards digital and virtual legal processes. The primary objective was to learn how to integrate technology into their practice and how to use it in the courtroom, to judge better and smarter.

Summary: Judges learned more about remote courtroom hearings and familiarized themselves with the technological tools at their disposal, to judge better and smarter. In the morning of the first day, the seminar examined social media from a technological, practical, and ethical perspective. In the afternoon, the seminar focused on cybercrime and gained new insights into the Internet online fraud, online child exploitation and various offender profiles. On the second day, the seminar focused on the legal impacts of artificial intelligence through presentations, a live demonstration, and small-group discussions. The digital transformation of justice in other parts of the world was examined. On the third day, the seminar addressed the spread of online dis- and misinformation, and reviewed internet best practices and digital hygiene guidelines. This was followed by an overview of the new JUDICLOUD platform. The program was capped off by two optional activities about Microsoft Office 365, and a session providing participants with tips for working more efficiently.

TITLE: Evidence Workshop

PROVIDER: National Judicial Institute

Date: July 17-21, 2023

Overview: This intensive, practical program provided judges with an update on the state of the law of evidence in criminal, civil and family matters and focused on key skills required to resolve evidentiary issues correctly.

Objective: The objectives of this seminar were to increase substantive knowledge and develop practical skills needed to resolve evidentiary issues correctly. 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 evidence law and facilitated small group work sessions based on a hypothetical fact scenario and live simulations of evidentiary arguments. Participants also had the opportunity to discuss difficult evidentiary questions that they faced as judges with judicial colleagues from across Canada.

TITLE: Criminal Appellate Practice for Trial and Appellate Judges: Standard of Review and Beyond

PROVIDER: National Judicial Institute

Date: November 14, 2023

Overview: This bilingual one-day seminar addressed issues arising in criminal law appeals that are to the work of appellate court judges and trial judges in their capacity to hear criminal appeal matters.

Objective: The objective of this seminar was to improve judges' knowledge and ability to deal effectively with issues that commonly arise in criminal appeals, including but not limited to standard of review questions.

Summary: Using a combination of lecture-based presentations, panel discussions, and interactive elements, participants learned from experienced judges and other leading experts about how to effectively resolve questions relating to standard of review, remedies, appellate review in sexual assault proceedings, and current and contentious issues in criminal law appeals.

TITLE: Appellate Courts Seminar

PROVIDER: National Judicial Institute

Date: November 15-16, 2023

Overview: This national seminar addressed issues of substantive law, judge-craft and social context that were relevant to the work of appellate court judges. It focused on four broad themes: the role of appellate judges in the current political and social context; Indigenous peoples and the law; appellate court processes and procedures; and recent developments in substantive law.

Objective: The objective of this seminar was to improve the knowledge, skills, and social context understanding of appellate court judges.

Summary: This national seminar focused on issues of substantive law, judge-craft and social context that were relevant to the work of appellate court judges. It addressed the following topics: online misinformation and the role of judges; the erosion of democratic norms internationally and the implications for judicial independence and the rule of law; the United Nations Declaration on the Rights of Indigenous peoples; Indigenous governance and self-government; corporate and commercial law issues involving Indigenous peoples; the development of best practices when it comes to appellate court processes relating to chambers practice, chairing panels, and pre- and post-hearing work; a survey of notable case-law at the provincial appellate court level; and emerging issues at the Supreme Court of Canada.

TITLE: Criminal Jury Trials Seminar

PROVIDER: National Judicial Institute

Date: November 15-17, 2023

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: effective pre-trial management, preparing for the jury trial, running an efficient jury selection, instructing on party liabilities, the admissibility of evidence for limited purposes, preparation and delivery of jury instructions, including instructing a jury on myths and stereotypes, jury instructions on selected defences, and post-charge jury instructions.

TITLE: Appellate Courts Mediation Skills Seminar

PROVIDER: National Judicial Institute

Date: November 17, 2023

Overview: This seminar dealt with alternative dispute resolution processes (including mediation) used at the appellate level, and the specific competencies required.

Objectives: In this one-day mixed-learning-method training session, participants gained new insights and competencies relating to dispute resolution (settlement conferences, mediation).

Summary: This one-day seminar was geared towards appeals court judges seeking to develop and hone their appellate mediation skills. Participants began by discussing the basics of effective conflict

resolution. A conflict management expert then explained how to deal effectively with high-conflict cases. The morning concluded with an overview of the appeal settlement conference for family appeals at the Alberta Court of Appeal. In the afternoon, participants were given a live demonstration of appellate mediation so they could apply what they had learned to a specific case.

TITLE: Hearing and Deciding *Charter* Issues

PROVIDER: National Judicial Institute

Date: November 21-24, 2023

Overview: This seminar provided judges with the knowledge, practical skills, and tools to properly manage and resolve common applications relating to the *Canadian Charter of Rights and Freedoms*.

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.

TITLE: Judicial Faculty Development Seminar

PROVIDER: National Judicial Institute

Date: December 6-8, 2023

Overview: This practical seminar was addressed to judges who are involved in the planning and delivery of judicial education. It was intended to promote the integration of best practices in the planning, design, and delivery of professional development programs for judges.

Objective: The purpose of this seminar was to equip judges with the knowledge, skills, and social context awareness to contribute meaningfully to the design, development, and delivery of effective and engaging judicial education programs.

Summary: This course focused on challenges and opportunities for judicial education in the aftermath of the pandemic and considering the realities faced by today's judiciary. Through a mix of presentations, practical problems and interactive exercises, participants learned about: best practices in adult education and experiential learning as they apply to the judiciary; overarching objectives judicial education should pursue in light of current judicial needs; the integration of digital resources and blended learning techniques into educational programming; judicial education relating to Indigenous laws and legal orders; and pedagogical tips and tricks to ensure that judges get the most out of in-person education. Throughout the program, participants were given the opportunity to discuss and apply what they learned in small group workshops.