



NATIONAL JUDICIAL INSTITUTE
INSTITUT NATIONAL DE LA MAGISTRATURE

Annual Review

2023-24

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Chief Justice of Canada

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Retired Justice, Supreme Court of Canada

Danielle May-Cuconato

Chief Executive Officer, NJI

“

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

”

The Right Honourable Richard Wagner

A MESSAGE FROM THE CHIEF JUSTICE OF CANADA



A steady commitment to career-long education by judges is a pillar of Canada's robust justice system. Judicial education allows judges to stay up to date, hone their skills, and cultivate a deep understanding of societal needs. In this rapidly evolving legal environment, judicial education benefits both the judges and society as a whole.

As the Chair of the National Judicial Institute (NJI) Board of Governors, I am proud to say that Canada's 2,600 judges can better serve Canadians as a result of its training. As an independent organization led by judges, for judges, the NJI continues to deliver outstanding judicial education in the pursuit of excellence. The NJI's programs and resources provide online and in-person learning opportunities for judges throughout their career.

The NJI is an organization committed to continual innovation and excellence in its field. This past year, it has completed an exhaustive review of its judicial education curriculum, finalized its inaugural strategic plan, and delivered over 115 leading-edge resources and seminars.

An investment in judicial education is an investment in the rule of law and democracy. This is true both within our borders and beyond. The expertise of NJI continues to be sought after to design and deliver judicial education programs to judges around the world. Canada is internationally-renowned for our commitment to judicial independence, our respect for the open court principle and our robust judicial training programs.

The NJI's programming is made possible through a deep connection with Canada's courts, judges, legal and other experts, who generously contribute their time, knowledge and experience. This is a testament to the commitment of my many colleague judges, across the country, to support judicial education. I would like to express my deep gratitude to them and I look forward to our continued work.

The Right Honourable Richard Wagner

Chief Justice of Canada
Chair of the NJI Board of Governors



IN CONVERSATION WITH NJI'S CHIEF JUDICIAL OFFICER (CJO) AND CHIEF EXECUTIVE OFFICER (CEO)

The National Judicial Institute is an independent, not-for-profit institution committed to building better justice through leadership in the education of judges in Canada and internationally. As NJI's CJO and CEO, it is our pleasure to introduce this overview of our work over the past fiscal year, March 2023 - April 2024.

The National Judicial Institute is an organization which is committed to continually seeking new ways to innovate, excel, and reimagine judicial professional development. It is with this ambition in mind that we began an extensive education curriculum review. This review came from a place of strength, where 94% of program participants evaluated our education as excellent or very good. However, the review sought to look beyond these high satisfaction ratings, and to dig deeper into education effectiveness, adult education best practices, and overarching professional development objectives for judges. This year saw the completion of this ambitious project, and we are thrilled to walk through the review process and the Committee's findings with you in the coming pages.

2023-2024 also marked a year in which the NJI carried out the final steps in our inaugural Strategic Plan. This plan focused our resources on 3 strategic priorities and over 200 deliverables, which were achieved by the collective efforts of our dedicated team. For 2024-27 we have set ambitious new targets, which will continue to drive the NJI forward.

These achievements sit alongside the design and delivery of over 70 national and court-based in-person education programs and the release of new and innovative digital resources for judges, from podcasts to interactive self-study courses on critical topics.

As a judge-led organization, our programming is brought to life by the knowledge and experience of judges and leading subject matter experts from across Canada, and the world. To those who have so readily shared their time this year to judicial professional development, we offer our sincere thanks.

Justice Tom Crabtree & Danielle May-Cuconato

Chief Judicial Officer (CJO) & Chief Executive Officer (CEO)



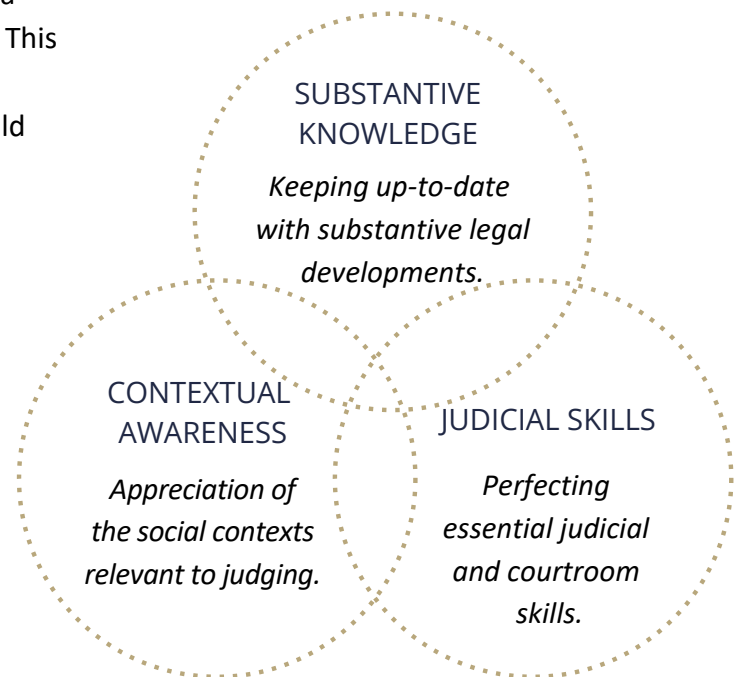
NJI'S JUDICIAL EDUCATION: AN OVERVIEW

The National Judicial Institute's professional development consists of an integrated portfolio of digital and in-person education programs and resources, which provide a breadth of complementary learning opportunities. This ranges from intensive in-person seminars where participants engage on-site with educators and build peer connections, to customizable digital learning.

EDUCATION ACROSS MULTIPLE DIMENSIONS

NJI's judicial education curriculum is built across three core dimensions of judicial expertise. These dimensions work together to offer a comprehensive continuing education experience that engages with the multifaceted judicial role.

The 3 Dimensions of Judicial Education



PROFESSIONAL DEVELOPMENT FOR ALL CAREER STAGES

The NJI curriculum is designed to support judges throughout their careers, providing timely and relevant learning opportunities at every stage. From foundational advice for the first days on the bench, to essential updates on substantive law and advanced seminars for experienced judges. NJI education continues to build throughout a judge's career, through diverse educational offerings across family law, criminal law, courtroom skills, and social context education, both online and in-person.

COMPLEMENTARY COURT-BASED AND NATIONAL PROGRAMMING

The NJI supports Canadian judges through the design and delivery of both court-requested education, specific to a court's jurisdiction and context, and national programming designed to be of relevance to judges of all courts. As a multi-jural, bilingual organization, the NJI provides programming for judges in common law and civil law jurisdictions, and includes education on Indigenous legal orders.

BEHIND THE SCENES: PLANNING AN NJI SEMINAR

JUDICIAL COLLABORATION

As a judge-led organization, the design and development of NJI educational programming is led by judicial planning committees. These committees work in close collaboration with subject matter experts inside and outside of the legal profession, to develop seminar content of the highest value to their peers. Judges are assisted in this process by NJI staff lawyers and event professionals who ensure that programs are expertly executed and are designed per adult education best practices, to create meaningful lifelong learning experiences for judicial participants.

A METHODOICAL PROCESS THAT FOSTERS EXCELLENCE

The planning process for every NJI seminar follows a methodical trajectory. The process begins with the identification of education needs and the articulation of specific learning objectives. Once a judicial planning committee has a clear sense of what should be achieved through a seminar, the process continues with the determination of learning content. The right topics and issues are identified for inclusion in the seminar that will support the achievement of learning objectives, and each element of the seminar is organized and designed to incorporate adult education principles, maximizing judicial engagement and knowledge retention.

NJI seminars regularly include opportunities for experiential learning, peer-to-peer discussion, self-reflection, scenario-based problem solving, and the opportunity to apply learning to concrete exercises.

At the conclusion of our programs, each one is systematically evaluated to identify areas of improvement and lessons learned, and the cycle begins once more.



A DEDICATED TEAM

The success of each NJI program depends on our dedicated team of over 70 staff, which includes lawyers, educational experts, event planners, legal translators, IT specialists, accountants, project managers, communications experts, and human resources professionals. Every seminar and educational resource is the product of years of dedicated planning and teamwork from people across the NJI, the judiciary, and beyond. Congratulations to all on the delivery of over 70 in-person programs and over 47 new and updated digital resources in 2023.



"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."

NJI Judicial Planning Committee Member

NJI'S 2023 CURRICULUM REVIEW: BUILDING ON SUCCESS

BACKGROUND AND PROCESS

The curriculum review process was instigated in 2020 jointly by the NJI Board of Governors and the NJI's executive leadership team shortly before the onset of the pandemic. The purpose of the review was to look beyond the level of satisfaction with NJI programming expressed by judicial participants and to 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. A review of the NJI's curriculum of this scope had never previously been undertaken.

The Curriculum Review Committee was composed of representatives of the federally and provincially appointed judiciaries, the legal academy, the practicing bar, and the broader public from across the country. To ground the review in empirical research and benefit from external expertise and knowledge, the Committee, with the support of NJI staff, conducted extensive research and data collection over a period of two years. These initiatives included:

- A A content analysis of all national programs offered between 2018 and 2020;
- B A review of course evaluation results for all national programs between 2018 and 2020;
- C The analysis of anonymous data relating to the use of NJI digital resources and participation at NJI programs;
- D Consultations with judicial training organizations in other countries;
- E Interviews with NJI's staff lawyers;
- F Focus group discussions with academic faculty and with judges who participate in and present at NJI programs;
- G Inviting members of the legal academy, the legal profession, and the broader public to provide input about judicial education; and
- H Independent research relating to judicial needs and adult education pedagogy.

"The members of the Committee contributed countless hours of their time to carry out this review. We are truly indebted to them for their contribution to judicial education at the NJI."

The Honourable Justice Tom Crabtree, CJO

94%

of programs rated excellent or very good in 2023 by judicial participants.

OVERARCHING THEMES

The first overarching theme of the review related to the quality of the current curriculum. The review concluded that the NJI delivers outstanding educational programming that is responsive to the professional development needs of Canadian judges. The review did not reveal any significant gaps or omissions with respect to the design and delivery of judicial education by the NJI.

A second overarching theme of the review was dealing with change. Effective judicial education today is judicial education that equips judges to succeed tomorrow: to overcome novel challenges and to thrive in new situations. To address these challenges, judicial education must be capable of responding to changing times and circumstances while retaining a clear sense of purpose. Education should be designed to cultivate agility in judges, and institutional mechanisms to foster continuous renewal should be integrated into the curriculum development process.

A further theme animating the review related to the challenge of allocating judicial education resources appropriately. Human and financial resources dedicated to judicial education are inherently limited. Decisions about judicial education must be made carefully with a view to promoting educational projects and programming that align with NJI's mandate and are the most worthwhile for the Canadian judiciary. The overarching objectives of judicial education should be constantly borne in mind, and curriculum adjustments should aim to promote the realization of those objectives to the best extent possible.

THE PARAMETERS OF THE REVIEW

The review focused on questions on which the Committee was well-positioned to provide insight and guidance. These included: identifying judicial needs and setting curriculum objectives; assessing how well NJI programming as a whole responds to judicial needs; and identifying special challenges facing the NJI curriculum and suggesting means of overcoming them. In doing so, the review stressed means of enhancing and promoting the quality and effectiveness of the curriculum on an ongoing basis.

“Effective judicial education today is judicial education that equips judges to succeed tomorrow: to overcome novel challenges and to thrive in new situations.”

The NJI Curriculum Review Committee

NJI'S 2023 CURRICULUM REVIEW: BUILDING ON SUCCESS

The review did not consist of an individualized, program-by-program assessment of the NJI's existing course offerings. Instead, it provided the basis for a framework for the NJI to follow in the coming years to make its own determinations about specific elements in the curriculum that should be maintained, added, removed, or modified. The Committee recognized that NJI leadership was, and is, best placed to make these kinds of decisions.

KEY FINDINGS AND RECOMMENDATIONS

- The curriculum review was undertaken from a position of strength. The NJI already delivers outstanding educational programming that, by and large, responds to the professional development needs of Canadian judges.
- In circumstances where human and financial resources are finite, the NJI must adopt a holistic view of judicial education that accounts for the full gamut of possible professional development activities for Canadian judges, whether these are part of the NJI national curriculum, court-based education, programming provided by other organizations, or the myriad educational opportunities that are available independently.
- The NJI's approach to program planning and experiential learning theory reflect preferred approaches taken by leading social scientists and adult education specialists. However, the field of adult education is dynamic and the NJI must continuously monitor new developments and evolving best practices and proactively incorporate new methods into all relevant programming.
- When properly conceived, approaches to judicial professional development that foster engagement between common law and civil law perspectives and with Indigenous legal orders are aligned with the best practices in adult education. The mixed character of the Canadian legal system is a unique educational asset for Canadian judges that should be capitalized on.
- Given full judicial schedules, the NJI should provide as much advance notice of programming as possible, and continue to cultivate professional development planning for judges.

- Court-based education is an essential forum for judicial professional development, and the NJI must support the design of court-based programming that is consistent with best practices in adult education.
- The NJI curriculum should combine both in-person and online learning, and synchronous (live) and asynchronous (on-demand) components.
- To continue to be effective, judicial education must be responsive to changing judicial needs and circumstances. The path to ongoing success for the NJI lies with continuous evaluation, renewal and innovation; and institutional mechanisms to foster continuous renewal should be integrated into the curriculum development process.

WHAT COMES NEXT

Further to the mandate governing the Committee’s work, the advice and guidance contained in the Final Report were addressed to the NJI’s Chief Judicial Officer (CJO), and ultimately to the NJI’s Board of Governors. With the advice of the NJI Board of Governors and the NJI’s senior management team, the NJI will prepare an implementation plan that is responsive to the advice and recommendations contained in the Report.



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Excellence in judicial education means continually building on areas of strength, listening to judicial needs, seeking out new voices and perspectives, and innovating in design and delivery. The insights and guidance gained from this ambitious review will continue to push the NJI to new heights of excellence in judicial professional development.

”

The Honourable Justice Tom Crabtree

THE NJI'S STRATEGIC PLAN 2021-2024

THE STRATEGIC PLAN 2021-2024

The NJI's inaugural Strategic Plan set the direction of the Institute over a three-year period from 2021-2024. Its overarching ambition was to provide exceptional educational value to Canada's judges, through a clear and guided plan of action. The plan identified three strategic priorities for the period, along with specific deliverables and concrete commitments to support their achievement.

Priority 1: An Integrated Approach to Judicial Education

- Innovate in digital education while continuing to excel in-person. Explore options for blended learning with digital and in-person components.
- Rigorously review pedagogical approaches and NJI's curriculum, to ensure continued excellence.
- Champion diverse voices and accessibility.

Priority 2: Communication and Relationships

- Strengthen relationships with courts, judges and subject matter experts across Canada, and continue to build a strong community of faculty.
- Strengthen public outreach of our work.

Priority 3: Enabling Infrastructure

- Ensure that human, technical, and financial resources are organized and deployed so as to support strategic objectives.
- Strengthen our enabling infrastructure, support and invest in our people.

Over the three year period covered by our inaugural Strategic Plan, the NJI completed over 220 deliverables, including the NJI Curriculum Review, to fulfill our ambitions to 2024. Some of the many notable achievements of this period include:

- Enhanced access to NJI resources for Provincial and Territorial Court Judges;
- Renewed emphasis on faculty development, and "train the trainer" programming;
- A streamlined scheduling process for court-based programs;
- Further strengthening of French - first education, including the release of numerous French - first online courses and podcasts, and the 2nd and 3rd editions of *Une justice en mouvement* NJI's flagship French-language seminar;
- Increased collaboration with Indigenous Peoples in judicial education, and continuing education on Aboriginal Laws and Indigenous Legal Orders. This included on-the-land meetings of the Judicial Planning Committee on Indigenous Overrepresentation in the Criminal Justice System at the Tsuu T'ina Peacemaker Court in Alberta and Cowichan lands in Duncan, B.C.
- The delivery of innovative digital resources and in-person programming, a small selection of which is detailed on the coming pages.

IN 2023

THE NJI DESIGNED AND DELIVERED 195 DAYS OF IN-PERSON EDUCATION AND OVER 47 NEW AND UPDATED ONLINE RESOURCES.



FEATURED PROGRAMS AND RESOURCES



JUDICIAL FACULTY DEVELOPMENT

NJI education is judge-led, with participation from judicial faculty across Canada. This program equips judges with the knowledge, skills and social context awareness to contribute meaningfully to the design, development and delivery of effective judicial education programs.

Topics include opportunities and challenges in judicial education, best practices in adult education for the judiciary, blended learning techniques, and judicial education relating to Aboriginal Laws and Indigenous Legal Orders.

INDIGENOUS OVER-REPRESENTATION SELF-STUDY ONLINE COURSE

Indigenous professors, practicing lawyers, retired judges, and community members explain how historic and ongoing policies have increased the vulnerability of Indigenous individuals, leading to their over-representation as both offenders and victims. This course features interactive elements, quizzes and video excerpts, in an engaging self-study format.

OVER-REPRESENTATION OF INDIGENOUS PEOPLES IN THE CRIMINAL JUSTICE SYSTEM



JUDGING IN YOUR FIRST FIVE YEARS: FAMILY LAW AND CRIMINAL LAW

The NJI offers in-depth programs in both family and criminal law for recently appointed judges. These counterpart Judging in Your First Five Years seminars form part of the mandatory professional development that federally appointed judges must follow pursuant to the Canadian Judicial Council's Judicial Professional Development Policies and Guidelines.

These intensive programs enable recently appointed judges to continue to enhance their skills in managing criminal and family matters fairly and effectively, from start to finish. As sexual assault trials pose some of the greatest challenges for the judicial role, the criminal law iteration of the program uses sexual assault fact scenarios to anchor the issues and allow participants to hone relevant skills. The family law iteration of the program notably focuses on providing judges with practical strategies to address complex parenting issues, child and spousal support, claims and the impacts of intimate partner violence.

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

Judicial participant

FEATURED PROGRAMS AND RESOURCES



COMMUNICATING EFFECTIVELY IN YOUR COURTROOM

This program provides an opportunity to hone communication skills pertinent to the judicial role including:

- Voice, content, non-verbal communication, and effective listening;
- Authentic communication;
- Recognizing and counteracting unconscious biases; and
- Managing challenging litigants and courtroom environments.

SEXUAL ASSAULT LAW JUDICIAL TOOLKIT (ON-DEMAND RESOURCE)

This online toolkit is a resource hub on the law and social context of sexual assault for judges. Chapters are kept current with emerging jurisprudence and legislative developments and include:

- Social Context;
- Substantive Law;
- Interpreters & Testimonial Accommodations;
- Other Sexual Activity & Private Records;
- Decision-Making; and
- Sentencing.

“The best resource I’ve come across in 30 years in regard to the law of Sexual Assault.”

Justice Michael Brown

“This NJI resource makes a huge difference for me, and I expect, all of our colleagues.”

Justice John M.L. Gibb-Carsley

FEATURED PROGRAMS AND RESOURCES



GOING BEYOND THE COURTROOM

JUDGES AND JAILS: THE REALITIES OF INCARCERATION

This seminar focuses on judges' responsibility to sentence criminal offenders, and involves on-site visits to federal and provincial correctional institutions.

These first-hand experiences complement skills-based education sessions that enhance judges' ability to apply the laws of sentencing fairly and effectively against the backdrop of the *Charter*, legislation and relevant jurisprudence.

QUÉBEC FAMILY LAW SERIES ON-DEMAND RESOURCE

In keeping with the NJI's multi-jural nature, this specialized series within our Family Law Fundamentals Course, focuses on family law in the context of Québec Civil Law. This law governs private matters such as contract, property, family and civil rights in Québec.

The course features focused learning on safeguard orders in family matters, case management measures and short-duration applications.



"This is a fantastic education tool, especially for young judges. The interface is user-friendly and dynamic. The topics are covered efficiently. I'll definitely be referring to this digital tool again in the future."

Justice Isabelle Germain

FEATURED PROGRAMS AND RESOURCES



EVIDENCE WORKSHOP

This program focuses on updates to areas of the law of evidence. Specific evidentiary problems are presented through videotaped vignettes or live simulations of submissions on evidentiary objections, and participants work with expert facilitators to address the issues and develop rulings.

Topics include hearsay, managing witnesses, character or similar fact evidence, and novel scientific evidence.

HEARING AND DECIDING *CHARTER* ISSUES

This program allows participants to acquire the knowledge and skills needed to effectively decide *Charter* cases including:

- Procedural and evidentiary issues with claims of *Charter* breaches;
- Search and seizure;
- Detention and the right to counsel;
- Sentencing;
- *Charter* values and the role of the judge in deciding *Charter* issues; and
- Remedies for *Charter* breaches.

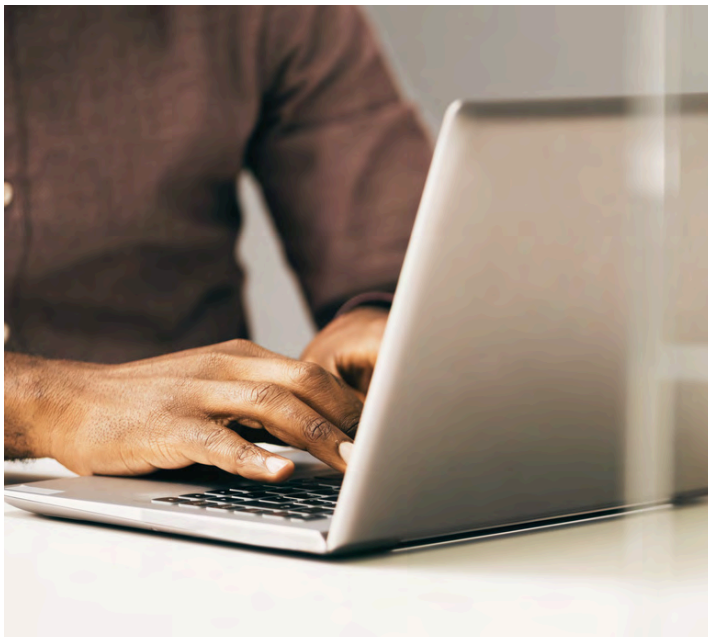


FEATURED PROGRAMS AND RESOURCES

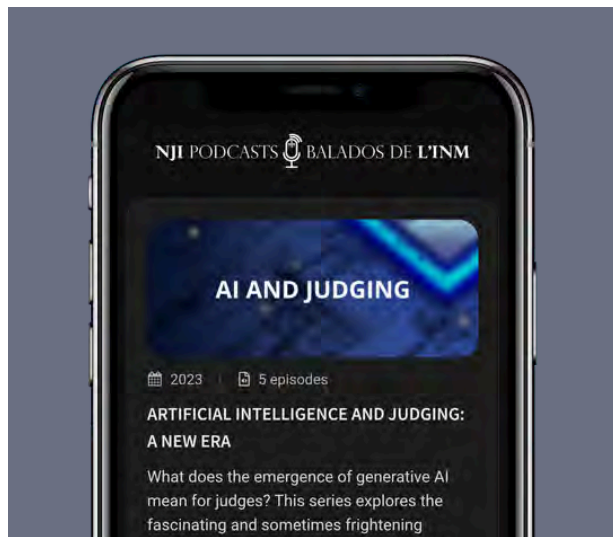


AVAILABLE ANYTIME, ANYWHERE

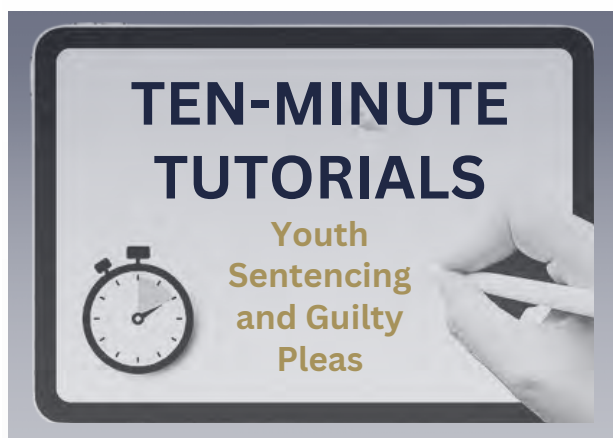
NJI's on-demand education ranges from self-study courses to bench books, podcasts, and resource collections on criminal and family law, sexual assault law, and more.



"I was blown away by the rich digital resources that are available."
Justice Dallas Miller, Court of King's Bench of AB



To search NJI's growing online collection, judges can utilize keyword smart searching or browse content by topic. With NJI subject collections, judges can access the best of NJI's online resources on criminal law, family law, judicial ethics, Aboriginal and Indigenous law, self-represented litigants, and resources for new judges with one-click. The newest collection focuses on science and technology, including a growing catalogue of AI resources.



NJI Podcasts

LISTEN ON THE GO

In 2023, the NJI released a new series of podcasts on artificial intelligence (AI) and judging. The podcasts, recorded in French and English, feature leading subject matter experts and consider the legal, social, and practical implications of this transformative technology.

Subject Collections

NJI DIGITAL RESOURCES BY TOPIC



New Mini-Courses

EASY ACCESS TO KEY TOPICS

NJI's short mini-courses are designed for those looking for a quick refresher or update on current case law. Featuring printable checklists, quick access to applicable legislation and decision-making trees.

LOOKING FORWARD: THE NJI'S STRATEGIC PLAN 2024-2027



“Our Strategic Plan is a roadmap towards the Institute’s most important goals. It allows each NJI team member to see themselves in the bigger picture, and its achievement is a testament to our collective efforts, and the dedication of the whole Institute.”

Danielle May-Cuconato, CEO

THE STRATEGIC PLAN 2024-2027

With the successful completion of our first Strategic Plan, NJI’s sights are now firmly set on the pursuit of our 2024-27 strategic goals.

Priority 1: Excellence in Judicial Education

Outstanding judicial education evolves to support the realities of modern judging - be that judicial workloads, generational shifts or the emergence of new technologies. By readily adapting, innovating, seeking new perspectives and engaging with the Courts we will continue to strengthen our digital and in-person educational experiences over the next 3 years including through:

- Innovative, integrated, and responsive judicial education informed by best practices in adult education pedagogy in both official languages;
- Court-based engagement and professional development planning support;
- Strong relationships with Chief Justices, judicial leaders and other partners and stakeholders; and
- International engagement and support for international judicial education institutes on judicial reform, access to justice and institutional strengthening.

Priority 2: Reconciliation

Following from the Calls to Action of the Truth and Reconciliation Commission, the NJI is committed to contributing to the process of Canadian reconciliation between Indigenous and non-Indigenous peoples through institutional awareness and judicial education.

LOOKING FORWARD: THE NJI'S STRATEGIC PLAN 2024-2027



On-the-land meeting 2023, First Nations Court, Cowichan lands, Duncan, British Columbia.

Left to right, bottom row: Mabel Peters, Judge Karen Whonnock, Justice Tom Crabtree, Marie-Eve Pace, Kierston Fu.

Left to right, top row: Judge Roger Cutler, Elder Albie Charlie, Elder Ernest Elliott, Elder Linda Modeste, Elder Irma Peter, Elder Florence Elliott, Elder Raymond Charlie, Elder Diana Sampson, Elder Melvin Thomas, Peter Aadoson

Over the next 3 years we will:

- Support Canadian judges in: accessing, understanding and applying Aboriginal Laws and emerging Indigenous legal traditions; and addressing the needs of Indigenous parties and litigants.
- Engage and collaborate with Indigenous persons to incorporate and integrate Indigenous worldviews, ceremonies, approaches to language and storytelling, laws and legal practices into judicial education programs and resources; and
- Create an NJI internal-facing Reconciliation Strategy.

Priority 3: Evidence-Based Decision-Making

The administration of justice requires informed and engaged justice stakeholders and a judicial education curriculum that adapts to feedback, emerging needs and evolving contexts, as supported by knowledge, data, and evidence-based enabling Infrastructure. We will:

- Utilize feedback, and data from key judicial stakeholders to inform decision-making, strengthen our programs and resources, and ensure agility and responsiveness;
- Work through a principled framework for meeting judicial education needs;
- Engage with the Canadian public; and
- Foster excellence by supporting and investing in NJI staff and infrastructure.

These priorities will foster innovation and responsiveness, extend the reach and awareness of NJI education and guide the organization forward in the process of reconciliation between Indigenous and non-Indigenous peoples. We are thrilled to focus our resources on these new strategic priorities, as we continue to build better justice through leadership in judicial education.

INTERNATIONAL ENGAGEMENT

The NJI has been engaged internationally for over 20 years, sharing perspectives and expertise with judicial Institutes around the world and working on over 25 projects in host countries. In 2023-2024 we continued to collaborate on best practices, capacity building, and judicial reform with delegations from around the globe.

RECENT NJI INTERNATIONAL ENGAGEMENT



CONTACT DETAILS

We hope that you have enjoyed this review of our recent work at the National Judicial Institute. Please do not hesitate to contact us for any further information.

JUSTICE TOM CRABTREE

Chief Judicial Officer

DANIELLE MAY-CUCONATO

Chief Executive Officer



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