



**NATIONAL JUDICIAL INSTITUTE  
INSTITUT NATIONAL DE LA MAGISTRATURE**

IN REVIEW: 2016–2018

Advancing  
Judicial Education



## Advancing Judicial Education

2	Message from the Chief Justice of Canada
4	Message from the Executive Director of the National Judicial Institute (NJI)
6	Board of Governors
7	NJI: Who We Are and What We Do
8	The Judicial Role and NJI's 20 Principles of Judicial Education
12	Advancing Judicial Education
16	Judicial Education Delivered
21	NJI's International Work

# Message from the Chief Justice of Canada

Judicial education is one of the pillars of a strong justice system. In Canada, the National Judicial Institute (NJI) continues to be the primary education provider for the country's 2,500 judges, delivering educational programs and resources that help judges serve Canadians better. A world leader in judicial education, NJI also works to strengthen the administration of justice abroad through its International Cooperation Group.

It takes more than a judicial appointment to become a judge; a commitment to lifelong learning is essential. Given how quickly things change in society and the legal environment, judges need to keep on top of developments relevant to their work; hone judicial skills such as courtroom management; and understand the social context of their decision-making, in keeping with the values enshrined in Canada's constitution.

NJI's curriculum encompasses all these areas—law, skills, and social context. As an independent, judge-led organization, NJI also fosters judicial independence, providing judges with the tools to manage their own educational needs and undertake training all across Canada. The Institute owes a debt of gratitude to the many volunteer judges and other key contributors who make it possible for us to offer such a wide array of programs and resources.

As a justice of the Supreme Court of Canada, I served as Vice-Chair of the NJI Board of Governors for two years. Now, as Chief Justice of Canada, I am pleased to take on the role of Chair.

I look forward to building on NJI's dynamic programs and resources together with members of the judiciary, NJI's dedicated staff, and our partners in judicial education.

**The Right Honourable Richard Wagner, P.C.**

Chief Justice of Canada

Chair, Board of Governors, National Judicial Institute



LAFOREST & SABOURIN – COURTESY OF THE SUPREME COURT OF CANADA

## The Right Honourable Richard Wagner, P.C.

“CANADIAN JUDGES RECEIVE AN UNPARALLELED EDUCATION PROVIDED BY THE EXPERT STAFF OF THE INSTITUTE AND BY HUNDREDS OF VOLUNTEERS FROM OUR COURTS, OUR UNIVERSITIES, THE LEGAL PROFESSIONS AND OUR COMMUNITIES.”

– THE RIGHT HONOURABLE RICHARD WAGNER, P.C., CHIEF JUSTICE OF CANADA

## Message from the Executive Director

**T**hirty years ago, the National Judicial Institute (NJI) was created.

NJI was originally intended to be a secretariat, coordinating the judicial education activities of various organizations. From that humble role, NJI has developed into a world-class judicial educator, offering close to 200 days of judicial education per year to Canadian judges, and providing support internationally by collaborating with other institutes and judiciaries to improve training for their judges.



PHOTO: ANDREW BLAKELY

At a time when Canadians expect accountability and transparency from all those who serve them—including the judiciary—NJI is launching this report, *In Review 2016 – 2018*.

The past year has been a year of change on many fronts. NJI said goodbye to our Chair, the Right Honourable Beverley McLachlin, who led the Institute through a dynamic period of growth and development during her 17 years as Chief Justice of Canada. In December, NJI welcomed its new Chair, the Right Honourable Richard Wagner, and its new Vice-Chair, Justice Andromache Karakatsanis.

Another significant development over the past year has been the increased interest from Canadians in how our judges are trained. Judges' fundamental role is to serve Canadians. Fulfilling that role requires continuing education as Canada changes. Our society is diverse and multicultural. That complexity is one of Canada's strengths, and it requires judges to understand the reality of those who are different from themselves.

NJI formerly considered that it worked in a bijural legal system. Now, however, the Institute recognizes the richly varied legal systems of Indigenous peoples across Canada. Our country is multijural, and NJI operates in a multijural environment. NJI acknowledges that, along with all Canadians, we must heed the Calls to Action of the Truth and Reconciliation Commission.

Our programs and resources continue to reflect Canada's diversity, as well as emphasize substantive knowledge and skills development. While judges come to the bench with years of legal training and practice, they need to learn new skills particular to the judicial role. Their role in hearing cases requires not only current legal knowledge, but the ability to apply that knowledge effectively and fairly. Education in the law and these unique skills, along with education on the context of the people whom judges serve, form the curriculum of NJI.

As we move forward, we will maintain our commitment to developing innovative judicial education that meets the changing needs of Canada's judiciary and ultimately helps to strengthen the justice system.

**The Honourable C. Adèle Kent**

Executive Director, National Judicial Institute

“ JUDICIAL EDUCATION MUST CONTINUE TO ADAPT AS CANADIAN SOCIETY BECOMES MORE DIVERSE AND CULTURALLY RICH. WE ARE NO LONGER ABLE TO RELY ON JUST OUR OWN WORLD VIEW TO RESOLVE DISPUTES. INSTEAD, WE MUST EMBRACE OUR CULTURAL DIFFERENCES. WITHIN THE BOUNDS OF JUDICIAL INDEPENDENCE, THIS INCLUDES ACTIVE COMMUNITY ENGAGEMENT. ”

– THE HONOURABLE MICHAEL MACDONALD, CHIEF JUSTICE OF NOVA SCOTIA

## The Board of Governors (2018)

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### Chair

The Right Honourable  
Richard Wagner, P.C.  
Chief Justice of Canada  
*Supreme Court of Canada*

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### Vice-Chair

The Honourable  
Andromache Karakatsanis  
*Justice of the Supreme Court  
of Canada*

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Appeal of New Brunswick*

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Deborah K. Smith  
*Associate Chief Justice of the  
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*Professor, Faculty of Law  
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The Honourable Frank Iacobucci  
*Retired Justice, Supreme Court  
of Canada*

The Honourable  
William A. Stevenson  
*Retired Justice, Supreme Court  
of Canada*

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### Executive Director

The Honourable C. Adèle Kent\*

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### Secretary to the Board

Mr. Gib van Ert  
*Executive Legal Officer  
Supreme Court of Canada*

\* *On secondment from the  
Court of Queen's Bench of Alberta*

# NJI: Who We Are and What We Do

The National Judicial Institute is a not-for-profit, bilingual, and independent organization dedicated to developing and delivering high-quality educational programs and resources for all federal, provincial, and territorial judges.

Alone or in partnership with courts and other judicial education organizations, NJI is involved in the delivery of the majority of education programs taken by judges in Canada. The organization—which relies greatly on the volunteer contributions of judges across the country—has about 50 employees, including judicial education counsel, event planning professionals, and staff in finance, information technology, communications, and translation.

To meet the fullest possible range of judges' needs in a country as large and complex as Canada, courses and resources—the judicial education “portfolio”—are available in a variety of formats. At one end of the continuum are in-person courses. At the other end are educational resources that judges can access online at any time.

In fulfilling its mandate, NJI remains committed to upholding *Charter* values, judicial independence, and the rule of law. Our curriculum is broad, encompassing: criminal, family, and civil law; issues facing contemporary Canadian society; the *Charter*; evidence; social context; developments in science; judicial administration; trial management; settlement conferences; as well as a host of other topics for judges at all stages of their career.

The Institute's course development and scheduling are based on a curriculum that is meticulously organized and constantly updated to ensure that judicial education meets the learning needs of judges over time.

## OUR MISSION STATEMENT

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Building better justice through leadership in judicial education

# The Judicial Role and NJI's 20 Principles

## Judges Must Lead Judicial Education

One of the fundamental principles of an independent judiciary is that judges must be free from extraneous influences when deciding cases. Education for judges must be led by judges themselves. This does not mean that only judges teach. Rather, it means that judges are in charge of the design and delivery of courses that are taught by judges and members of the academic and larger community. A program of education could have presenters such as law professors, police officers, outreach workers, Indigenous Elders, and so on. Judicial education is designed by the judges to ensure that the education is accurate, balanced, and non-prescriptive, and includes diverse perspectives.

Having judges in the lead means that many members of the judiciary volunteer countless hours of their time on weekends, evenings, and holidays. Each NJI program is developed through the work of a planning committee, composed mostly of judges but sometimes with academics and community members on the team. Meetings are for the most part conducted by phone, with NJI legal and logistical staff providing pedagogical advice, research, and support.

SINCE ITS INCEPTION IN 1988, THE NATIONAL JUDICIAL INSTITUTE HAS BEEN COMMITTED TO BUILDING BETTER JUSTICE THROUGH LEADERSHIP IN THE EDUCATION OF JUDGES IN CANADA AND ABROAD.

“Confidence in the judiciary is essential to the rule of law, and the education of judges is essential to confidence in the judiciary. With these fundamental principles in mind, in April 2018, the Canadian Judicial Council passed its new *Professional Development Policies and Guidelines*. NJI will be working with Chief Justices and courts across the country to implement these policies.”

– The Honourable Deborah K. Smith, Associate Chief Justice of the Supreme Court of Nova Scotia, and Chair of the Judicial Education Committee, CJC

## 20 Principles of Judicial Education

In October 2006, the NJI Board of Governors approved the principles that guide how NJI conceptualizes and implements judicial education. These 20 Principles were distilled from experience and collective discussion among NJI staff and judges. They also guide NJI's approach to international judicial education.

From 2015 to 2017, NJI, along with L'École nationale de la magistrature of France, led the process which culminated in the unanimous adoption of the *Declaration of Judicial Training Principles* by the International Organization of Judicial Training. While the IOJT principles are organized somewhat differently to accommodate judicial institutes from around the world, the fundamental concepts contained in NJI's 20 Principles are in the IOJT declaration.



Fair • Impartial • Effective • Efficient

## 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.

# Advancing Judicial Education

## Dimensions of Judicial Education

Judicial education programs should integrate elements of substantive knowledge, skills development, and social context. Social context education has become a common phrase in public conversations about judicial education over the past year. It is an important part of judicial education. The two other vital dimensions are ensuring that judges have complete and current knowledge of the law, and assisting judges in perfecting judicial skills.

What does that look like in practice?

For instance, judges might attend a family law program that includes a session on a recent decision from the Supreme Court of Canada on parenting. In addition to reviewing the decision to understand how it fits with the relevant legislation and other cases, judges would spend time learning the unique skills of conducting a settlement conference between two parents in a high-conflict parenting case; participants might also hear from representatives of a community of new Canadians in a segment addressing the challenges of integrating the values and customs of that community into not only the law on parenting in Canada, but the fundamental values that shape that law.

IN ACCORDANCE WITH THE PRINCIPLE OF JUDICIAL INDEPENDENCE, NJI IS LED BY JUDGES, INCLUDING THE MEMBERS OF THE BOARD OF GOVERNORS, AND THE CHIEF JUDICIAL OFFICER.

"I AM PARTICULARLY PASSIONATE ABOUT CONTINUING EDUCATION FOR JUDGES, BECAUSE I BELIEVE IT IS ESSENTIAL THAT JUDGES STAY CURRENT WITH THE LAW AS IT EVOLVES. I BELIEVE EQUALLY THAT JUDGES MUST BE MINDFUL OF CULTURAL ISSUES, AND WITH EVER-CHANGING SOCIAL CONTEXT FACTORS THAT IMPINGE ON THE DECISIONS JUDGES MUST MAKE EVERY DAY. THESE PRINCIPLES FORM THE FOUNDATION FOR NJI'S EDUCATIONAL PROGRAMMING."

– The Honourable Judge Rita Bowry, Provincial Court of British Columbia

Education delivered through NJI helps judges strengthen their  
decision-making in a number of ways:

## Substantive Knowledge

JUDGES NEED TO LEARN ABOUT DEVELOPMENTS IN ALL AREAS OF STATUTORY LAW AND JURISPRUDENCE THAT ARE RELEVANT TO THEIR WORK. THIS INCLUDES EFFORTS TO RECONCILE NEW DEVELOPMENTS WITH EXISTING LAW AND WITH OUR CONSTITUTIONAL FRAMEWORK AS A WHOLE.

## Procedural Skills

JUDGES NEED TO KNOW THE IMPORTANCE, SCOPE AND LIMITS OF THE JUDICIAL ROLE ON A PRACTICAL LEVEL. THIS ENABLES THEM TO MANAGE CASES AND COURTROOMS EFFICIENTLY, TO ENSURE PARTIES AND WITNESSES ARE TREATED WITH CIVILITY AND COURTESY, AND TO COMMUNICATE THEIR DECISIONS IN WAYS THAT ALL INTERESTED OBSERVERS CAN UNDERSTAND.

## Contextual Awareness

JUDGES NEED TO UNDERSTAND AND ACCOUNT FOR DIVERSITY AND DISADVANTAGE ALONG SOCIAL, CULTURAL AND ECONOMIC LINES. THIS ALLOWS JUDGES TO ENGAGE WITH LEGAL PRINCIPLES AND UNDERSTAND THE PEOPLE BEFORE THEM IN A WAY THAT ADVANCES THE CONSTITUTIONAL GUARANTEE OF EQUALITY.

## Training the Trainers

Judges involved in creating and delivering judicial education should themselves be trained in the principles of adult learning and the wide range of learning formats available. Adhering to this principle enhances and protects judicial independence, ensuring training is directly relevant to the professional needs of judges.

Judges have a wide range of skills and experiences that are important resources in the teaching and learning process. They are dedicated and knowledgeable educators whose teaching skills can be honed when they have access to specialized programs to develop their abilities in teaching fellow judges and designing applied and experiential programs.

The key benefit of having a judicial education institute is the development, over time, of an intellectual infrastructure that makes it possible to deliver high-quality, judge-led education over the long term. NJI remains committed to training judges to teach and facilitate at future programs through its faculty development seminars.

Its latest such seminar, held in March 2017, was strongly reviewed, with 100 per cent of participants rating the program as “excellent” or “very good.” One participant summed up how it engaged and inspired judges: “Thank you for the hard work in creating this seminar. It made me appreciate there is more to teaching than meets the eye. [The seminar] was extremely effective, with smart, dedicated teachers trying to inspire us to become smart, dedicated teachers.”

NJI'S JUDICIAL EDUCATION COUNSEL ARE LAWYERS WHO ARE TRAINED IN JUDICIAL EDUCATION DEVELOPMENT. THEY WORK WITH JUDICIAL PLANNING COMMITTEES AND FACULTY TO DEVELOP AND DELIVER NJI'S PROGRAMS.

“I WORK ON NJI PROGRAMS FOR MANY REASONS: IT KEEPS ME UP TO DATE, I GET TO WORK WITH WONDERFUL NJI STAFF WHO MAKE IT EASY FOR ME, AND I MEET OTHER JUDGES FROM ACROSS THE COUNTRY. BUT MOST IMPORTANTLY, I WORK ON NJI PROGRAMS BECAUSE IT IS INTERESTING, MAKES ME FEEL PART OF A NATIONAL COMMUNITY, AND GIVES ME PERSPECTIVES ON THE LAW AND MY WORK THAT I WOULD NOT OTHERWISE HAVE DEVELOPED.”

– The Honourable Justice Freda Steel, Court of Appeal for Manitoba

## Development of Online Resources

NJI is devoted to ensuring that all Canadian judges—including those in remote communities—have ongoing access to quality training, up-to-date materials, and effective productivity tools. Our website hosts a rich array of resources for Canadian judges that are meant to supplement our in-person seminars. These resources evolve to match the needs of judges.

In 2016, NJI completely redesigned its judge-facing website to make it more accessible and easier to navigate. This new website hosts a number of key resources, including subject collections (curated collections of the best materials from programs across the country), bench books, two popular monthly e-Letters on criminal law and family law, a note-taking template, and model jury instructions. All of our resources are reviewed by panels of judges, with material provided by leading experts.

NJI recognizes that Canada is a multijural nation. In addition to materials reflecting our common law and civil law traditions, NJI offers a variety of resources on Indigenous law; these were updated in 2017. Our website hosts resources on all areas of law, including criminal, civil, and family, with the *Evidence* bench book being the most frequently accessed. In 2017, NJI developed a series of videocasts by judges and academics exploring the law, evidence, and context of sexual assault trials.

### PROJECT EXAMPLE

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WITH THE SUPPORT OF THE CANADIAN JUDICIAL COUNCIL, NJI HAS PRODUCED A SERIES OF INFORMATIVE VIDEOCASTS ON SEXUAL ASSAULT LAW AND TRIALS TO SUPPLEMENT EDUCATIONAL MATERIALS AND PROGRAMS ALREADY AVAILABLE FOR JUDGES. THE VIDEOCASTS DEAL WITH ISSUES OF CONSENT AND NON-CONSENT, DISCLOSURE OF PRIVATE RECORDS, AND AVOIDING MYTHS AND STEREOTYPES.

# Judicial Education Delivered

## EXAMPLES OF NATIONAL PROGRAMS

### Judicial Response to Terrorism: Case and Courtroom Management

What is the impact on the judicial system when governments confront global threats to national security? How has the traditional role of judges evolved to meet those threats? This two-day seminar explored the legislative tools in counter-terrorism and the judicial response to the challenges of national security. Opening with an overview of global threats to national security and the legislation enacted to protect Canadians from terrorism, the program examined the intricacies and complexities of these proceedings, and explored procedural and legal challenges that can arise at each stage of a terrorism trial.

### Oral Judgments

All judges make oral rulings and deliver oral judgments in some, or many, of the cases that come before them. Oral judgments represent an important method of ensuring that judges are able to manage their workload and deliver timely decisions. However, there are many challenges in making effective use of this important technique.

This advanced, hands-on seminar provided participants with an opportunity to determine when oral rulings and judgments are appropriate. Judges had a chance to practise this important skill and receive feedback from experienced faculty and facilitators. They were provided with practical tools, templates and other materials to help them prepare for, develop, or deliver oral rulings and judgments.

IN THE 2016 CALENDAR  
YEAR, NJI PROVIDED

# 193

DAYS OF JUDICIAL  
EDUCATION PROGRAMMING

"THIS WAS A SUPERB CONFERENCE. IT INVOLVES A COMPLEX AND NUANCED AREA OF THE LAW THAT IS VERY MUCH IN ITS EARLY DEVELOPMENT, BUT WHICH IS LIKELY TO EXPAND AND THEREFORE DESERVING OF ATTENTION. THE PRESENTATIONS WERE CHALLENGING, RELEVANT AND DELIVERED AT A HIGH LEVEL."

– *Judicial Response to Terrorism* participant

## Curriculum | April 2016 to March 2018

Criminal Law Seminar	New Brunswick All Courts Education Seminar	Court of Queen's Bench of Alberta Education Seminars
Seminar for New Federally Appointed Judges: Spring and Fall Programs (with the Canadian Institute for the Administration of Justice)	Court of Queen's Bench for Saskatchewan Spring and Fall Education Seminars	Federal Court Annual Education Seminar
Criminal Jury Charge Workshop	Communication Skills in the Courtroom	Joint Education Seminar for the Courts of Appeal of Newfoundland and Labrador and Prince Edward Island
Court of Queen's Bench of Manitoba Spring and Fall Education Seminars	Tax Court of Canada Education Seminars	Canadian Association of Provincial Court Judges [CAPCJ] National Education Conference
Superior Court of Justice (Ontario) Spring and Fall Education Seminars	Provincial and Territorial Education Chairs' Seminar	Court of Appeal for Saskatchewan Fall Education Seminar
Judicial Ethics Seminar	Case Management in Family Law	Criminal Jury Trials Seminar
Supreme Courts of Nova Scotia and Prince Edward Island Education Seminars	Evidence Workshop	Judges and Jails: The Realities of Incarceration
Class Actions Seminar	Court of Queen's Bench of New Brunswick Spring and Fall Education Seminars	Superior Court of Justice (Ontario) Family Court Branch Inaugural Heidi S. Levenson Polowin Education Seminar
Civil Law Seminar	Ontario Court of Justice Annual Family Law Program	Federal Court of Appeal Education Seminar
Ontario Court of Justice Education Seminars	Survive and Thrive: Optimizing Judicial Productivity	Newly Appointed Provincial and Territorial Judges' Skills Seminar
Supreme Court of British Columbia Education Seminars	Joint Meeting of the Superior Court of Québec and the Court of Québec: Settlement Conferencing	Moving Cases to Resolution
Superior Court of Québec Divisional Meetings and Education Seminars	Symposium in Honour of the Honourable Justice Marc Rosenberg (with Osgoode Hall Law School)	
Supreme Court of Newfoundland and Labrador Education Seminars		

“Best program that I have taken. Taught skills that will allow me to make decisions that are structured and allow the parties to hear my decisions in a timely way.”

– Oral Judgments participant

Hearing and Deciding  
*Charter* Issues

Nova Scotia All Courts  
Education Seminar

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

Judges with Community:  
Deepening our Understanding  
of Mental Health

Family Law Seminar

Indigenous Law Seminar

Business, Corporate and  
Commercial Law Seminar

Insolvency Seminar

Judicial Faculty Development  
Seminar: Focus on Facilitation  
and Skills-Training

Oral Judgments

Managing Cases with  
Self-Represented Litigants

Preventing Wrongful  
Convictions

Productivity, Management and  
Leadership for Chief Justices,  
Chief Judges and Administrative  
Judges

Federal Court of Appeal and  
Federal Court Education  
Seminar: Maritime Law

Judicial Settlement  
Conferencing: Clinics

Northern Courts Education  
Seminar

Joint Education Seminar for the  
Courts of Appeal of Alberta and  
British Columbia

Safety and Security of Women:  
Joint Program, Canadian  
Chapter of the International  
Association of Women Judges  
and NJI

Look to the Future

Joint Education Seminar  
of the Court of Appeal for  
Saskatchewan and the Manitoba  
Court of Appeal

Managing and Maintaining  
Control in Large Jury Cases

Atlantic Courts Education  
Seminar for Federally  
Appointed Judges

Good Judgment: Judicial  
Decision-Making and Judicial  
Method

Supreme Court of Canada  
Symposium: Looking to the  
Future

British Columbia All Courts  
Education Seminar

Dialogues on Judging:  
Challenges and Rewards  
of a Long-Serving Career  
(Joint CIAJ and NJI Program)

Assessing and Building  
Intercultural Competence

Court Martial Appeal Court of  
Canada Education Seminar

The Judicial Response to  
Terrorism: Case and Courtroom  
Management

The Art and Craft of Judging:  
Your "Sophomore Years"

Science in the Courtroom

IN THE 2017 CALENDAR  
YEAR, NJI PROVIDED

180

DAYS OF JUDICIAL  
EDUCATION PROGRAMMING

"THE PRESENTERS WERE COLLECTIVELY EXCEPTIONAL. THE CONTENT WAS  
FOCUSED AND EASILY ABSORBED. THE DECISION TREE AND ANALYTIC TEMPLATES  
ARE WELL DONE AND WELL WORTH ADDING TO ONE'S TOOLBOX."

– *Hearing and Deciding Charter Issues* participant

### Hearing and Deciding *Charter* Issues

*Charter* issues permeate and dominate all other legal issues in Canada. Because of the frequency with which they arise and the tremendous impact they can have over the outcome of a case, these issues must be handled both efficiently and expertly. This program provided participants with practical skills and tools to manage common *Charter* applications and challenges to legislation, including common procedural hurdles. The program also explored the broader implications of *Charter* values on the role of the judge.

### Judges and Jails: The Realities of Incarceration

*Judges and Jails* takes an immersive approach to issues around sentencing and corrections—issues that are at the core of a judge’s role. During the five-day seminar, judges visited a variety of correctional institutions: federal correctional institutions housing inmates sentenced to more than two years; medical and mental health treatment facilities; and a federal minimum-security Healing Village, which seeks to connect inmates with traditional Indigenous knowledge and practices to aid in their reintegration into society. Judicial participants also attended parole board hearings, where they saw first-hand the scrutiny given by the parole board when assessing whether an inmate poses a risk on release. These visits were complemented by skills-based educational programming focused on sentencing, social context and incarceration, including: considerations in the process of sentencing to custody; how to ensure that custodial sentences are as effective as possible; and what actually happens to offenders after they are sentenced to a custodial term.

“This was an eye-opener for me. I have been to jails previously, but for very brief visits. To see the different facilities and listen to people who work in the system was very informative. All judges should take this program, even very experienced judges.”

– *Judges and Jails* participant

## Indigenous Law Seminar

Answering the call of the Truth and Reconciliation Commission for increased education to justice system participants, this seminar focused on Indigenous laws and legal traditions. The program was highly interactive and provided participants with opportunities to work through fact scenarios in order to gain practical skills. Judges applied Secwepemc legal principles to a "land and resource use" scenario involving a conflict between two internal groups within a First Nation community; distilled the legal principles emerging in a Cree story; and applied Coast Salish legal principles to a family wellness fact scenario. The seminar was held on Indigenous territory at the Musqueam Cultural Education Resource Centre, located on the Musqueam Indian Reserve, and involved Elders, community members, scholars, judges, and counsel as faculty.

## ACKNOWLEDGMENTS

NJI gratefully acknowledges the contribution of the many Canadian judges who volunteer their time and efforts to developing our judicial education programs and resources. Their unwavering commitment makes it possible for the Institute to provide a sustainable and broad range of education to Canada's judiciary.

NJI also wishes to thank its partner organizations, who are key contributors to the ongoing professional development of Canadian judges:

- The Canadian Judicial Council
- The Office of the Commissioner for Federal Judicial Affairs
- The Canadian Association of Provincial Court Judges
- The Canadian Institute for the Administration of Justice
- The Canadian Chapter of the International Association of Women Judges

FOR THE PAST TWO  
FISCAL YEARS

95%

OF OUR PARTICIPANTS  
EVALUATED OUR NATIONAL  
SEMINARS AS "EXCELLENT"  
OR "VERY GOOD."

“Facilitators were helpful, and the frank exchange of ideas was encouraged. A welcoming, respectful environment was created.”

– Indigenous Law Seminar participant

## NJI's International Work

NJI's International Cooperation Group (ICG) seeks to strengthen the rule of law through judicial education and reform. Working closely with partners in Canada and in developing countries, ICG responds to requests for judicial expertise from around the world. While ICG has a small staff operating out of NJI headquarters in Ottawa, much of its work occurs abroad. In 2017, ICG focused its efforts on implementing two major judicial education and reform projects in Ukraine, conducting skills-based judicial training in the new adversarial system in Mexico, designing and implementing judicial education programs for Zambia and Malawi in movable property and security interests, and working in partnership with the Justice Studies Center of the Americas in judicial education and training.

### Highlights

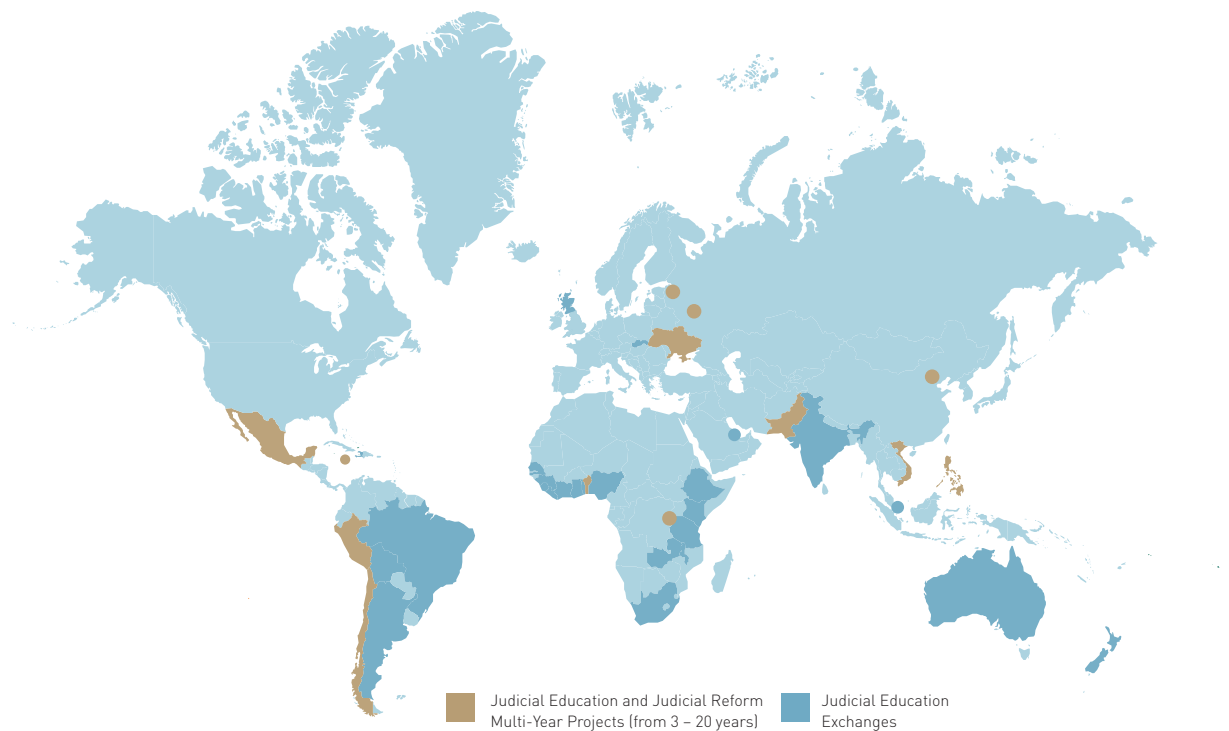
In partnership with Canada's Office of the Commissioner for Federal Judicial Affairs, NJI wrapped up its six-year *Judicial Education for Economic Growth* (JEEG) project in Ukraine, and an independent evaluation documented its success and legacy. The project involved strengthening the capacity of the National School of Judges (NSJ) in Ukraine, training judicial education trainers in adult education principles, and introducing judicial assisted dispute resolution in Ukraine.

In 2016, NJI began working with Canadian and Ukrainian partners on the multi-year *Support to Judicial Reform Project* (SJRP) in Ukraine, which aims to assist in implementing reforms in support of an independent, effective, fair, and accountable justice system in Ukraine. The most noteworthy project accomplishments include providing training to newly appointed Supreme Court judges and several regional Chief Justices, assisting the High Qualifications Commission with establishing procedures and qualifications for judicial appointments, and working with other projects and donor agencies to maximize the resources available for judicial reform.

In Mexico, NJI and the University of Ottawa carried out several missions and activities, including developing courses in oral judgments and the evaluation of evidence. Both courses are highly interactive and incorporate NJI's pedagogy throughout. NJI received judicial delegations on study tours from several countries during 2016 and 2017, including high-level judges from China and Latvia, and a group of nine judge trainers from Mexico, who participated in NJI's *Evidence Workshop*.

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Fifteen Years of Affecting Change Through Judicial Education and Reform:  
NJI's International Cooperation Group (ICG) Projects



Education to improve justice

## Postscript

Since the publication of *In Review 2016–2018*, Danielle May-Cuconato joined NJI as the new Chief Executive Officer, working in partnership with me in my new role as Chief Judicial Officer.

Under a joint leadership model, the Chief Judicial Officer and Chief Executive Officer provide overall leadership and direction for all NJI operations, programs, and projects. Responsibilities include liaison with the NJI Board of Governors, the Canadian Judicial Council, the Canadian Council of Chief Judges, the Office of the Commissioner for Federal Judicial Affairs, courts, judges, judicial education organizations, government ministries and agencies, as well as other relevant agencies and stakeholders, both Canadian and international.

The Chief Judicial Officer is responsible for program development and implementation, while the Chief Executive Officer is responsible for overall supervision and management at NJI. We work collaboratively with the Board to develop policy and plan for the long term.

**The Honourable C. Adèle Kent**  
Chief Judicial Officer,  
National Judicial Institute

**Danielle May-Cuconato**  
Chief Executive Officer,  
National Judicial Institute