



NATIONAL JUDICIAL INSTITUTE
INSTITUT NATIONAL DE LA MAGISTRATURE

BUILDING BETTER JUSTICE



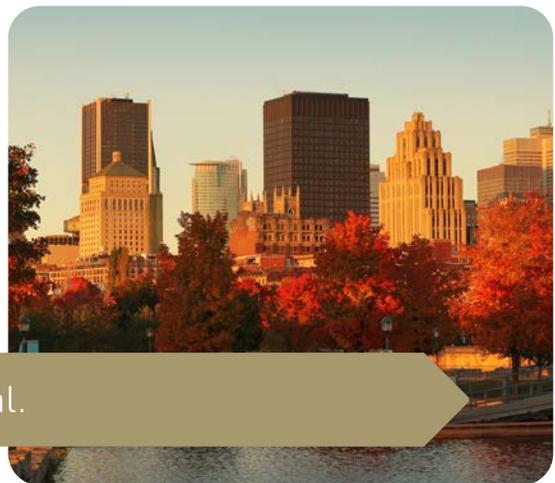
CELEBRATING 35 YEARS

IN REVIEW 2022-2023



BUILDING BETTER JUSTICE

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The NJI has offices in Ottawa and Montreal.

PHOTO CREDITS:

Page 1: LAFOREST & SABOURIN - COURTESY OF THE SUPREME COURT OF CANADA

Pages 22 and 23: ARCHIVES OF THE NATIONAL CENTRE FOR TRUTH AND RECONCILIATION

Page 34: PHOTO OF CHIEF JUSTICE WAGNER COURTESY OF THE SUPREME COURT OF CANADA

MESSAGE FROM THE CHIEF JUSTICE OF CANADA

Since its inception in 1988, the National Judicial Institute (NJI) has played an essential role in strengthening Canada's justice system by supporting the professional development and continuing education of the country's 2,600 judges. For 35 years, the NJI has proudly worked to develop and deliver stimulating programs and a variety of digital resources that foster judicial excellence.

As I reflect on this momentous anniversary, both as Chief Justice of Canada and Chair of the NJI's Board of Governors, I believe that role is more important now than ever before. The strength of our justice system rests not only on foundational commitments to the rule of law, judicial independence, and respect for human rights, but also on the existence of a highly skilled, dedicated, and professional judiciary.

This past year, after a two-year interruption due to COVID-19, the NJI was able to resume in-person courses on a broad scale, with all the attendant educational possibilities the Institute provides, such as small-group discussions, interactive exercises, site visits, and networking opportunities. The NJI also emerged from the pandemic with a comprehensive array of digital resources that judges in Canada can consult on demand, such as self-study courses, podcasts, and webinars. Meanwhile, the organization continues to make strides to integrate in-person and digital learning opportunities to further expand and enrich judicial professional development.

Throughout its history, the NJI has demonstrated a profound commitment to international engagement. To that end, in partnership with the International Organization for Judicial Training (IOJT), the NJI co-hosted the pre-eminent international conference in the field of judicial education over four days in Ottawa. The theme of *Understanding Vulnerable Populations* was particularly timely, since many delegates came from areas affected by war and climate change. I wish to thank all who took part in this outstanding event.

Just as the strength of our justice system depends on the dedication and hard work of the judiciary, the NJI owes a debt of gratitude to the countless planning committee members, judicial presenters, faculty, and staff who work passionately to prepare and deliver such high-quality programs and resources. I am deeply grateful for your generous contributions to judicial education that, ultimately, serve to improve the justice system for all.

Please join me in wishing the NJI continued success in the years ahead.

The Right Honourable Richard Wagner, P.C.

Chief Justice of Canada

Chair, Board of Governors, National Judicial Institute



MESSAGE FROM THE CHIEF JUDICIAL OFFICER AND CHIEF EXECUTIVE OFFICER



The Honourable Justice Tom Crabtree
Chief Judicial Officer, NJI

Danielle May-Cuconato
Chief Executive Officer, NJI

The National Judicial Institute’s mission is to “build better justice through leadership in judicial education.” This past year has provided many opportunities for the NJI to solidify its reputation as a world leader in judicial professional development: resuming in-person programs with innovative new seminars, releasing path-breaking on-demand resources, and hosting a major international conference.

As the Institute celebrates its 35th anniversary, we are delighted to be back to delivering education seminars in person. As we learned during the pandemic, virtual education offers myriad possibilities, but some elements of judicial education are better suited to an in-person experience. At in-person NJI seminars, judges share experiences and expertise, workshop problem-solving strategies, practise skills, and benefit from peer feedback in a learning environment conducive to critical thinking and experiential, hands-on learning.

Many judicial education needs can be addressed effectively through online resources. Thanks to two years of intense development, the NJI’s digital resources, including self-study courses, podcasts, and webinars, have become an essential component of our judicial education curriculum. Accessible anytime, anywhere, our digital resources support judges’ immediate learning needs through self-study courses, electronic bench books, and other research tools. These resources can also be used by judges to complement our in-person programs, allowing judges to study a topic prior to a program to enrich the in-person experience, or following a program to reinforce, reflect on, and deepen their understanding of what they learned.

The last year for the NJI was remarkable not only for the calibre and the different ways in which judicial education was provided, but also for the sheer extent of education delivered to meet the needs of federally appointed, provincial and territorial court judges. When it comes to live programming, the NJI delivered 79 separate seminars, including both national and court-based education, for an unprecedented total of 211 individual days of judicial education programming. Turning to our on-demand options, the NJI launched 40 new online courses, resources, and publications, and published 28 criminal and family law newsletters providing monthly case law

MESSAGE FROM THE CJO & CEO (CONT'D)

updates and analysis to judicial subscribers. To top it off, in the fall of 2022, the NJI showcased its judicial education efforts on the world stage by hosting IOJT 2022, the *10th Biennial Conference of the International Organization for Judicial Training* (IOJT).

Our 2022-2023 achievements were made possible by a modern and mature organizational infrastructure befitting a judicial education institute turning 35. A small but mighty team of human resources, IT, communications and finance specialists work hand in glove with members of the digital and in-person education departments, enabling us to adopt a comprehensive and integrated approach to judicial education design and delivery. We are grateful to our dedicated staff across all departments who work together to provide the best possible learning opportunities and experiences to Canadian judges, regardless of whether that learning occurs in a seminar room, online, or through a combination of the two.

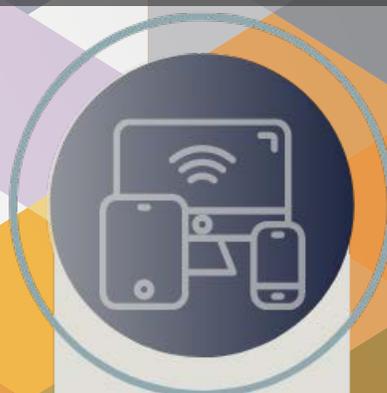
Finally, we wish to say a special thank you to our many, dedicated volunteer judges who so generously contribute their time, knowledge, and experiences to judicial education. Our judicial contributors make it possible for us to fulfill our mandate to build better justice by providing timely, relevant, and innovative judicial education.

NJI BY THE NUMBERS: FISCAL YEAR 2022-2023



79

IN-PERSON
EDUCATION
PROGRAMS



40

NEW ONLINE
COURSES,
RESOURCES
AND PUBLICATIONS



INTEGRATED AND
COMPLEMENTARY
PROFESSIONAL
DEVELOPMENT
OPTIONS



◆ CHAIR

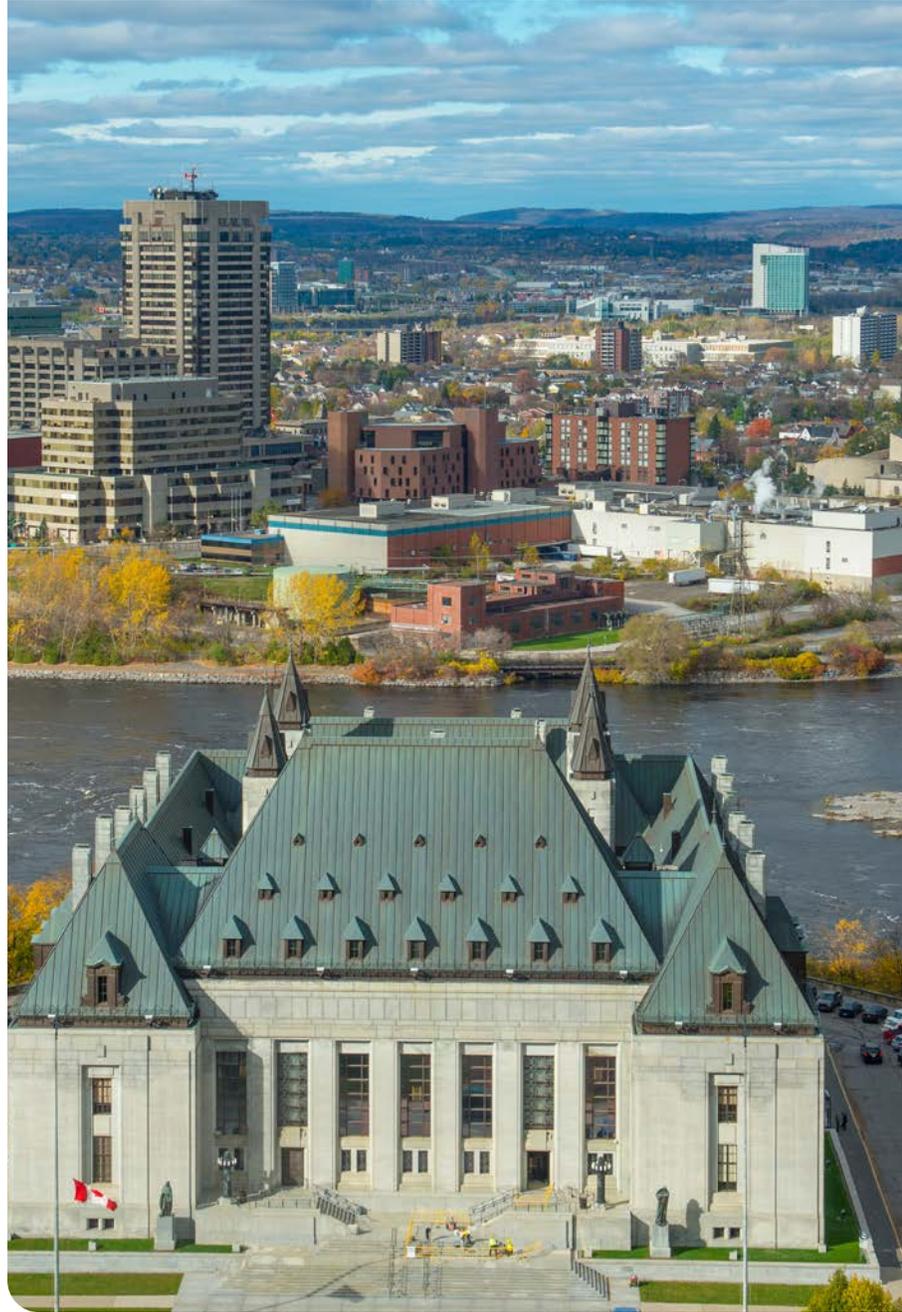
**The Right Honourable
Richard Wagner, P.C.**
Chief Justice of Canada

Appointed Chief Justice of Canada in 2017 after serving on the Supreme Court since 2012, Chief Justice Wagner has led numerous initiatives to improve the justice system throughout his distinguished legal career. He continues to do so by promoting access to justice and the ongoing professional development of judges.

◆ VICE-CHAIR

**The Honourable Justice
Nicholas Kasirer**
Supreme Court of Canada

Justice Kasirer was appointed to the Supreme Court of Canada in 2019, after having served for a decade as a judge on the Court of Appeal of Quebec. Prior to that, he was a professor of law at McGill University, where he also served as Dean of Law from 2003 to 2009. Justice Kasirer has authored more than 100 publications.



**An investment in judicial education is an investment
in democracy and the rule of law.**



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

◆ BOARD MEMBERS

The Honourable Justice Chantal Corriveau

Superior Court of Québec

Justice Corriveau, appointed to the bench in 2005, was the education chair of the Superior Court of Quebec from 2015 to 2019. She has been on the board of directors of the Canadian Institute for the Administration of Justice and the Canadian Forum on Civil Justice, and has served as president of the Quebec branch of the Canadian Bar Association.

The Honourable Deborah E. Fry, Chief Justice

*Court of Appeal of Newfoundland
and Labrador*

Deborah Fry was appointed Chief Justice of Newfoundland and Labrador in 2018. Since becoming a judge in 2007, she has participated in national and international projects, and is passionate about assisting with innovative dispute resolution processes. Prior to her appointment to the bench, Chief Justice Fry had a long career in the public service, serving as Deputy Minister of several departments.

The Honourable Judge Theodore Tax *Provincial Court of Nova Scotia*

Fluently bilingual, Judge Tax brought more than 30 years of legal experience to the bench. Prior to his appointment in 2008, he served as senior director of the Atlantic region for the federal Department of Justice. Having initially started his legal career in Winnipeg, Judge Tax appeared in four courts of appeal, the Federal Court Trial Division, the superior trial courts in Manitoba and all Atlantic provinces, as well as the Canadian Human Rights Tribunal.

The Honourable Lise Maisonneuve, Chief Justice

Ontario Court of Justice

Appointed Chief Justice of the OCJ in 2015, Chief Justice Maisonneuve continues to devote her efforts to modernizing the Court, improving access to justice, and promoting judicial education. Before becoming a judge in 2003, she practised criminal law and was a special legal adviser to former Chief Justice of Canada Brian Dickson on several military investigations.

The Honourable J.C. Marc Richard, Chief Justice

Court of Appeal of New Brunswick

Chief Justice Richard, appointed to the Court of Appeal of New Brunswick in 2003, is actively involved in promoting judicial ethics and judicial education in Canada and abroad. He has served as co-chair of the Canadian Advisory Committee on Judicial Ethics, as president of the Canadian Superior Courts Judges Association, on several committees of the Canadian Judicial Council, and has lectured extensively at NJI programs.



◆ BOARD MEMBERS

Ms. Linda Lizotte-MacPherson

Ms. Lizotte-MacPherson, a retired senior executive, provides strategic advice to senior executives in the federal government and industry. Her past positions include President of the Canadian Border Services Agency, and Commissioner and CEO of the Canada Revenue Agency.

Dean Marie-Eve Sylvestre, S.J.D.

*Faculty of Law, Civil Law Section,
University of Ottawa*

Dean Sylvestre teaches criminal law at the University of Ottawa. As well as being a founding member of the Observatory on Profiling and the Ottawa Hub for Harm Reduction, she is also a member of the Global Young Academy and the College of New Scholars, Artists and Scientists of the Royal Society of Canada.

Professor Jeremy Webber

*Faculty of Law
University of Victoria*

Professor Webber, who was UVic's Dean of Law from 2013 to 2018, has written widely on legal theory, constitutional theory, Indigenous rights, federalism, and constitutional law in Canada and in relation to other countries. Prior to becoming Dean, Professor Webber held the Canada Research Chair in Law and Society at UVic from 2002 to 2014. He surrendered the chair to serve as Dean. He became a Professor Emeritus of UVic in July 2023.

◆ EX OFFICIO BOARD MEMBERS

Danielle May-Cuconato

Chief Executive Officer, NJI

Ms. May-Cuconato joined the NJI as CEO in 2018 after more than 20 years as an executive within the federal government. Most recently, she served as assistant deputy minister at Public Services and Procurement Canada, and as secretary general of the Canadian Radio-television and Telecommunications Commission.

The Honourable Justice Tom Crabtree

*Chief Judicial Officer, NJI **

An accomplished jurist and strong advocate of judicial professional development, Justice Crabtree joined the NJI as Chief Judicial Officer in 2021 after having served on its Board of Governors as a representative of the Canadian Council of Chief Judges. First appointed to the Provincial Court of British Columbia in 1999, he became Chief Judge in 2010 and was appointed to the Supreme Court of British Columbia in 2018. Justice Crabtree has a deep interest in Indigenous issues. While Chief Judge, he worked with Indigenous communities to develop five new Indigenous Sentencing Courts.

**On secondment from the Supreme Court
of British Columbia*

◆ SECRETARY

Ms. Stéphanie Bachand

*Executive Legal Officer and Chief of Staff,
Supreme Court of Canada*

Ms. Bachand has a broad and extensive professional background as a jurist. She has served as a lawyer in private practice, as a diplomat, as chief of staff and senior policy advisor to top executives in the federal public service, and as a law clerk for judges of an international court. Fluent in English, French, and Spanish, she has also led a number of initiatives to improve access to justice and promote human rights, democracy, and the rule of law.

◆ HONORARY BOARD MEMBER

The Honourable Frank Iacobucci

Retired Justice, Supreme Court of Canada

A Companion of the Order of Canada, the Honourable Frank Iacobucci has had a distinguished career in the legal field—including 13 years on the Supreme Court—as well as in academia and government. Most recently, he has led independent reviews for the federal government, several provincial governments, and the Toronto Police. In addition, he has had extensive involvement regarding Indigenous issues.

◆ INCOMING MEMBERS (2023)

**The Honourable Melissa Gillespie,
Chief Judge**

Provincial Court of British Columbia

Chief Judge Gillespie grew up in Calgary and received her law degree from the University of Toronto. She began her legal career as Crown Counsel in British Columbia. Appointed a Queen's Counsel in 2009, Chief Judge Gillespie was sworn in as a provincial court judge in B.C. in 2012. After serving as Associate Chief Judge for five years, she was appointed Chief Judge in 2018. She has been active in delivering education programs to judges as well as to the larger legal community.

**The Honourable Martel D. Popescul,
Chief Justice**

Court of King's Bench for Saskatchewan

Chief Justice Popescul received a Bachelor of Laws from the University of Saskatchewan in 1979 and was admitted to the Bar of Saskatchewan in 1980. He was appointed Queen's Counsel (Canada) in 1992 and Queen's Counsel (Saskatchewan) in 2000. Appointed to Her Majesty's Court of Queen's Bench in 2006, he became Chief Justice in 2012. He has received multiple awards for his contributions to legal education.



I continue to marvel at the level of support we receive from NJI staff.



NJI Planning Committee Member

94%



of judges rated NJI national programs as excellent or very good

August 2022 to February 2023



After two years of providing judicial education predominantly online, in April 2022 the NJI successfully resumed delivering programs in person. Judges were keen to be back together again with their peers, to learn from experts, discuss complex ideas, and hone skills such as rendering oral judgments.

Judges commented on the value of being able to work together on problems face to face. A participant at the *Civil Law Seminar* commented: "Small-group exercises are very useful to provide an opportunity to apply concepts the speakers outlined for us." A judge who participated at the *Indigenous Law Seminar* noted: "It was rewarding to hear excellent speakers, meet colleagues from across Canada, and to think about how we can incorporate what we learned into our courtrooms."

Despite the occasional challenges posed by resurgences of COVID-19 and ensuing restrictions on in-person gatherings, the NJI delivered 79 programs across Canada in fiscal year 2022-2023, amounting to a total of 211 days of judicial education. This number exceeds the pre-pandemic average of programming by almost 30 days, an upsurge in education that speaks to the judiciary's commitment to their professional development and the NJI's responsiveness to judicial training needs. Of note, these programs provided some of the first opportunities for the many judges who were appointed during the pandemic to connect with and learn from colleagues in person, and to practise the courtroom skills relevant to in-person hearings.

Crucially, in resuming in-person seminars, the NJI did not simply return to past practices. Rather, the Institute built upon the many innovations in digital education that took place as a result of the pandemic, creating more accessible and user-focused judicial education responsive to the new reality of a technology-driven judiciary. The NJI strengthened connections between virtual and in-person learning, and between live and on-demand education, emerging from the 2022-2023 fiscal year as a more integrated and sophisticated centre of learning.

The Logistics of Returning to In-Person Education

NJI staff across the organization worked tirelessly to ensure that programs could go ahead in person once public health authorities indicated it was safe to do so. Our staff paved the way for a successful return to in-person programming in 2022-2023 by:

- Building competencies to design and run hybrid programs
- Developing new health and safety protocols and communication plans to ensure that judges could learn effectively in a safe environment
- Preparing and executing contingency plans to address last-minute logistical challenges regarding pandemic-related public health restrictions

Feedback from Judges

As a judge-led organization, the NJI relies on members of the judiciary to lead planning committees for all of its seminars. In fall 2022, to gauge the level of satisfaction with the NJI's work and to find out how the Institute can improve its service to Canadian courts and judges, the NJI asked planning committee members to respond to a survey. The results were overwhelmingly positive.

"So much of this work is invisible. I just show up and everything is perfect, and I never have to give it a thought."

"Every aspect (of program planning and delivery) was exceptional. You have some excellent staff working for NJI. They are attentive to their work and do it well."

"The team is extremely professional. Everything is impeccable. We feel like heroes, and you did the work."

"I continue to marvel at the level of support we receive from NJI staff. They are always pleasant and well prepared for the organizing meetings that are required to help ensure an interesting and informative educational experience for our judges."

"We are indeed fortunate to be able to rely on such a first-class organization. I understand that NJI is held in the highest esteem by not only Canadian judges but by judges throughout the world. I can understand why!"



211

days of judicial
education delivered
in fiscal year
2022-2023



**“Building better
justice through
leadership in
judicial education”**

– NJI MANDATE

In fulfilling its mandate, the NJI is committed to the rule of law, judicial independence, and the values and principles enshrined in the *Canadian Charter of Rights and Freedoms*.

The NJI’s curriculum is rigorously developed and regularly reviewed to ensure that judicial education meets the learning needs of judges, responds to evaluations and feedback, addresses new legal developments, and reflects our ever-changing society.

The NJI curriculum is comprehensive, touching on all dimensions of judicial skills and abilities. While judges need to know the law and the rules of evidence, they also have to possess skills to manage a hearing and the various participants within it while understanding the context in which the dispute has arisen. Judges must be strong communicators—able to make decisions and to explain them clearly. As such, our curriculum encompasses programs on evidence; trial management; judgment writing; oral judgments; judicial ethics; cultural competence; communicating in the courtroom; Indigenous law and legal orders; intimate partner violence; and access to justice. These courses are in addition to a wide range of programs on substantive law topics from family law to insolvency to sexual assault law.

All of our programs integrate information about the social context in which judges hear cases as well as the factors that can affect citizens’ engagement with the justice system. This contextual information is designed to make judges both more aware of and better able to respond to the many social, cultural, and economic realities that exist in Canada.

A Comprehensive and Integrated Approach

Judicial education offered by the NJI consists of an integrated portfolio of in-person seminars and digital education resources that supports judges throughout their careers. Intensive, in-person programs allow judges to engage with peers over the course of several days, to explore issues with educators and colleagues, and to practise and apply skills with direct feedback.

Digital education resources on the NJI's judicial website support customizable learning and provide just-in-time responses to immediate research and development needs.

Together, the NJI's digital and in-person educational offerings respond to the training needs of judges across the country, at all stages of their careers, and at all levels of court (superior and provincial and territorial). Having a wide range of professional development options available for members of the bench supports judicial training that is continuous, integrated, flexible, and responsive to different learning preferences, sitting schedules, and individual circumstances.

« **Judicial education offered by the NJI consists of an integrated portfolio of in-person seminars and digital education resources that supports judges throughout their careers.** »

To appreciate the full spectrum of professional development support provided to the judiciary, it is helpful to look at the career trajectory of newly appointed Canadian judges. From the moment they are appointed to the bench, new judges gain access to all resources available on demand on the NJI's judge-facing website, including a *New Judges' Resource Page*, a detailed *Guide for New Judges*, and a podcast series on the judicial ethics and principles that will guide them in their new role. Judges can also take any of the on-demand self-study courses designed by the NJI to provide new appointees with the programming they will require before hearing a case. Building on their existing legal knowledge and expertise, judges can select the self-study courses best suited to their new role and responsibilities.

These on-demand resources and courses are complemented by a comprehensive set of in-person programs. Within their first year on the bench, judges will attend an intensive national in-person seminar tailored to their needs as provincially or federally appointed judges. These seminars are an opportunity to work with peers and experts from across the country, to workshop and practise essential judge- and court-craft skills, and to deepen and enhance learning provided via digital resources upon appointment. In addition, new judges will attend in-person educational programs developed for their specific court. These seminars address issues pertinent to the region in which they sit, taking into account the legislative and social context of the particular province or territory.

At all these programs, new judges will be directed to relevant NJI digital resources, permitting them to continue their professional development between in-person seminars according to their needs.

The judicial education programs and resources designed for judges in their first years on the bench are just the beginning. As judges progress through their careers, they will have countless opportunities to build on this foundation by participating in more in-depth examinations of issues relevant to their work. This will occur both through ongoing programming specific to their courts and through core national programming relating to criminal law, family law, civil law, and judicial skills. The latter includes rendering oral judgments, judgment writing, cultural competence, and contextual awareness. By continuing to attend in-person programs and to access digital resources, judges will be able to continually acquire and maintain the highest degree of judicial knowledge and skills so as to discharge their constitutional responsibilities to the highest standard.

« « As judges progress through their careers, they will have countless opportunities to build on this foundation by participating in more in-depth examinations of issues relevant to their work. » »

DIMENSIONS OF JUDICIAL EDUCATION

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.

Judicial 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.

Taking Stock at 35: Curriculum Review

To ensure that the NJI continues to excel in the design, development, and delivery of judicial education for all judges in Canada, the organization recently completed a formal and in-depth review of its entire judicial education curriculum. The purpose of the review was to look beyond the level of satisfaction with NJI programming expressed by judicial participants and objectively assess the quality of the NJI curriculum, its alignment with best practices in judicial education pedagogy, its responsiveness to judicial needs, and the degree to which it ultimately supports the achievement of professional development objectives.

Although the review was not planned to coincide with the pandemic, the sea-changes that the pandemic provoked—in the legal system, in judicial education, and in life in general—gave rise to a unique opportunity to re-examine ways of doing things in judicial education that had previously been taken for granted. Despite the exhaustiveness of the review, the final report did not identify any significant gaps or omissions with respect to the design and delivery of judicial education as currently provided by the NJI. It concluded that the organization continues to deliver outstanding educational programming that is responsive to the professional development needs of Canadian judges.

Nonetheless, the report makes 33 recommendations intended to enhance and promote the quality and effectiveness of the NJI curriculum on an ongoing basis. They deal with key issues and challenges for contemporary judicial education, including: the articulation of professional development objectives, the responsiveness and adaptability of the curriculum to changing circumstances, the relationship between court-based and national programming, the choice of educational delivery methods (including the combination of in-person and virtual learning), and curriculum transparency.

The recommendations in the report and the analysis that underpins them have already been the catalyst for frank discussions that have led to stimulating new ideas and approaches relevant to all elements of the NJI's work. The results of the review will inform the work of developing our new strategic plan and fulfilling our mandate as the Institute celebrates 35 years of "building better justice."

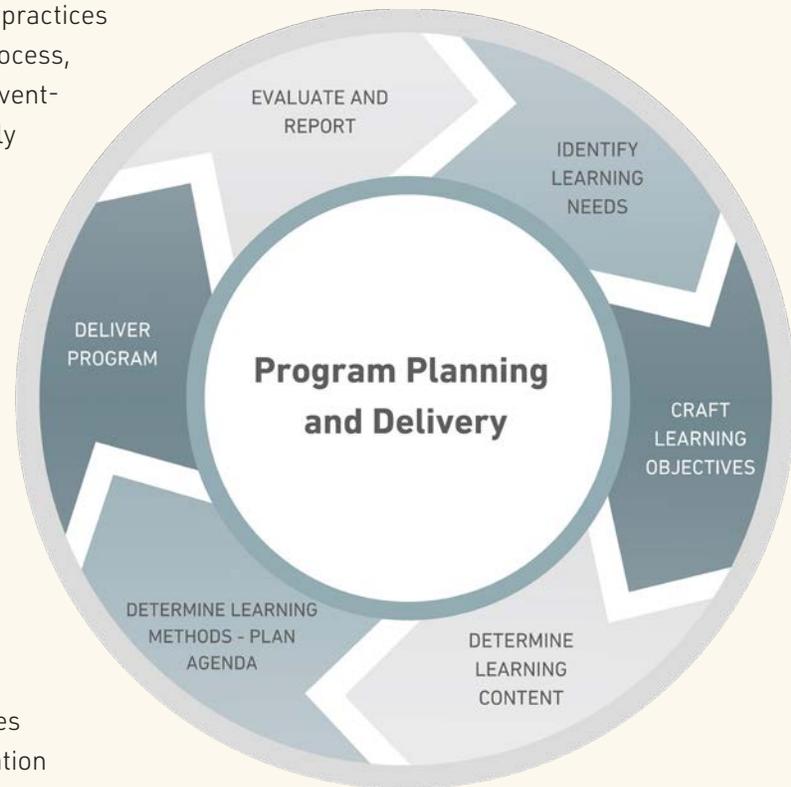


A STRONG FOUNDATION: THE NJI PEDAGOGY

The NJI's world-leading reputation in judicial training has been established over the past 35 years by creating programs in accordance with best practices in adult education. Judges are at the forefront of the process, working with the NJI's judicial education counsel and event-planning professionals to design education that not only addresses the full spectrum of judicial concerns—encompassing substantive knowledge, skills development, and social context (see figure on page 13)—but also uses leading pedagogical approaches for adult learners to do so.

Program Design and Delivery

Effective adult education begins with careful planning. In accordance with best practices in adult education, the NJI planning process begins with the identification of learning needs and the specification of program objectives. The process continues with decisions about program content, learning methods, and faculty members, and culminates with program delivery and evaluation. Since the evaluation stage then feeds into the re-assessment of learning needs and the conception of future programs, the process of designing NJI judicial education programs is viewed as a continuous cycle.



Experiential Learning

In terms of learning methods, the NJI uses skills-based, experiential pedagogical approaches adapted to the way adults learn. NJI programming systematically combines opportunities for judges to draw on concrete experiences, engage in self-reflection, acquire conceptual knowledge, and apply what they have learned. This approach leads to more satisfied participants and a stronger grasp of complex content because it focuses on judges' own experience as a foundation for education, encourages engagement with the material, fosters ownership of the learning process, and relates learning closely to the daily realities of the judicial role.

Professional Development Planning

Judges, like most adults, learn best when their education is self-directed. To that end, the NJI offers judges the use of an online Professional Development Planning Tool to assist in the development of a personally tailored plan and to easily create a record of the in-person and digital education taken each year through the NJI or other organizations.

NJI SEMINAR LOCATIONS



The National Judicial Institute delivers national and court-requested programs throughout the provinces and territories, ensuring that the 2,600+ members of Canada's judiciary have access to professional development opportunities in person.

APRIL 2022 TO MARCH 2023

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

Court of Queen's Bench of
Manitoba Education Seminar

Leadership Seminar for Chief
Justices and Associate Chief
Justices

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

Criminal Jury Charge Workshop

Superior Court of Justice
(Ontario) Spring Education
Seminar

Class Actions Seminar

Civil Law Seminar

Oral Judgments

Court of Appeal for Manitoba
Education Seminar

Access to Justice for Children:
Implementing Child Rights

Supreme Court of British
Columbia Education Seminar:
New Judges Program

Court of Appeal of Quebec –
Spring Education Meeting

Joint Annual General Meeting of
the Ontario Court of Justice & the
Association of Ontario Judges

Supreme Court of British
Columbia Education Seminar

Supreme Courts of Nova Scotia
and Prince Edward Island
Education Seminar

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

Court of Queen's Bench for
Saskatchewan Education
Seminar

Supreme Court of Newfoundland
and Labrador Education Seminar

Superior Court of Québec:
Divisional Meeting (Montréal)

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

Newly Appointed Provincial and
Territorial Judges' Skills Seminar

New Brunswick Education
Seminar: St. Andrews Lectures
2022 XV

New Brunswick Education
Seminar: St. Andrews Lectures
2022 XV – Family Division

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

Tax Court of Canada Court
Meeting and Education Seminar

Prince Edward Island All Courts
Education Seminar

Your Supernumerary Years and
Beyond (Bilingual)

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

Federal Court of Appeal and
Federal Court 50th Anniversary
Seminar

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

Evidence Workshop





Family Law Seminar – Settlement Conferences

Northern Courts Education Seminar

New Brunswick Court of King's Bench Robert Tuck Educational Conference 2022

Ontario Court of Justice Annual Family Law Seminar

Justice in Motion : National All-Courts Seminar

Federal Court of Appeal Education Seminar

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

Court of Appeal of Alberta Education Seminar

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

Atlantic Appellate Seminar

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

Court of King's Bench of Alberta Education Seminar

Federal Court Annual Education Seminar

Court of Appeal of Quebec: Annual General Meeting

Ontario Court of Justice East Regional Seminar

Superior Court of Québec: Annual General Meeting

Court of King's Bench of Manitoba Education Seminar

Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Fall Program (Civil Law)

Seminar for New Federally Appointed Judges: Joint CIAJ and NJI Fall Program (Common Law)

Ontario Court of Justice Toronto Regional Seminar

Court of Appeal for Manitoba Education Seminar and Retirement Dinner

IOJT 2022–Effective Judicial Education: Understanding Vulnerable Populations

Ontario Court of Justice North Regional Seminar

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

Superior Court of Justice (Ontario)
Fall Education Seminar / Colloque
de formation d'automne de la Cour
supérieure de justice (Ontario)

Supreme Court of British Columbia
Education Seminar

Preventing Wrongful Convictions

Criminal Jury Trials Seminar

Ontario Court of Justice West
Regional Seminar

Nova Scotia All Courts Education
Seminar

Newly Appointed Provincial and
Territorial Judges' Skills Seminar

Superior Court of Québec: Judicial
Settlement Conferencing

Hearing and Deciding
Charter Issues

Tax Court of Canada Education
Seminar

Supreme Court of Newfoundland
and Labrador Education Seminar

Superior Court of Québec: Division
of Family Property – Family
Patrimony

Court of King's Bench for
Saskatchewan Education Seminar

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

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

Court of Appeal of Alberta
Education Seminar

Court of King's Bench of Alberta
Education Seminar

Dealing Effectively with Judicial
Review: Joint CIAJ and NJI
Program

Business, Corporate and
Commercial Law Seminar

Insolvency Seminar

Ontario Court of Justice Judicial
Development Institute

Family Law Seminar : Financial
and Property Issues

Communicating Effectively in
Your Courtroom

Indigenous Law Seminar

Managing and Maintaining Control
in Complex Criminal Jury Cases

Criminal Law Seminar

NJI BY THE NUMBERS: FISCAL YEAR 2022-2023

TIMELY AND RELEVANT LEGAL UPDATES



2,000+ E-LETTER SUBSCRIPTIONS

ESSENTIAL DIGITAL RESOURCES

SEXUAL ASSAULT LAW
JUDICIAL TOOLKIT



2,770 CLICKS IN 2022-2023

IN-PERSON PROGRAM **ACCESS TO JUSTICE:** IMPLEMENTING CHILD RIGHTS

Children are among the most vulnerable members of society and are entitled to heightened legal protections by the courts. This three-day seminar considered why child rights matter in all areas of law, what it means for children to have the right to participate in decisions that affect them, how to implement child rights in the courtroom, and how to incorporate child rights effectively into judicial decision-making.

NEW AND NOTABLE

- Youths participated in program planning and as faculty



WHAT PARTICIPANTS SAID



NEW SELF-STUDY COURSE YOUTH CRIMINAL JUSTICE SYSTEM

These task-based tutorials provide a quick overview of the nuanced but critical distinctions between adult and youth criminal law and cover topics from youth bail hearings and guilty pleas to youth record applications and trials.

« Having the youth faculty participate by sharing their stories, their perspectives, and answering questions gave me a new perspective about who we serve as judges and the effects of our decisions. »

NEW SELF-STUDY COURSE INTIMATE PARTNER VIOLENCE LEGISLATIVE FRAMEWORK

The first module of this course provides an overview of the Canadian legal framework, including the many legislative measures in place to protect children from violence. Lessons touch on: family violence and the *Divorce Act*; provincial and territorial parenting legislation; child protection statutes.

IN-PERSON PROGRAM

JUSTICE IN MOTION: NATIONAL ALL-COURTS SEMINAR

Justice in Motion, designed by French-speaking judges from all across Canada, was the NJI's first national program to be held primarily in French (simultaneous interpretation was offered, as is the case at all NJI national programs). Its broad theme was inspired by the official visit of the Supreme Court of Canada to Québec City in September 2022. It provided an opportunity to address a variety of trends in the justice system. The first is the move toward a justice system that increasingly seeks to connect with the public and in particular with marginalized and/or vulnerable individuals. The program also looked at the directions taken by the justice system in recent years in the field of procedure—namely, the increasing use of alternative dispute resolution (ADR) and technology, particularly as a means of improving access to justice.

NEW AND NOTABLE

- First national program to be held primarily in French



WHAT PARTICIPANTS SAID

« It was refreshing and thought provoking for a judicial conference to focus on the broad theme of our engagement with specific groups such as Indigenous people and members of linguistic minorities. »

IN-PERSON PROGRAM

GET INSPIRED: INNOVATION IN JUDGING AND IN THE NORTH

The 2022 joint seminar of the Canadian Chapter of the International Association of Women Judges and the NJI explored how judges can appropriately address emerging issues and challenge established processes by using creative thinking to generate innovation.

FEATURED SEMINARS AND RESOURCES



NEW BLOG SERIES **THE ETHICAL LIFE OF JUDGES**

The issue of judges' involvement in their communities continues to be complex, especially given the proliferation of social media and society's shrinking conceptions of privacy. In this engaging and candid blog series, Justice Alice Woolley of the Court of King's Bench of Alberta reflects on the challenges judges face in reconciling their underlying humanity with their judicial role.

IN-PERSON PROGRAM **JUDGING BETTER, JUDGING SMARTER**

This program addresses the use and possibilities of technology in the courtroom.



NEW GUIDE **SCIENCE PRIMER QUALITATIVE RESEARCH**

Evaluating expert evidence can be especially challenging when the opinion is based on studies that are not statistically quantifiable or replicable. This primer is a guide on how to approach evidence from qualitative studies, discussing common features of qualitative research methodologies and explaining the four key criteria of trustworthiness: credibility, transferability, dependability, and confirmability.

A FOCUS ON INDIGENOUS COMMUNITIES



IN-PERSON PROGRAM INDIGENOUS LAW SEMINAR

Held in Whitecap, Saskatchewan, this three-day seminar explored the different approaches taken by communities across Turtle Island regarding specific areas of innovation in Indigenous law. The final day gave participants opportunities to apply the lessons learned throughout the seminar to the courtroom environment. The program also had an off-site component.



WHAT PARTICIPANTS SAID

« Very important for this seminar to be held in a community such as Whitecap. »»

WEBINAR SERIES INDIGENOUS PEOPLES, SEXUAL VIOLENCE, AND THE CRIMINAL JUSTICE SYSTEM

The Canadian justice system has grappled for decades with the over-representation of Indigenous peoples as both offenders and victims of crime. In this webinar series, representatives of the *National Inquiry into Missing and Murdered Indigenous Women and Girls* and the Canadian judiciary share their insights into the social drivers of this over-representation, and how the courts can improve justice outcomes in criminal cases involving members of Indigenous communities.

SELF-STUDY LESSON

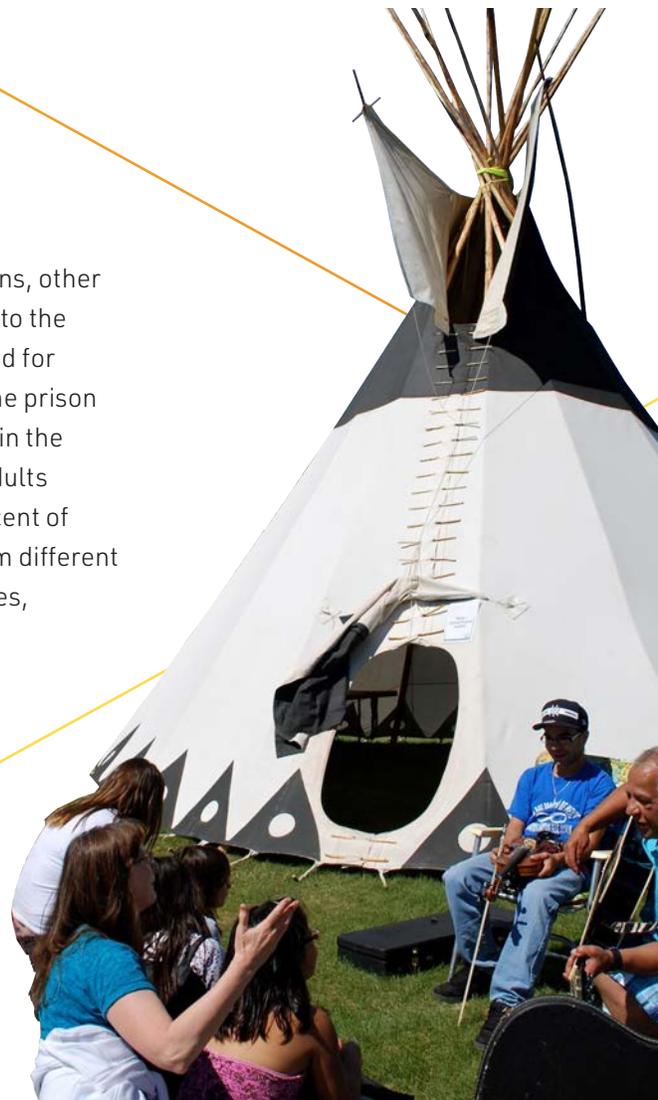
PRINCIPLES OF RESTORATIVE JUSTICE AND SENTENCING

The lesson on *Sentencing Indigenous Offenders* in the NJI's mini-course on sentencing provides judges with an overview of the rationale and applicability of s. 718.2(e) of the *Criminal Code*, considers the Supreme Court's decisions in *Gladue* and *Ipeelee*, and reviews sentencing options.

NEW SELF-STUDY COURSE

OVER-REPRESENTATION OF INDIGENOUS PEOPLES IN THE CRIMINAL JUSTICE SYSTEM

When the Supreme Court of Canada rendered its seminal decision in *R v Gladue* in 1999, directing courts to consider "all available sanctions, other than imprisonment" for all offenders and to "pay particular attention to the circumstances of Aboriginal offenders," Indigenous people accounted for three per cent of the Canadian population and about 17 per cent of the prison population. The Supreme Court of Canada described this as a "crisis in the Canadian criminal justice system." From 2020 to 2021, Indigenous adults accounted for five per cent of the adult population and about 32 per cent of carceral admissions. This course explores the crisis in detail and from different perspectives. It also considers the application of the *Gladue* principles, sentencing roadmaps, land-based rehabilitation programs, and other approaches to the issue of over-representation.



IN-PERSON PROGRAM ORAL JUDGMENTS

Judges were provided with practical tools, templates, and other materials to use when preparing for, developing, or delivering oral rulings and judgments. Participants explored: the different types of oral decisions; how to prepare for an oral judgment at all stages of a case; and how to determine when oral judgments are appropriate. They also had the chance to practise and receive feedback on oral rulings and judgments from experienced faculty and facilitators.

NEW AND NOTABLE

- Run as a bilingual, bilingual program for the first time

NEW KEYWORD SEARCH TOOL QWERI: DETAILED, FULL-TEXT SEARCHES

The NJI website has a powerful new search tool that supports sophisticated Boolean searches and allows judges to instantaneously look through the Institute's growing collection of bench books and publications, including the *Sexual Assault Law Judicial Toolkit* (see page 31). Qweri uses the same bilingual legal smart searching engine as CanLII, also employed by many Canadian courts.

FEATURED SEMINARS AND RESOURCES

NEW RESOURCE

NEW JUDGES' GUIDE CHAPTER ON RENDERING JUDGMENT

This resource provides clear, quick, and practical answers to the questions that can arise in the first few years after appointment to the bench. Written by judges for judges, the Guide covers topics from imposter syndrome to judgment writing to the challenges of emotional hearings. Chapter 7 deals with rendering judgments, both written and oral, addressing the circumstances in which to provide each.



WHAT JUDGES SAID ABOUT THE GUIDE

« As a very recently appointed judge, I am so very relieved to be able to avail of this resource. »»

IN-PERSON PROGRAM

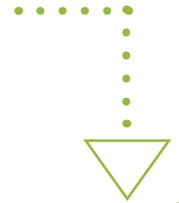
COMMUNICATING EFFECTIVELY IN YOUR COURTROOM

Presented by experienced judicial faculty and communications experts, this interactive seminar will help judges communicate authentically with the people who appear in their courtroom; develop core communication skills, focusing on voice, content, non-verbal communication, and effective listening; recognize and counteract unconscious biases; and manage challenging courtroom situations.

IN-PERSON PROGRAM

JUDGING IN YOUR FIRST FIVE YEARS: FAMILY LAW (FEDERALLY APPOINTED JUDGES)

This intensive course focused on the skills judges need to manage family trials fairly and effectively, including: communicating with individuals in crisis, settlement conferencing, managing a file over the long term, and identifying the needs of the litigants and their families.



WHAT PARTICIPANTS SAID

« This was a very well run and informative program. The presenters were absolutely top notch. »»

IN-PERSON PROGRAM

FAMILY LAW SEMINAR: FINANCIAL AND PROPERTY ISSUES

With a focus on financial and property issues, this program addresses the most challenging aspects of this area of family law; it also covers emerging issues and give updates on relevant substantive law. Participants have the opportunity to work on the skills required to address difficult issues in their courtrooms, and to discuss these issues with their colleagues from across the country.



FEATURED SEMINARS AND RESOURCES



SELF-STUDY COURSE FAMILY LAW FUNDAMENTALS

This course covers foundational family law topics that are national in scope: divorce, parenting, social science evidence, child support, spousal support, protection orders, disclosure, and separation agreements. The lessons weave together a mix of learning elements: explanatory texts, diagrams, multimedia presentations, and interactive quizzes that allow judges to check their understanding in real time.



MONTHLY CASE LAW UPDATES FAMILY LAW E-LETTER

Designed to help judges keep up to date with critical developments in family law, the e-Letters are written by law professors and edited by judges. They include summaries of recent cases, case commentary, and information on new or proposed legislation.

CURATED RESOURCES FAMILY LAW SUBJECT COLLECTION

This collection of the most relevant and up-to-date NJI material, reviewed by a team of judges prior to publication, contains an extensive range of papers, PowerPoint presentations, and tools related to family law. Topics include custody and access, property division, evidence, settlement conferencing, and judgment writing.

IN-PERSON PROGRAM CRIMINAL LAW SEMINAR

This annual NJI seminar focuses on new and emerging criminal law issues from a judicial perspective, drawing faculty from the judiciary, the academic community, and the bar. Interactive learning opportunities are provided throughout by way of clicker questions and small-group discussions.

WHAT PARTICIPANTS SAID

« This is an excellent course because it stays current with emerging legislation, case law, and academic writing. »

IN-PERSON PROGRAM JUDGING IN YOUR FIRST FIVE YEARS: CRIMINAL LAW

This intensive program enables new judges to build their competence in managing criminal trials from start to finish. As sexual assault trials pose some of the greatest challenges for judges, the seminar uses sexual assault fact scenarios to anchor the issues and allow participants to practise the relevant skills.



NEW SELF-STUDY COURSE SENTENCING BLACK OFFENDERS

This short interactive course explores the new legal framework for sentencing Black offenders, including the unresolved legal issues and the new pre-sentence reports. Beyond the framework itself, the course includes invaluable insights from Canada's leading academic experts on anti-Black racism as well as a series of candid recorded conversations with the lawyers who argued the leading cases.

FEATURED SEMINARS AND RESOURCES



ESSENTIAL RESOURCE

CRIMINAL LAW FUNDAMENTALS

This latest addition to the *Fundamentals* series is a significant resource for new and recently appointed judges. Because of the breadth of the topics covered, the course has been broken down into eight mini-courses that judges can complete or consult as needed. Topics covered include: bail, testimonial accommodations, interpreters, self-represented accused, directed verdicts, case management and summary dismissal of applications in criminal matters, decision-making, and sentencing.

NEWLY UPDATED

SEXUAL ASSAULT LAW JUDICIAL TOOLKIT

This essential resource hub for judges on the law and social context of sexual assault. It includes chapters, select webinars, and carefully curated resources on substantive law, procedure, motions, decision-making, sentencing, and myths and stereotypes. The Toolkit is regularly updated in response to critical developments.



« The *Sexual Assault Law Judicial Toolkit* equips judges to hear and decide the increasingly complex issues that arise in sexual assault cases. Because the Toolkit is regularly and rapidly updated in response to changes in this area of the law, judges can feel confident that they are accessing information that is current and complete. The Toolkit is an indispensable resource for judges across the country. »

The Honourable Justice Michelle Fuerst
Superior Court of Justice (Ontario)



The NJI is a recognized world leader in the design, development, and delivery of judicial education. Building on its domestic foundation, the NJI has been engaged for more than 25 years in providing international support in judicial reform, access to justice, and institutional strengthening.

The NJI also offers assistance to judicial education institutes around the world with respect to curriculum development and skills-based training on topics as varied as judgment writing, gender bias, and judicial faculty development.

In its international engagement, the NJI draws on the unique nature of our bilingual and multijural traditions in Canada. The richness of the Canadian justice system, which includes the civilian legal tradition in Quebec, the English common law tradition in the rest of Canada, and Indigenous legal traditions from across the country, means the NJI has educational expertise in each of these legal approaches. Our experience developing high-level professional development in this multijural context gives rise to important opportunities for collaboration and engagement.

IOJT 2022: International Conference on Judicial Education

In the fall of 2022, the NJI showcased its judicial education efforts on the world stage by hosting IOJT 2022, the *10th Biennial Conference of the International Organization for Judicial Training (IOJT)*. More than 230 delegates travelled to Ottawa to attend IOJT 2022, including judges, academics, and experts from more than 40 countries, including Brazil, Ukraine, Australia, New Zealand, Japan, the Czech Republic, Israel, the United States of America, Ethiopia, Botswana, South Africa, the Netherlands, and Uzbekistan.

With the theme of *Effective Judicial Education: Understanding Vulnerable Populations*, the conference featured workshops, roundtables, and panel discussions led by the NJI and judicial educators and leaders from around the world. IOJT 2022 explored topics such as the judicial response to human trafficking; violence against women and girls; access to justice for Indigenous people; the impact of climate change on communities; and trauma-informed judging. Building on lessons learned on virtual training and judging during the pandemic, there were also several sessions on the use of technology and digital education where the NJI demonstrated its experience.

This international conference was professionally designed and delivered by the NJI's team and featured many of our pedagogical experts as speakers, facilitators, and contributors. As one of the first in-person international seminars delivered following the pandemic, IOJT 2022 exemplified the NJI's professionalism, resilience, and commitment to engagement with judicial educators and institutes from around the world.

Looking Ahead

Going forward, an important component of the Institute's approach to international judicial education will be its emphasis on incorporating digital education. The NJI's growing expertise in the use of digital resources domestically is already featuring in its relationships with peer institutes in other countries. To further these collaborations, the NJI is developing an international online portal for judicial educators as a means of engaging the international judicial community on an ongoing basis and sharing our digital learning techniques.

We look forward to our continued engagement with judicial educators and institutes from around the world. We also look forward to maintaining our existing relationships and forging new ones premised on the understanding that an ongoing dialogue on judicial education will contribute to our collective expertise and excellence, laying the foundation for better justice throughout the world.



An ongoing dialogue on judicial education will contribute to our collective experience and expertise, and lay the foundation for better justice throughout the world.





The National Judicial Institute had the honour of hosting the 10th Biennial Conference of the International Organization for Judicial Training in Ottawa from October 30 to November 3, 2022.



IOJT

250 DELEGATES



FROM 52 COUNTRIES

**EFFECTIVE JUDICIAL
EDUCATION: UNDERSTANDING
VULNERABLE POPULATIONS**

A SAMPLE OF THE AGENDA

10th BIENNIAL CONFERENCE OF THE IOJT

Left: The Right Honourable Richard Wagner, PC, Chief Justice of Canada, giving the keynote address at the opening ceremony.

Centre: A panel in which two Afghan judges (at left and at right) told delegates about their work and lives before and after the Taliban takeover of Afghanistan in 2021.

Right: Past and present Chief Judicial Officers (formerly Executive Directors) of the NJI, who all championed the Institute's international cooperation efforts over the last 25 years. From left: Current CJO The Honourable Justice Tom Crabtree, The Honourable C. Adèle Kent, The Honourable Brian Lennox, and The Honourable George Thomson.



- Judicial Training on Violence Against Women and Children
- Technology and its Influence in the Courtroom and the Classroom
- Trauma-Informed Judging
- Teaching Judges About Access to Justice Issues for Vulnerable Communities
- Innovations in Pedagogy: From Bench Books to Strategic Planning Lessons from the Past Three Years
- Bringing Indigenous Law and Culture into the Courtroom and the Judicial Classroom in Canada

Having reinstated our full calendar of in-person programs, enhanced our digital suite of training and resources, and re-engaged internationally as we organized and hosted IOJT 2022, the NJI now has an eye 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.

The Honourable Justice Tom Crabtree
Chief Judicial Officer, NJI

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