

The 2nd International Conference on the Training of the Judiciary: Judicial Education in a World of Challenge and Change

October 31-November 5, 2004
Fairmont Château Laurier Hotel
Telephone: (613) 241-1414 Fax: (613) 562-7033
Ottawa, Ontario, Canada

<http://www.nji.ca/internationalforum/>

Canadian Co-Chairs:

The Honourable Justice Georgina Jackson
Court of Appeal for Saskatchewan
Email: gjackson@judicom.gc.ca

Mr. George Thomson, Executive Director
National Judicial Institute of Canada
Email : gmthomson@judicom.gc.ca

This Conference is a joint project of the **International Organization for Judicial Training (IOJT)** and the **National Judicial Institute of Canada (NJI)**.

Conference Theme and Overview

Judicial education is one means to strengthen justice systems and to reinforce the rule of law. This international conference will bring together Judges and other leaders in judicial education from around the world to discuss and exchange perspectives and experiences on a wide range of issues touching on the design and delivery of judicial education, as well as the effective performance of judicial educational organizations.

In developing the theme of this conference, the organizers have chosen a range of topics beginning with a global perspective given by a panel of international chief justices and continuing with specific topics intended to address the issues facing judicial training organizations to-day. Specific issues include: starting a judicial training organization; methods of educating newly-appointed judges; designing a judicial education curriculum; developing a skilled judicial faculty; and integrating substantive law, skills development and social context. One focus will be the use of technology and electronic learning in judicial education. Another will be teaching the craft and skills of being a judge.

The rule of law requires the judiciary to be independent, but it also requires it to be accountable. The conference will consider how to teach such difficult issues as ethics, tolerance and the accommodation of diversity.

At each stage, the conference will provide information and instruction to meet the needs of new judicial training organizations and those that are more advanced. Papers of no more than 20 pages are requested before the conference and will be published with permission of the authors on the website and in the library of IOJT following the conference.

Plenary sessions will include simultaneous interpretation in English, French and Spanish. Some workshops will include simultaneous interpretation while others will be offered in the language(s) of the presenter(s).

PARTNERSHIPS

A number of organizations are performing an important partnership role in the design of the conference and in the support of the delegates:

ABA-CEELI	American Bar Association Central European and Eurasian Law Initiative	JEDNET	The Judicial Educators Network (National Judicial Institute)
ADB	Asia Development Bank	JSB	Judicial Studies Board (England and Northern Ireland)
AF	The Asia Foundation	LA FRANCOPHONIE	Agence intergouvernementale de la Francophonie
CAPCJ	Canadian Association of Provincial Court Judges	LENFEST	The Lenfest Foundation
CEJA	Justice Studies Centre of the Americas/ Centro de Estudios de Justicia de las Américas (Chile)	LG	The Langhorne Group
CIAJ	The Canadian Institute for the Administration of Justice (Can)	NASJE	National Association of State Judicial Educators (USA)
CIDA	Canadian International Development Agency	NCSC	National Center for State Courts USA
CJEI	Commonwealth Judicial Education Institute (Can)	NJC	National Judicial College (USA)
CJSA	Centre for Judicial Studies Australia	NJI	National Judicial Institute (CAN)
CMJA	Commonwealth Magistrates and Judges Association	PHILJA	Philippine Judicial Academy
CSHE	Centre for Study of Higher Education University of Memphis	RLF	The Rule of Law Foundation
FJA	Office of the Commissioner for Federal Judicial Affairs (Canada)	USAID	The US Agency of International Development
FJC	Federal Judicial Centre (USA)	WB	World Bank
ICJ	International Commission of Jurists		
IIAJS	The Israel Institute for Advanced Judicial Studies		
IOJT	International Organization for Judicial Training		

1800 – 1930

Welcome Reception
Fairmont Château Laurier

Laurier Room

Welcome and Overview

The Right Honourable Beverley McLachlin
Chief Justice of Canada
Chair of the Board of Governors, National Judicial Institute

The Honourable Justice Shlomo Levin
President International Organization of Judicial Training

The Honourable Irwin Cotler
Minister of Justice and Attorney General of Canada
Government of Canada

Moderator

Mr. George Thomson
Executive Director
National Judicial Institute

MONDAY NOVEMBER 1, 2004

0700 – 0840

Breakfast

Laurier Room

0840 – 0845

Conference Overview

Ballroom

The Honourable Justice Georgina Jackson
Court of Appeal for Saskatchewan
and Conference Co-Chair

0845 – 0900

The International Organization of Judicial Training
Opening Remarks

Presenter:

The Honourable Justice Shlomo Levin
Supreme Court of Israel

0900 – 1030

PLENARY:
JUDICIAL EDUCATION IN A WORLD OF CHALLENGE AND CHANGE

Chief Justices from different regions of the world will offer their perspectives on the role of judicial education in strengthening justice systems and supporting the rule of law

Moderator:

The Honourable Justice Michel Robert
Chief Justice
Quebec Court of Appeal

Presenters:

The Honourable Justice Aharon Barak
President of the Supreme Court of Israel

The Right Honourable Beverley McLachlin
Chief Justice of Canada

The Honourable Muhammadu Lawal Uwais
Chief Justice of Nigeria

1030 – 1045

Health Break

French Corridor

1045 - 1215

PLENARY:
**MAJOR CHALLENGES IN THE DEVELOPMENT AND DELIVERY OF
EFFECTIVE JUDICIAL EDUCATION**

Leaders in the field will introduce 4 broad areas of importance to those who organize, design and deliver judicial education:

A) Establishing and Maintaining a Strong Judicial Training Centre: institutional models; getting started; governance issues; funding issues; building key partnerships

Dr. Russell Wheeler
Federal Judicial Centre, USA

B) Curriculum Design and the Identification of the Educational Needs of Judges: assessing learning needs; integrating law, skills and social context; establishing a career-long commitment to education; mentoring and learning plans as supports to the curriculum

Mr. George Thomson
National Judicial Institute

C) Faculty Development: judges as unique adult learners; applying the principles of adult learning to training judicial educators

Mr. Livingston Armytage
Centre for Judicial Studies
Australia

D) Evaluating the Effectiveness and Impact of Judicial Education Programs: how to evaluate the benefits of judicial education; can judicial performance be empirically assessed; does performance evaluation implicate judicial independence

L'honorable juge Amady Ba
International Development Law Organization

1215 – 1345

Lunch

Laurier Room

1345 – 1500

WORKSHOPS:
JUDICIAL EDUCATION ISSUES

An opportunity to discuss in more detail issues raised in the morning plenary session.

1. Getting started: creating and sustaining a successful training center with limited resources

**MacDonald Room
Mezzanine Level**

Chair:

Dr. Russell Wheeler
Federal Judicial Centre, USA

Presenters:

Ms. Mary Frances Edwards
Mongolia Judicial Reform Program

Dr. Madhava Menon
National Judicial Academy, India

Asta Minkeviciene
Director

2. Assessing educational needs and designing a curriculum to deal with them

Ballroom

Chair: Mr. George Thomson
National Judicial Institute

Presenters: Professor Brettel Dawson
Academic Director
National Judicial Institute

Pousbila Mathias Niambekoudougou
Managing Director
École régionale supérieure de la magistrature (ERSUMA)
Benin

Dr. Silvana Stanga
Executive Director
Austral University
Argentina

3. The judicial educator: faculty development and training

**L'Orangerie
Mezzanine Level**

**Chair /
Co-Presenter** Professor. Patricia Murrell
Director
Centre for Study of Higher education
University of Memphis, USA

The Honourable Justice Adèle Kent
Court of Queen's Bench of Alberta

The Honourable Justice Eusebia Nicholas Munuo
Court of Appeal of Tanzania

4. Evaluating judicial education and judicial education organizations: what can and should be measured?

**Renaissance
Mezzanine Level**

Chair: The Honourable Justice Amady Ba
International Development Law Organization

Presenters: Mr. Thomas Nelson Langhorne III
The Langhorne Group, Inc.

The Honourable Judge Sandra Oxner
Commonwealth Judicial Education Institute

5. Support to the judicial curriculum: mentoring, learning plans

**Burgundy
Mezzanine Level**

**Chair/Co-
Presenter:** The Honourable Justice Suzanne Courteau
Cour supérieure du Québec

Presenter: Dr. Maureen Conner
Executive Director
Judicial Education Reference, Information and
Technical Transfer Project
(JERITT) U.S.A.

**6. Ethical issues in the design and delivery of judicial education:
funding and control of content**

**Gatineau
First Floor**

Chair: The Honourable Justice Michèle Rivet
President
Tribunal des Droits de la personne du Québec

Presenters: Harold Épineuse
Institut des hautes études sur la justice
France

The Honourable Justice Ameurфина Melancio Herrera
Chancellor
Philippine Judicial Academy

7. Education and the judicial career: effective education for newly-appointed judges

**Executive
Board Room**

Presenters: The Honourable Justice Gloria Epstein
Superior Court of Justice, Ontario

The Honourable Judge Haim Porat
Institute for Advanced Judicial Studies, Israel

The Honourable Justice Georgina Jackson
Court of Appeal for Saskatchewan

8. University-based judicial education

**Palladian
Mezzanine**

A discussion of the potential benefits of judicial education programming offered through or in partnership with universities and other institutions of academic excellence. How is the judicial education curriculum enhanced and broadened by the opportunity to engage in more intensive, multi-disciplinary university-based education?

Co-Chairs: The Honourable Justice Ellen Picard
Court of Appeal of Alberta

The Honourable Judge A. Raymond Randolph
U.S. Court of Appeal for the District of Columbia Circuit

Presenters: Mr. Francis Buckley
Executive Director
George Mason University, School of Law

The Honourable Justice Nicole Duval Hesler
Superior Court of Québec

9. Judicial leaders' roundtable - A dialogue involving Chief Justices and other judicial leaders:

**Tudor
First Floor**

A workshop for judicial leaders, judges and others, that focuses on the important role of judicial leadership in promoting judicial education; it will also include a review of judicial education programming directed specifically to Chief Justices.

**Chair and
Co-Presenter:** Claudia J. Fernandes
Judicial Council of California
Administrative Office of the Courts
California

Presenters: The Honourable Catherine A. Fraser
Chief Justice
Court of Appeal of Alberta

The Honourable Chief Justice Aharon Barak
Supreme Court of Israel

1500-1515 **Health break**

1515 – 1730 **General Assembly of the International Organization of Judicial Training (see Annex 1)** **Ballroom**

Monday Evening: Informal Dinners

The Canadian Judges attending the conference will offer registrants the opportunity to join them at informal dinners at restaurants in the Ottawa region.

(Each participants pays for his or her dinner)

TUESDAY, NOVEMBER 2ND, 2004

Breakfast

For those who were unable to attend a particular workshop yesterday, or who wish to continue discussions, topical tables will be designated in the breakfast room with faculty in attendance.

Laurier

0730 – 0845 **IOJT Business Meetings**

Executive Board Room

0900 - 1030

PLENARY:
**USING TECHNOLOGY AND ELECTRONIC LEARNING
IN JUDICIAL EDUCATION**

Ballroom

Four presentations to demonstrate the possibilities and the risks associated with the use of technology to deliver judicial education and to provide judges with essential tools and resources.

Chair: The Honourable Judge Paul B. Cotter (ret'd)
Rule of Law Foundation

A) The potential and limitations of distance education

Carol Howells
Acting Deputy Director
Open University Law Program

B) Using technology effectively with modest resources

The Honourable Justice Adrian Saunders
Acting Chief Justice
Eastern Caribbean Supreme Court
St. Lucia

C) The future of technology in judicial education

Mr. Charles Ericksen
Executive Director
National Centre for State Courts
Institute for Court Management

D) Using technology to build and provide needed judicial education resources

The Honourable Judge William Dressel
President
National Judicial College

1030 - 1045

Health Break

French Corridor

1045 - 1230

WORKSHOPS:
TECHNOLOGY

This will be an opportunity to discuss and exchange ideas and experiences raised in the plenary session.

1. Exploring the potential and limitations of distance education

Ballroom

Chair: The Honourable Justice Adrian Saunders
Eastern Caribbean Supreme Court

Presenters: Justice Luis Henry Molina
National Judicial School
Dominican Republic

Dr. Russell Wheeler
Deputy Director
Federal Judicial Centre

2. Making judicial resources available through technology; bench-books; e-letters; databases; the electronic library; individual learning plans; and web-sites

**MacDonald Room
Mezzanine Level**

Chair: **The Honourable Justice Robert Sharpe**
Court of Appeal for Ontario

Presenters: The Honourable Judge Victor Hall
Judicial Studies Board (England and Wales)

Ms. Susan Lightstone and
Ben Gianni
Senior Advisors
National Judicial Institute

3. Course design and delivery using technology for instructor-led programs

**L'Orangerie
Mezzanine Level**

Chair/Co-Presenter: The Honourable Judge Jean Lytwyn
Provincial Court of British Columbia

Presenters: Mr. Mauricio Duce
Judicial Studies Centre of the Americas

Mr. Raymond Foster
Education Technology Director
National Centre for State Courts

4. How technology can aid in development of basic resources and programs

**Tudor
First Floor**

Presenter: The Honourable Judge William Dressel
President
National Judicial College

5. Developing and maintaining a secure judicial network – the Canadian experience

Burgundy

Presenters: The Honourable Justice Robert Carr
Court of Queen’s Bench of Manitoba

Mr. David Gourdeau
Commissioner for Federal Judicial Affairs
Canada

1230 – 1400

Lunch

Laurier Room

1400 - 1500

PLENARY:

THE CRAFT OF JUDGING: IDENTIFYING AND TEACHING JUDICIAL SKILLS

Ballroom

Chair:

The Honourable Amnon Carmi
Institute for Advanced Judicial Studies
Israel

A) Teaching Judges as Unique Adult Learners:

Skills-based learning as an essential element of good adult education

Presenter:

Mr. David Cruickshank
Paul, Weiss, Rifkind, Wharton and Garrison

B) Developing an Effective Skills-Based Course:

Using the skills of judgment-writing, delivering oral judgments and managing the judgment-writing process, this session will demonstrate good skills-based course design.

Presenter:

The Honourable Justice John Laskin
Court of Appeal for Ontario

1500 - 1515

Health Break

French Corridor

1515 -1700

WORKSHOPS:

SKILLS-BASED EDUCATION

Registrants will be able to choose one of the following skills-based workshops where they can discuss and observe skills-based educational programming

1. Hands-on Program Design Workshop: A Skills-Based Design Exercise

Ballroom

Chair:

The Honourable Justice Lynn Smith
Supreme Court of British Columbia

Presenters:

The Honourable Justice John Laskin
Court of Appeal for Ontario

Mr. Thomas Nelson Langhorne III
The Langhorne Group, INC.

Mr. David Cruickshank
Paul, Weiss, Rifkind, Wharton and Garrison

2. Decision making: assessing credibility and making findings of fact

**Burgundy
Mezzanine Level**

Presenter:

The Honourable Justice Marc Rosenberg
Court of Appeal for Ontario

3. Judicial dispute resolution and case management

**Tudor
First Floor**

Chair: The Honourable Justice Jose C. Vitug
Supreme Court
Philippines

Presenter: The Honourable Justice R. James Williams
Supreme Court of Nova Scotia

The Honourable Judge J. Clifford Wallace
Senior U.S. Circuit Judge

4. Receiving and weighing scientific evidence

**Gatineau
First Floor**

Presenters: The Honourable Judge Barbara Rothstein
Director
Federal Judicial Centre

The Honourable Justice Thomas Cromwell
Nova Scotia Court of Appeal

5. The application of principles of civil procedure

**Executive
Board Room
Mezzanine Level**

How to teach judges to correctly apply the rules of procedure; discussion of the meaning and goals of civil procedure, and the use of these rules as a tool for administering justice and efficiency.

Presenter: The Honourable Justice Shlomo Levin
The Institute for Advanced Judicial Studies

6. Teaching diversity issues

**Palladian
Mezzanine Level**

Presenters: The Honourable Justice Ruma Pal
Supreme Court of India

The Honourable Justice Douglas Campbell
Federal Court of Canada

Professor Kathleen Mahoney
University of Calgary

7. Teaching Judicial Ethics

**MacDonald
Mezzanine Level**

- A) Integrating ethics education into a judicial education curriculum: teaching rules of conduct vs. promoting the skill of identifying and resolving ethical dilemmas
- B) Innovative initiatives and programs

Chair: The Honourable Justice James Spence
Superior Court of Justice (Ontario)

Presenters: Harold Épineuse
Institut des hautes études sur la justice
France

The Honourable Judge Keith Hollis
Director of Studies
Commonwealth Magistrates and Judges' Association

8. Educating court – related justice system professionals

**L'Orangerie
Mezzanine Level**

This session will review best practices, emerging issues, and the unique challenges involved in educating personnel working in and with the courts, including court administrators, clerical personnel, executive branch staff assigned to the judiciary, and probation officers.

Chair: The Honourable Judge William F. Dressel
President
National Judicial College
Nevada, USA

Presenters: James Buchanan
Senior Education Specialist
Federal Judicial Center, USA

Ms. Claudia Fernandes
Center for Judicial Education and Research

Mr. William Brunson
Academic Director
National Judicial College

1700 - 2100 African Delegates Meeting

**Laurier Room
Ground Level**

Tuesday Evening: On your own

WEDNESDAY, NOVEMBER 3, 2004

0745 - 0845	Breakfast For those who were unable to attend a particular workshop yesterday, or who wish to continue discussions, topical tables will be designated in the breakfast room with faculty in attendance	Laurier Room
0730 - 0845	Introductory sessions for new IOJT committee chairs/IOJT executive meeting	Executive Board Room
0900 - 1000	<u>PLENARY:</u> JUDICIAL EDUCATION AS A SUPPORT TO JUDICIAL INDEPENDENCE AND MAJOR JUSTICE REFORM	Ballroom
Presenter:	Dr. Carlo Guarnieri Department of Organization and Political Systems University of Bologna Italy	
Commentary:	The Honourable Justice Michel Bastarache Supreme Court of Canada	
1000 - 1015	Health Break	French Corridor
1015 - 1145	<u>PLENARY:</u> JUDICIAL EDUCATION AS A SUPPORT TO JUDICIAL INDEPENDENCE AND MAJOR JUSTICE REFORM (CONTINUED)	Ballroom

With commentary from various representatives from South America, Eastern Europe, and Southern Africa

Mr. Cristian Riego
Academic Director
Judicial Studies Centre of the Americas

The Honourable Justice Memberetsehai Tadesse
Federal Supreme Court of Ethiopia

The Honourable Lech Paprzycki (TBC)
Chief Justice
Supreme Court of Poland

1145 - 1200 **IOJT Wrap-up**

The Honourable Justice Clifford Wallace
Senior U.S.Circuit Judge

WEDNESDAY AFTERNOON

Meetings of IOJT Committees

TOURS:
1315 - 1700 Buses will pick people up at the front entrance of the Chateau Laurier for tours of Ottawa. After the city tour, some people will go to the Museum of Civilization and others will go to the Department of Justice

WEDNESDAY EVENING

1830 - 2030 **Reception / Dinner**

**Adam Room
Ground Floor**

SYMPOSIUM ON SOCIAL CONTEXT EDUCATION FOR JUDGES

November 4 - 5, 2004

“There is no doubt that equality is a component of justice, just as independence and impartiality are. All three require that judges take into account the social context of facts and law in order to render justice since people are contextual as much as law is ...without social context, there is no justice.”

The Honourable Claire L’Heureux-Dube, ret. Supreme Court of Canada
“Social Context: It is Not Law?” Remarks, Montreal, 2003

“A socially sensitized judge, in our opinion, is a better statutory armour in cases of crime against women than long clauses of penal provisions, containing complex exceptions and provisos.”

Justice Arijit Pasayat,
State of Punjab v. Ramdev Singh (2003) SOL Case No. 853 at 1 (Supreme Court of India)

“in the law, ‘context is everything’,”
Lord Johan Steyn, *R. (Daly) v. Secretary of State for the Home Department*
[2001] 2 A.C. 532 at 548.

Building on the premise that effective judicial education needs to address substantive law, judicial skills development and social context, this Symposium permits in-depth consideration of this third dimension: social context, broadly understood as education related to equality, human rights, and diversity. The symposium will provide an opportunity for judicial educators expert in this area to share experiences, approaches and 'best practices' based on program initiatives in their respective countries. It will be valuable to all delegates who are interested in learning more about this as a new area of judicial education. A full description of the symposium including core themes and objectives is appended to this agenda.

THURSDAY, NOVEMBER 4, 2004

0730 – 0845	Breakfast	Canadian Room Lower Level
0845 – 0900	Welcome and Program Overview	Drawing Room Ground Floor

**Honorary
Conference Chair:** The Honourable Claire L’Heureux-Dubé (ret’d)
Supreme Court of Canada

**Conference
Coordinator:** L’honorable juge François Rolland
Juge en chef, Cour supérieure du Québec

Opening Remarks: George M. Thomson
Executive Director, National Judicial Institute

0900 – 0945 **OPENING KEYNOTE: CONTEXTUAL JUDGING**

Moderator: L’honorable juge François Rolland
Juge en chef, Cour supérieure du Québec

The Honourable Justice Lynn Smith
Supreme Court of British Columbia

Commentator:
Professor Jennifer Nedelsky
Faculty of Law, University of Toronto

0945 – 1015 **PLENARY:**

VIGNETTES

Presentation of a case example from different regions of the world where ‘social context’ issues are present in matters of fact or law.

Moderator: Professor T. Brettel Dawson
Academic Director,
National Judicial Institute, Canada

Africa: The Honourable Justice Mary A. Ang’awa,
High Court of Kenya

Asia: The Honourable Justice Shiranee Thilakawardene,
Supreme Court of Sri Lanka

South America: The Honourable Justice Dr. Helena Highton,
Supreme Court of Argentina

Africa: Harimisa Norovololona Razafindrakoto
Directeur des Etudes de L’Ecole Nationale de Magistrature et des Greffes (ENMG) (to be confirmed)

1015 – 1030

Health Break

1030 – 1230

PLENARY: Social Context Education and Judicial Strengthening

This session addresses the conceptualization and role of national or regional social context programs. A range of projects will be presented from developed countries, developing countries and transitional societies.

Topics to be addressed include: Scope and goals of the social context education project in question: What is social context education and what does it seek to do? Design of social context programs; Strategies to ensure credibility and address judicial concerns; best practices; challenges, learning, and achievements.

Moderator: The Honourable Justice Dolores Hansen
Federal Court of Canada

Discussants:

Canada (SCEP):

The Honourable Justice John McGarry
Superior Court (Ontario)

The Honourable Justice Donna Martinson
Supreme Court of British Columbia

The Honourable Justice Donna Hackett
Ontario Court of Justice

Professor Rosemary Cairns Way
Faculty of Law, University of Ottawa

South Africa (Justice Linkages Project):

Tandaswa Ndita
Law, Race, Gender Unit, Faculty of Law, University of Cape Town

Professor Saras Jagwanth
Law, Race, Gender Unit, Faculty of Law, University of Cape Town;

South Asia Project:

The Honourable Justice Ruma Pal
Supreme Court of India

The Honourable Justice Samarash Banerjea
High Court of Calcutta (ret.)

Anuradha Kapoor
Director
Swayam (Women Against Violence)
Calcutta, India

The Honourable Justice Douglas Campbell
Federal Court, Canada

Middle East:

Angela Conway
Director Middle East Program, American Bar Association, Central European and Eurasian Law
Initiative (ABA-CEELI; MEPI)

Judge Nawal Mohamed Khaleel Al-Jawhari
Judge of the First Instance Court, Amman, Jordan

Judge Ass'ad Mubarak
High Judicial Council, Palestinian Authority, Palestine

Professor Reem Bahdi
Faculty of Law, University of Windsor; Coordinator, The Palestinian Judicial Education Project

1230 – 1330

Lunch

**Canadian Room
Lower Level**

1330 – 1400

PLENARY:

**THE ROLE OF SOCIAL CONTEXT EDUCATION IN JUDICIAL STRENGTHENING IN DEVELOPED, DEVELOPING
AND TRANSFORMING SOCIETIES.**

Moderator:

Professor Kathleen Mahoney
Faculty of Law, University of Calgary

Commentators:

The Honourable Judge Keith Hollis
Commonwealth Magistrates and Judges' Association
United Kingdom

Iryna Voytyuk
Acting President
Academy of Judges of Ukraine

WORKSHOPS

1400 -- 1700

The Social Context Education Curriculum (Workshops)

The workshops in this session address examples of social context programming. Social context education occurs along a continuum from fully standalone programs to those which integrate within regular judicial education programming. The workshops demonstrate a range of approaches along this continuum.

Each workshop will address several questions:

- What was the driving force for curriculum development in this area?
- What planning principles were followed?
- What was innovative about the program?
- How adaptable is the program to other settings?
- How does this education relate to other elements of judicial education?

There are two workshop sessions: 1400 – 1520; and 1540 – 1700 with a short health break in between.

Participants will be able to attend 1 workshop in each session (or 2 of the 8 workshops).

**1400 - 1500
Moderator:**

1. Judicial Education and Gender Equality: Women, Judges and Human Rights Law

Drawing Room

Joan Winship, Esq
Executive Director
International Association of Women Judges
Washington, D.C.

Towards a Jurisprudence of Equality Project:

Joan Winship, Esq., Executive Director,
International Association of Women Judges,
Washington DC, USA

Anne T. Goldstein, Director of Human Rights Education
International Association of Women Judges,
Washington DC, USA

Africa The Honourable Justice Eusebia Munuo
Court of Appeal of Tanzania

*South
America* The Honourable Judge Maria Eugenia Villasenor Velarde
Court of Appeal
Guatemala

The Honourable Judge Angela de Alberto
Labour Court
Santa Anna, El Salvador

2. Judges as Problem Solvers:

The Role of interdisciplinary learning and multi-disciplinary court processes.

**Renaissance
Mezzanine Level**

Moderator:

The Honourable Justice Freda Steel
Court of Appeal for Manitoba

USA The Honourable Judge William Dressel
President
National Judicial College

Canada The Honourable Justice Paul Bentley
Ontario Court of Justice

3. Legal and Social Upheavals: Building Judicial leadership and capacity to respond to major social crises

**Tudor
First Floor**

- HIV/AIDS
- Post-conflict (post apartheid) reconstruction

Moderator

Professor Saras Jagwanth
Faculty of Law, University of Cape Town
Division for the Advancement of Women, United Nations, New York

Southern Africa Tandaswa Ndita,
Law, Race, Gender Unit, Faculty of Law, University of Cape Town

South Africa The Honourable Justice Ralph Zulman
Supreme Court of Appeals, South Africa

4. Disability and Law: Rethinking Paradigms

**Burgundy
Mezzanine Level**

Moderator

The Honourable Justice Margaret Larlee
Court of Appeal for New Brunswick

Catherine Frazee
Co-Director, Disability Studies
Ryerson University, Toronto

1520 - 1540

Health Break

**Drawing Room
Foyer**

5. Crafting Effective Judicial Education to Address Sexual Crime

**Tudor
First Floor**

Moderator:

The Honourable Justice Donna Martinson
Supreme Court of British Columbia

Sex-Trade and Trafficking (*Philippines Project*)

The Honourable Justice Donna Hackett
Ontario Court of Justice

Professor Richard Devlin
Faculty of Law, Dalhousie University, Halifax

Sexual Assault (*USA Project*)

Ms. Lynn Hecht Schafran Esq.
National Judicial Education Program, Legal Momentum
New York City

Ms. Claudia Bayliff, Esq.
National Judicial Education Program, Legal Momentum

**6. Social Context and Judicial Decision-Making Processes:
Social cognition research, diversity and judicial reasoning.**

Drawing Room

Moderator:

The Honourable Justice Adèle Kent
Court of Queen's Bench of Alberta

USA Kathleen Sikora
Former Senior Attorney
California Center for Judicial Education and Research
USA

Honourable Ken Kawaichi (Ret.)
Superior Court of California
USA

Canada Professor Jennifer Nedelsky
Faculty of Law, University of Toronto

7. Indigenous Peoples, Customary Law and Judicial Education

**Renaissance
Mezzanine**

Moderator:

The Honourable Judge Clifford Toth
Provincial Court of Saskatchewan

Canada The Honourable Justice Murray Sinclair
Court of Queen's Bench of Manitoba

Benin The Honourable Judge Genvieve Boko-Nadjo (to be confirmed)
Tribunal de Première Classe de Cotonour, Benin
USAID Women's Legal Rights Initiative

8. Enhancing Judicial Skills in Cases Involving Domestic Violence.

**Burgundy
Mezzanine**

Moderator

The Honourable Justice John McGarry
Superior Court of Justice (Ontario)

South Africa Mr. Rick Craig
Executive Director, Law Courts Education Society of British Columbia

Trinidad and Tobago The Honourable Justice Maureen Rajnauth-Lee
High Court, Trinidad and Tobago

The Honourable Justice Nancy Flatters
Provincial Court of Alberta

Canada The Honourable Heino Lilles
Chief Judge, Territorial Court of the Yukon

1730

Buses will leave the front door of the Chateau Laurier to go to the Supreme Court

1800 – 1930

Reception

Venue: Supreme Court of Canada

Hosted by: The Honourable Justice Michel Bastarache
Supreme Court of Canada
Vice-Chair, Board of Governors
National Judicial Institute

Evening

Unscheduled

0730 – 0845

Breakfast

For those who were unable to attend a particular workshop yesterday, or who wish to continue discussions, topical tables will be designated in the breakfast room with faculty in attendance.

Workshops 1-4

**Quebec Suite
First Floor**

Workshops 5-8

**Renaissance
Mezzanine Level**

0900 – 0920

**PLENARY:
SOCIAL CONTEXT AS AN INTEGRAL ELEMENT IN JUDICIAL EDUCATION: ISSUES
AND APPROACHES**

Drawing Room

This presentation will address the questions: How does social context education change judicial education? What does it mean to ‘integrate social context’ in judicial education? How can social context remain visible within an ‘integrated curriculum’?

Moderator:

The Honourable Catherine Fraser
Chief Justice
Court of Appeal of Alberta

“Framing the Issues of Sustainability and Integration”

Professor Sheilah Martin, QC
Faculty of Law, University of Calgary

0920 – 1015

**PLENARY:
INTEGRATION EXERCISE**

Professor Sheilah Martin

Marlon Manuel
Executive Director SALIGNAN, and Coordinator, Alternative Law Group Inc., Manila,
Philippines

1015 – 1030

Health Break

1030 – 1230

**PLENARY:
ACHIEVING INTEGRATION AND SUSTAINABILITY OF SOCIAL CONTEXT IN JUDICIAL EDUCATION**

This session will examine a number of elements (and best practices) involved in the sustainable integration of social context within all forms of judicial education. Concrete examples will be introduced by topic facilitators who will encourage participants to explore applicability and adaptability to their regions.

Moderator:

Professor Richard Devlin
Faculty of Law, Dalhousie University, Halifax

1. Judicial Faculty Development

- Opening example: Social Context Faculty Development and Curriculum Design Program, Canada

The Honourable Justice Donna Hackett
Ontario Court of Justice

2. *Curriculum Integration: Role of Resource Development*

- Opening example: National Judicial Education Program/Legal Momentum: Issues and Resources for Judicial, Legal and Continuing Legal Education: “Gender, Justice and Law: From Asylum to Zygotes”

Lynn Hecht Schafran, Esq.
Director, National Judicial Education Program, Legal Momentum (USA)

3. *Community and NGO Involvement*

“Building Trust”: Naina Kapur
Executive Director, Sakshi, India

Doo Aphone
Regional Coordinator for the USAID Women-Legal Rights Initiative
Southern Africa, Mbabane, Swaziland

4. *Process and Institutional Commitment (Role of Judicial Education Institutes)*

- Opening example: Social Context Integration Protocol, National Judicial Institute, Canada

Professor T. Brettel Dawson
Academic Director, National Judicial Institute

5. *Partnerships: Judicial Education Institutes, Universities, Justice Sector*

- Opening example: Guatemala postgraduate program in gender and the law for judges, justices of the peace, women and indigenous women NGO leaders.

Leila Mooney Sirontinsky
Senior Legal and Capacity Building Expert
USAID Women's Legal Rights Initiative

1230 – 1330

Lunch (Two Locations)

**Renaissance
Mezzanine Level**

**Quebec Suite
First Floor**

1330 - 1445

**PLENARY:
IS CHANGE POSSIBLE? WHAT WORKS AND WHY:
DEFINING AND ASSESSING EFFECTIVENESS**

Drawing Room

This session will focus on the different levels of impact evaluation, focusing on issues related to evaluation of social context education. The session will cover terminology, methodology and evaluation strategies with a view to providing educators with tools in this area.

Moderator

The Honourable Justice Thea Herman,
Superior Court of Justice (Ontario)

Dr. Maureen Connor
Executive Director
Judicial Education Reference, Information and Technical Transfer Project (JERITT), U.S.A.

1445 - 1500

Health Break

1500 - 1515

Concluding Remarks

The Honourable Claire L'Heureux-Dubé (ret'd)
Supreme Court of Canada

1530 – 1730

Roundtable Dialogue: Contextual Judging and Contextual Education

Following the conclusion of the Symposium, discussion of the Canadian experience of social context in judicial education and judicial decision-making will continue. Program leaders from other projects and countries will be invited to observe (and participate as they wish). The Roundtable is being organized in conjunction with preparation of a book addressing Canadian approaches to Contextual Judging and Judicial Education by Professors Cairns, Way and Dawson who were the two National Coordinators of the NJI Social Context Education Project (publisher: Butterworths/Lexis-Nexis).

Evening

Unscheduled

SYMPOSIUM ON SOCIAL CONTEXT EDUCATION FOR JUDGES
NOVEMBER 4-5, 2004
(CANADA CONFERENCE)

Symposium Description, Objectives and Themes
Participating Projects

Description

Building on the premise that effective judicial education needs to address substantive law, judicial skills development and social context, the Symposium permits in-depth consideration of this third dimension: social context, broadly understood as education related to equality, human rights, and diversity. The symposium will provide an opportunity for judicial educators expert in this area to share experiences, approaches and 'best practices' based on program initiatives in their respective countries. It will be valuable to all delegates who are interested in learning more about this as a new area of judicial education.

Objectives

At the conclusion of the symposium, participants should have had the opportunity to:

- consider the role of social context in judicial decision-making and thus, its role in judicial education
- define the scope of social context education
- generate best practices for design and development of credible social context education based on specific project experiences
- share 'lessons learned' about project development and implementation with a view to generating operating principles or guidelines for social context programming
- identify issues and criteria relevant to assessing effectiveness of social context education
- consider how to best ensure sustainability and integration of social context education.

Themes

Using a combination of short presentations, roundtable discussions and small group working sessions, several themes will be explored:

Theme 1: Rationales and Imperatives for Social Context Education

- What imperatives drive development of judicial social context education?
How do legislative or constitutional requirements, international legal obligations and equality jurisprudence interact to mandate social context engagement by the judiciary?
- How does social context education contribute to securing judicial independence?
- How does social context education support judicial strengthening: what is the role of social context education in 'developed judiciaries'? In 'transforming judiciaries'?

Theme 2: Conceptualization: Models for the Definition, Design and Delivery of Social Context Education

- How has judicial social context education been defined and conceptualized? What have been the scope and goals of 'social context education' programs?
- What have social context education programs looked like?
- How have social context programs been developed, designed and delivered? Who has been involved?
- What needs to be in place to ensure that social context education is credible (and to whom)? What strategies have evolved to meet resistance to this form of judicial education?
- What 'operating principles' and best practices have developed from experience in social context programming (eg. 'the three pillars' principle of involving judges, academics and community members in programming in Canada)

Theme 3: Social Context in the Judicial Education Curriculum

- Does social context education 'change judicial education'? What distinctive features characterize social context education?

- What is the relationship of social context education to ‘the rest of’ the judicial education curriculum? Is social context education a ‘standalone’ component? Is social context an essential dimension to all judicial education courses (together with substantive law and judicial skill development)?
- How can the necessary social context knowledge be developed to ensure that integration is done well?
- What approaches to ‘integration’ of social context seem most promising? (eg. judicial faculty development, institutional resource allocation and staffing, planning guidelines etc).

Theme 4: Sustainability, Effectiveness and Impact

- What happens when project funding ends? How can social context education be sustained?
- What have been the ‘outcomes’ of social context education? Has social context education improved the delivery of justice?
- What issues arise in trying to evaluate effectiveness of (social context) judicial education in terms of judicial functioning rather than program functioning?
- What does it mean to ‘evaluate effectiveness’ of social context education? What indicators are useful and measurable? How can long-term and short term impacts be measured?