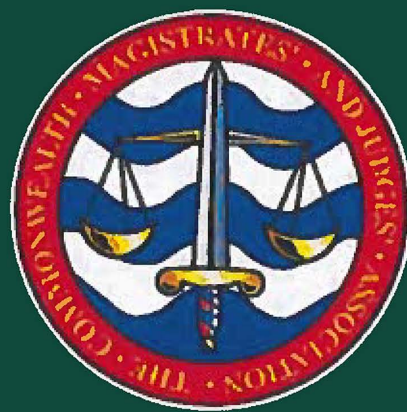


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JUDICIAL EDUCATION IN CANADA: LESSONS LEARNED FROM A PANDEMIC AND THE PATH FORWARD

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Abstract: *This article provides an overview of the National Judicial Institute (the 'NJI') as it celebrates an important milestone—its 35th year in operation. The first part of the article describes the NJI and how it functions, focusing on its governance structure, types of educational programming, pedagogical model and key elements of its curriculum. The second part highlights a selection of current projects and areas of focus for the NJI as it strives to enhance the quality and reach of its judicial education programming, incorporating lessons learned from the Covid-19 pandemic.*

Keywords: continuing education for judges, the provision of – Canada's NJI – the NJI's history, structure, governance and funding – judicial education in-person, online and in hybrid mode – the increasing use of technology in judicial education – pedagogy – experiential learning – the 'ERCA' experiential learning theory – learning objectives – evaluation of learning outcomes – tools for fostering professional development learning on the part of judges – international judicial education

INTRODUCTION

The NJI began 2020 excited about the prospect of continuing to provide the innovative cutting-edge judicial education for judges across Canada that it had built over years of experience and success. Within eight weeks, the COVID-19 pandemic had gripped the country—and the world—forcing the immediate cancellation of in-person programmes and requiring a swift transition to designing, developing and delivering online education that would meet the professional development needs of Canadian judges.

That experience was challenging but also invigorating. Mistakes were made. Opportunities were seized. Lessons were learned. Now, three years later, we at the NJI are extremely excited to be entering our 35th year of operation as we continue to adjust to and explore the possibilities of a 'new normal'.

There is much to celebrate during our 35th anniversary year. We celebrate the resilience, commitment and dedication of judges too numerous to name who generously give of their time to the planning and delivery of judicial education for the benefit of all judicial colleagues. We celebrate the resumption of in-person programmes and the associated opportunities to share experiences and learn from one another in an organised, collegial, setting. We celebrate a confidence and willingness to innovate and incorporate new ideas and ways of doing things that can enhance the judicial educational experience through the thoughtful use of technology.

OVERVIEW OF THE NJI

Governance and Funding

The NJI is a not-for-profit, bilingual and independent organisation dedicated to developing and delivering high-quality educational programmes and resources for all Canadian judges. Alone or in partnership with courts and other judicial educational institutes, the NJI is involved in the delivery of most education programmes undertaken for judges in Canada. The NJI also works with partners to deliver its programmes. These partners include the Canadian Superior Court

Judges Association, the Canadian Association of Provincial Court Judges, the Canadian Institute for the Administration of Justice and the Canadian Chapter of the International Association of Women Judges.

The organisation is led by the Chief Justice of Canada, together with a Board of Governors drawn from the judiciary, academia and senior managerial ranks. At the executive leadership level, the organisation is led by a Chief Judicial Officer (who is a member of the Canadian judiciary) and a Chief Executive Officer (who is not a judge). Functioning in a co-leadership model, those two Officers are responsible for and oversee the operations of the organisation.

Since 2020, the organisation has had a stable financial base thanks to the work of a board committee working with the Judicial Education Committee of the Canadian Judicial Council (the 'CJC'). The CJC is a regulatory body whose mandate is to 'promote the efficiency, uniformity and to improve the quality of judicial services in all superior courts in Canada.' As a result of the work of the CJC's Judicial Education Committee, the NJI now has three sources of funding, with the bulk of its financial resources derived from the Office of the Commissioner for Federal Judicial Affairs ('FJA'). FJA provides an annual grant based on the total number of members of the federal judiciary in each year. In addition, the NJI receives a lesser amount of funding from the provinces and territories. The final and smallest source of funding is government project funding targeted to fulfil specific judicial education needs. Care is taken to ensure that funding received does not impact NJI's commitment to judicial independence.

The present funding model generates sufficient monies to develop and support judicial education for judges from coast to coast to coast. The organisation has approximately 60 employees, including judicial education counsel (who assist with the design of judicial education programming), event planning professionals and staff in finance, information

technology, human resources, communications and translation.

Our organisation also benefits from an untold number of judicial volunteers engaged in all aspects of judicial education. These volunteers generously give their time to ensure that judicial education is judge-led and responsive to judicial needs, realities and context.

All the NJI's offerings for the benefit of judges are consistent with its '20 Principles of Judicial Education'. These principles, developed by NJI staff in collaboration with judges based on their experience and work in this area, serve as a useful framework to guide to the work of the NJI. The 20 Principles document appears at the end of this article in Appendix A.

Programmes and Resources

To meet the fullest possible range of judges' needs in a country as large and complex as Canada, the NJI's judicial education 'portfolio' is delivered in a variety of formats. These include both in-person courses and digital educational resources that judges can access on demand. In fulfilling its mandate, the NJI remains committed to upholding the values enshrined in the *Canadian Charter of Rights and Freedoms*, the rule of law and judicial independence. The curriculum is broad, encompassing programmes in criminal, family and civil law. Areas of focus include: the *Charter*; evidence; judicial administration; trial management; settlement conferencing; judgment writing; rendering judgments orally; cultural competence; communicating effectively; and Indigenous law and legal orders. Programmes also cover a host of other social context issues facing contemporary Canadian society. Courses are designed to meet the needs of judges at different stages of their careers. NJI's course development and scheduling are based on a curriculum that is carefully organised and constantly updated to ensure that judicial education meets the learning needs of judges over time.

Historically, the NJI's primary focus was to deliver innovative, leading edge, in-person

programmes supplemented by digital resources available on the website. The resources available on demand comprised written materials from previous programmes, a series of bench books, and criminal and family law newsletters.

In the mid 2000s, the digital resource curriculum was expanded to incorporate asynchronous programmes. These offered instruction on specific topics such as evidence, sentencing in criminal matters and child protection. The programmes were designed to attract judges who, for one reason or another, were unable to attend sessions in person and were prepared to enhance their judicial knowledge and understanding in specific areas of the law, on their own time, in the privacy of their chambers. (For a fuller account of the development of this aspect of NJI's offerings, see Thomas Crabtree, Joseph W. Bovard and Magdalena Serwin, 'Online Programming at the National Judicial Institute' [2015] 4 J Int Org Jud Training 21.)

In the period from 2010 to 2020, our in-person programming and digital educational resources operated very much in silos with little overlap or integration between the two types of learning experiences. However, as will be discussed in a subsequent section, this was soon to change with the arrival of the pandemic.

Pedagogy

To ensure excellence in judicial education programme design, the NJI relies on two cycles that will be familiar to those acquainted with adult education theory. The first is the programme planning cycle depicted in the diagram below. The second is the adult learning cycle. The model comprising these cycles is based on the work of Dr Brettel Dawson. (For a more detailed outline of Dr Dawson's model, see her article, 'Judicial Education: Pedagogy for a Change' [2015] 1 J Disp Res 175, 182ff.)

The NJI currently envisages the programme planning cycle as a six-step process. The process is conceived as a circular one, consistent with

contemporary understanding of adult learning theory.



The process begins with the identification of learning needs and culminates in the evaluation of the programme after delivery, which in turn informs future programme conception. Principles of good education design emphasise the importance of the initial steps in the process: determining learning needs and identifying learning goals and objectives prior to deciding upon content, learning methods and appropriate faculty members.

Learning objectives are the cornerstone of the NJI's planning process. They are the essential link between the learning needs and the design of a programme that meets those needs—without them there is a greater risk of designing a programme that meets none or only some of the learning needs. The learning objectives are the mechanism that connects the learning need to the performance of judicial tasks.

Once judicial needs and learning objectives are identified, there remains the question of effective programme design. When it comes to pedagogical design, the NJI has relied centrally on the work of leading social psychologist and adult educator, Dr. David Kolb. Dr Kolb's experiential learning theory establishes that learning is the process whereby knowledge is created through the transformation of experience. Helpful resource materials authored by Dr. Kolb include a text he co-authored with Ronald E. Fry, *Toward an Applied Theory of Experiential Learning*, MIT 1974, 2-14, and another that he authored alone: *Experiential Learning: Experience as the Source of Learning and Development*, Pearson 2015, 25ff.

According to Kolb's model, experiential learning theory operates in four phases: concrete Experience, Reflective observation, abstract Conceptualisation (knowledge) and Active experimentation (the four abbreviated in the acronym, 'ERCA'). In the first phase, a learner is exposed to, recalls, or draws on a concrete experience. Kolb states that effective learning occurs when the learner moves through the cycle (and that learners can enter the cycle at any time).

The ERCA framework underpins the NJI's approach to judicial education pedagogy and programme design. NJI sessions (and programmes as a whole) move around the ERCA 'learning circle', drawing on the concrete experience of judges, encouraging reflective observation by them (including conceptual knowledge) and providing opportunities for active experimentation or application to typical judicial activities.

Experiential and skills-based learning—which extend to cognitive skills, task-based skills and skills associated with social awareness and responsiveness—are mutually reinforcing because they rely on the inclusion of practice sessions (ideally with constructive feedback and the opportunity to repeat the practice). Skills-based, experiential learning approaches lead to better retention of material and concepts, more satisfied participants and better understanding of complex material. This approach is very effective for judges because it relates closely to the daily realities of judges' work and draws on the learners' own experience as a foundation for education, fostering ownership of the learning process by judges.

THE CURRICULUM

Judicial education offered by the NJI consists of a portfolio of programmes and digital resources supporting judges from appointment to retirement. Overall, this portfolio provides a comprehensive array of resources that are available to meet judges' needs in the moment. This includes intensive in-person programmes that allow judges to come together and that facilitate in-depth discussion and skills practice

and application as well as digital resources available on demand through the NJI website. More recently, as will be discussed below, the NJI has also explored variations of the two that blend together in-person and digital education and synchronous and asynchronous formats.

In-Person Programme

Prior to the COVID-19 pandemic, NJI programming was delivered primarily in-person. Like much of the world, NJI promptly pivoted to providing professional development online, as will be discussed more fully below.

NJI's in-person programming includes a variety of programmes and courses that are designed to meet the full spectrum of needs of Canadian judges. The CJC's Judicial Education Committee fulfills an oversight role in approving the programmes and courses offered by NJI. The Canadian Judicial Council's *Ethical Principles for Judges* and *Professional Development Policies and Guidelines* impress upon judges the fundamental importance of judicial education, but then leaves the responsibility to individual judges to develop a continuing plan for knowledge and self-development. An exception to this approach arises in the case of newly appointed judges. These judges are required to complete the New Federally Appointed Judges Seminars (spring and fall) and Judging in your First Five Years (Criminal and Family) programmes and such other nationally developed modules for new judges as prescribed by their Chief Justices or Chief Judges.

The NJI also offers a series of core courses. These are programmes that judges routinely take within their first five years on the bench. They build on the new judges programmes and include in-depth courses on evidence, the *Canadian Charter of Rights and Freedoms*, criminal, family and civil law, programmes on jury charges, oral judgments and judgment writing.

The NJI also provides an array of 'elective' courses offered on a rotating basis, usually every two years. These include courses entitled Indigenous Law Seminar, Judging in Small

Communities and Survive and Thrive. One particularly interesting elective programme is Judges and Jails, which focuses the judicial learner on the sentencing process and effects of incarceration on the individual. As part of this programme, judges are brought to different penal institutions to observe and learn the realities of Canada's prison system.

In addition to our national programmes the NJI supports the organisation and delivery of court-based programmes for the superior trial courts and most appellate courts throughout the country. These programmes are designed by court education committees under the direction of the Chief Justice of each jurisdiction and is tailored to meet the needs of a specific court. Attendance at court-based programmes is mandatory unless excused by the Chief Justice or Chief Judge and these programmes routinely account for up to five of the 10 days per year of judicial education recommended by the CJC's *Professional Development Policies and Guidelines* adopted in 2018. The court education committee guides the creation and substance of the programme and the NJI supports the development and delivery of these programs by providing education counsel and logistical support. Due to the existing funding arrangements, the NJI is unable to provide similar support for provincial and territorial court-based programmes. That said, we do provide access to all our programme planning materials in addition to offering a programme every two years specifically designed to support judicial education development and delivery for provincial and territorial education leaders.

The NJI has always provided a robust calendar of in-person programming and, following the return to in-person programming in the spring of 2022, the effort continues. In the 2022-2023 calendar year, for example, the NJI provided in excess of 200 days of judicial education programming which is more days of in-person education programming than in any previous fiscal year.

Digital Education Resources

As noted above, while the NJI has always offered Canadian judges a range of online

resources, digital education grew exponentially during the COVID-19 pandemic. NJI'S new stand-alone Digital Education Department is now integrally involved in providing the judicial education experience. Electronic bench books continue to be a mainstay of the online resources we provide. At present there are bench books addressing widely varied subjects with titles such as: Evidence; the Hague Convention; Intimate Partner Violence in the Age of the Pandemic; Judicial Class Action Management; The Mentally Disordered Accused; Reconciliation in Canadian Courts: A Guide for Judges to Aboriginal and Indigenous Law, Context and Practice; A Science Manual for Canadian Judges; A Science Primer on Qualitative Research; Self Represented Litigants and Self-Represented Accused; and The Art and Craft of Timely Judgment Writing.

In addition to these materials, the NJI has created numerous new online resources of particular interest to new judges. We have developed a suite of online self-study courses on fundamental law (criminal, civil and family), Anti-Black Racism: Sentencing Considerations; and a Sexual Assault Law Judicial Toolkit. This is complemented with the creation of podcast programmes on judicial ethics and judgment writing. We are currently developing additional resources entitled Indigenous Overrepresentation in the Criminal Justice System, Intimate Partner Violence, and Artificial Intelligence for Judges. One benefit of our increasing emphasis on creating new digital resources is the enhanced ability to reach a wider audience of judges quicker.

An Integrated Curriculum

The result of the NJI's complementary in-person and digital education offerings is a portfolio of resources that supports Canadian judges in various ways. The digital resources are always available, accessible on demand, while the in-person programmes allow for intensive focus on a particular topic and an opportunity to connect with educators and colleagues and practice

skills. Each resource and programme play a role in a larger network of educational support.

For example, a newly appointed judge has access to all the resources available through the NJI website immediately following appointment. This includes the New Judge Survival Guide. The digital resources for new judges are conveniently located together on a dedicated page of the NJI website. As noted, a newly appointed judge will attend the in-person programme appropriate for his or her court within the first year or so on the bench. This is an opportunity to spend two weeks with other newly appointed judges and experts from across the country, covering substantive and procedural law, and contextual awareness tailored to newly appointed judges. At this time, new judges might learn more about other resources offered by the NJI, such as the Sexual Assault Law Judicial Toolkit and refer to this when returning to their home courts and finding sexual assault trials on their dockets. The following year, the same judges might attend the *Judging in Your First Five Years: Criminal and/or Family* in-person programme, which judges are expected to attend within their first five years on the bench. Next, a newly appointed judge will build on these initial experiences and enroll in some of the core programming intended to offer a more in-depth examination of specific areas of the law such as criminal, family and civil. New appointees will then go on to attend in-person elective programmes of interest to them and to access digital resources that are available on demand throughout the many years of their careers.

Looking ahead, the NJI is reinforcing this development and supporting judges in continuing to embrace and benefit from the changes experienced over the past three years. By providing training to new judges, consistently meeting judicial needs at each stage of a judicial career, developing new products and cultivating interest and engagement with our online resources, the NJI is working towards its goal of ensuring that online courses and resources are viewed as an integral part of a judge's professional development plan.

CURRENT ISSUES AND AREAS OF FOCUS

Professional Development Planning Tool

Adult education principles teach us that judges, like many adults, learn best when their education is self-directed. In Canada, other than the mandatory judicial education required in the initial stages of a judicial career and attendance at court-based programmes, it falls to each judge, working with their Chief Justices or Chief Judges, to design an education plan that is best suited to meet their needs and interests as they evolve over time. The NJI recently introduced an online professional development planning tool designed to assist the development of a personal education plan. The tool allows judges to easily create a record of in-person and digital courses, programmes and seminars completed each year offered by the NJI or other educational providers. When the tool is utilised, it can easily provide a plan for future professional development as well as a record of education activities completed to date.

Promoting Development of Judicial Education in French

Across our entire curriculum of both in-person and digital education programmes, the NJI's mandate is to provide judicial education that is bilingual and multi-jural in keeping with the fundamental realities of Canada's legal traditions. Providing judicial education in French and in the Quebec civil law tradition has long been a priority to ensure that the organisation serves judges across Canada who practice in both common law and civil law jurisdictions and in both English and French. At present, this is a renewed area of focus of the NJI initiated by its Board under the direction of a Committee for the Promotion of Development of Education in French. This Committee has emphasised an ongoing need to focus in this area and has approved a plan to advance this need in part by the delivery of an annual, primarily French programme on topics related to the criminal law as well as multi-jural programmes on family and private law available to all Canadian judges. By strengthening

the French content in our programming by including more French-speaking and civilian faculty in NJI programmes where relevant, and ensuring digital resources draw on Francophone and civilian expertise, we will ensure that our programmes are responsive to the needs of French-speaking and civilian judges.

Evaluation and Curriculum Review

The NJI has always solicited and reviewed programme evaluations from attendees. While helpful in identifying concerns to remedy and new ideas not previously contemplated, these kinds of evaluations measure participants' level of satisfaction with education programming rather than its effectiveness, utility, or impact. Recently, the NJI commenced an evaluation of the education planning process with a view to assessing the support received from NJI staff. This will become an ongoing feature of our evaluative process.

However, what the NJI has not previously engaged in was a review of its curriculum. To ensure that the NJI continues to excel in the design, development and delivery of judicial education for all judges in Canada, the organisation undertook and is in the final stages of completing a formal review of its entire judicial education curriculum. The review was in part motivated by a desire to look beyond the preferences of programme participants to assess the quality of the NJI curriculum. The results of the review and the recommendations formulated will inform the work going into the development of our new strategic plan later in 2023.

The review was led by a committee formed by the NJI's Board of Governors and the NJI's leadership team in 2020. It took longer than initially contemplated to complete due to the pandemic. That said, the onset of the pandemic and the many changes that it provoked in the legal system, in judicial education and in life generally, resulted in a unique opportunity to re-examine not only what was offered but also the ways judicial education is delivered. The pandemic has proved to be the catalyst for frank discussions that have led to stimulating

new ideas and approaches that are relevant to all elements of the NJI's work.

While the report of the curriculum review committee is being finalised for delivery to the Board, the overall conclusion is that the NJI's curriculum, as currently delivered, is responsive to judicial needs and that the pedagogical models used by the NJI continues to be well suited for the design, development and delivery of high-quality and effective judicial education. However, the committee also recognises that changing times create opportunities to improve the programme content and the way it is delivered.

One of the exciting challenges for the NJI as we move forward is to integrate the increased presence of technology with the in-person experience in a way that enhances the judicial education experience for each judge.

Innovation: Combining In-Person and Online Learning

When it comes to integrating technology into judicial education, NJI's pandemic experience has been a rich source of inspiration. Within weeks of the cancellation of all NJI's in-person programmes, the NJI team began to produce high quality asynchronous webinars. Several new webinars were developed each week throughout the spring and early summer of 2020. During this time, the organisation was re-skilling itself to be able to not just deliver, but also to design, high quality synchronous online education for Canadian judges. As of the fall of 2020, the NJI managed to replace essentially the entire in-person curriculum with live online equivalents. This synchronous online programming continued for almost two full years. Over time, as pandemic restrictions changed and fluctuated, the NJI mastered another new approach: hybrid programmes delivered to a mix of in-person and online attendees. These programmes began with not much more than a streamed camera feed for our online participants. Over time, however, the NJI's approach became more sophisticated and increasingly integrated, allowing for

the potential for full participation from, and interaction between, in-person and online participants.

Beginning in the spring of 2022, having emerged from the pandemic, the NJI returned to delivering more in-person education than has ever been offered before. It is difficult to overstate the enthusiasm witnessed for the return of in-person programming from the judges that the NJI serves. The COVID-19 pandemic only solidified the importance of opportunities for judges to gather and learn together in person. Yet the NJI does not expect to return to the way that things were done before. There is an important place for the skills and techniques learned during our time operating virtually and these will continue to be part of NJI programming. Features such as chat rooms, allowing speakers to present remotely, and even presenting fully interactive hybrid programmes in some cases, are here to stay, even as the NJI remains committed to in-person programming.

Leaving aside educational delivery methods, another way to enhance the educational experience using technology is to extend the reach of an in-person programme by way of pre- or post-programme follow-up sessions, done virtually. Building on experience gained during the pandemic, the NJI is currently examining opportunities to hold additional or complementary learning activities before or after in-person programming. These create valuable opportunities to enrich the learning experience and to further hone judges' skills development. Preparatory sessions or work can be used to ensure that participants have a common base of knowledge; they can also identify important areas of focus or determine how to maximise the value of time spent together. At the other end, judges who are introduced to new skills at a programme can benefit from opportunities to apply those skills in their work settings and then debrief the experience (the successes and the challenges, what worked and what didn't) with peers and faculty at a follow-up online session. These types of activities have been shown to increase learning and support retention. Mentorship in these sessions supports judges

in working through any challenges or hurdles they may have encountered in applying the new skills in their real work environment. This full circle of learning supports the retention of new knowledge and skills and increases comfort with those new skills. In this way, the expansion of digital education that flowed from the COVID-19 pandemic is now being incorporated by the NJI into its curriculum more broadly. In doing so, the NJI is re-imagining the relationship between in-person and digital education and how the two blend.

International Engagement

Building on its domestic judicial education foundation, the NJI has been engaged internationally for over 25 years. This engagement is generally facilitated by invitation from a host country or implementing agency and is always in partnership with the host country's judiciary and/or judicial institutions. The approach is designed to supplement—not replace—the host's education systems. While NJI's core business internationally is judicial education, it also provides support in judicial reform, access to justice and institutional strengthening. Over the years, the NJI has partnered with 24 countries as diverse as Ukraine, Mexico, Ghana, Vietnam, the Philippines, Uzbekistan, Qatar, Chile, China, Ethiopia and Rwanda.

The largest and most recent NJI international project was with Ukraine, where the NJI, at times in concert with partners including Federal Judicial Affairs and funded by Global Affairs Canada, participated in three multi-year projects over a span of the past 15 years. During these projects, the Canadian judiciary was actively and directly engaged in Ukraine in projects to improve governance structures and institutional capacity of the judiciary and judicial administration; to improve judicial education and strengthen the National School of Judges and the High Qualification Commission in its oversight of judicial education; and to contribute to an independent, effective, fair and accountable justice system in Ukraine. The last of these projects was completed in

late 2021, prior to the outbreak of the war in Ukraine. While the NJI is not engaged in Ukraine at present, the NJI continues to remain in close contact with Ukrainian colleagues. The NJI was fortunate to host a delegation from Ukraine in the fall of 2022 in Ottawa during the conference of the International Organisation of Judicial Training (the 'IOJT') discussed below.

As NJI looks to the future, it is also re-imagining its international function. Some aspects of the NJI's international engagement will remain constant—its unique ability to provide bilingual and multijural education and its commitment to excellent pedagogy. Canada is unique in that it is both bilingual and multi-jural. The NJI's expertise in the civil law tradition and French language programming and resources enable it to work seamlessly across common and civil law legal traditions while its experience incorporating indigenous legal traditions into its judicial education translates well to other jurisdictions with multi-jural legal systems. An increasingly important component of the NJI's approach to international judicial education is its emphasis on incorporating digital education. The NJI's growing expertise in the use of digital resources domestically is already translating to its relationships with peer institutes in other countries. To support the NJI's work internationally we are presently formulating a new three-year strategic plan.

International Organisation of Judicial Training Conference

In the fall of 2022, the NJI was afforded the opportunity to showcase its judicial education efforts on the world stage by hosting the 2022 IOJT Conference. The theme of the conference was 'Effective Judicial Education: Understanding Vulnerable Populations' and it featured workshops, roundtables and panel discussions on the judicial response to human trafficking; violence against women and girls;

ensuring access to justice for Indigenous communities; populations affected by climate change; and trauma-informed judging. Building on lessons learned on virtual learning and judging throughout the pandemic, many sessions were also offered on the use of technology in judging and in judicial education. More than 230 delegates travelled to Ottawa to attend the conference, including judges, academics and experts from over 40 countries. It was a wonderful opportunity for the NJI and its peers from around the world to gather and share best practices in judicial education. The IOJT organises a similar event every two years and planning is now underway for the 2024 IOJT conference in Seoul, Korea.

LOOKING TO THE FUTURE

Having reinstated its full calendar of in-person programmes, enhanced its digital suite of training and resources, and re-engaged internationally as it organised and hosted the 2022 IOJT conference, the NJI now looks to the future. We will continue to explore opportunities for new modes of delivery, blending the best of the experiential in-person model with emerging technologies to improve the quality of our pedagogy and enhance the judicial education experience.

We look forward to our continued engagement with judicial educators and judicial institutes from around the world; to maintaining our existing relationships and forging new ones premised on our belief that an ongoing dialogue on judicial education will contribute to our collective experience and expertise and lay the foundation for ongoing improvement within each institute. To that end we would be pleased to respond to your inquiries and further the conversation in the months ahead. If you wish to do so, please send your inquiries to the NJI using the contact particulars on the home page of its website.

APPENDIX A – THE NJJ’S 20 PRINCIPLES OF JUDICIAL EDUCATION

20 Principles of Judicial Education

JUDICIAL EDUCATION AND THE JUDICIAL ROLE

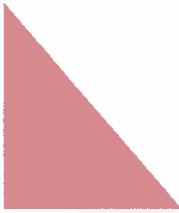
1. Judicial education is a key method of ensuring high standards of judicial performance and support for the rule of law.
2. Respect for Charter values and judicial independence must underpin all judicial education.

INSTITUTIONAL INDEPENDENCE AND POLICY FRAMEWORK

3. Judicial education must be offered under conditions of institutional and financial independence.
4. Strong support and involvement from Chief Justices and Chief Judges along with other respected judicial leaders is of central importance to foster a culture of judicial learning.
5. To facilitate and support judicial involvement, judicial education must be supported by appropriate policies, scheduling and resources.
6. Coordination among education providers is a useful way to enhance the range of education available and its cost-effectiveness.

JUDICIAL LEADERSHIP OF JUDICIAL EDUCATION

7. Judges must lead judicial education. Peer judicial education is a central principle of judicial education. Well-respected judges must be involved in the development and delivery of education activities and an organized judicial education institute provides the infrastructure, knowledge and support for this process.
8. Judicial faculty development is integral to supporting the peer education principle and ensuring high-quality judicial education that is sustainable over the long term.
9. Judges and non-judges can usefully collaborate on program planning and delivery; indeed programming is enhanced by involvement of legal practitioners, legal and other academics, and members of the wider community (the Three Pillars).
10. Judges need to be supported by curriculum and logistics experts in the planning and delivery of judicial education.



CURRICULUM DEVELOPMENT

11. An ongoing process of needs assessment is critical to ensuring that judicial education is relevant and responsive to judicial learning priorities and preferences.
12. A curriculum (with an inventory of course offerings) should guide the development and scheduling of courses.
13. The judicial education curriculum is disseminated, develops at both the national and local levels, and is enriched by incorporating comparative perspectives.

PROGRAM DESIGN PRINCIPLES

14. Judicial education programming must recognize the complexity of the judicial role and must practically and concretely address judicial roles, tasks and duties.
15. Judicial education should reflect the character and profile of the judiciary in Canada.
16. In order to address the full spectrum of judicial concerns, judicial education programs should integrate elements of substantive knowledge, skills development and social context (be 'Three Dimensional').
17. Programs and modules of education should be adaptable to enable delivery in different jurisdictional settings.

JUDICIAL EDUCATION PEDAGOGY

18. Judges are adult learners. Judicial education will be most engaging and effective when it implements adult learning principles and uses an experiential, skills-based approach.
19. Judicial education programs should reflect the best principles of education program design for professional learning environments.
20. Effective evaluation methods enable continuous improvement in the design and delivery of judicial education. Forms of evaluation must themselves respect judicial independence.