

# **The 2<sup>nd</sup> 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/>**

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## **Canadian Co-Chairs:**

**The Honourable Justice Georgina Jackson**  
**Court of Appeal for Saskatchewan**  
**Email: [gjackson@judicom.gc.ca](mailto:gjackson@judicom.gc.ca)**

**Mr. George Thomson, Executive Director**  
**National Judicial Institute of Canada**  
**Email : [gmthomson@judicom.gc.ca](mailto: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

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

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

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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  
Lithuanian Judicial Training Center

## 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 Ameurfina 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 2<sup>ND</sup>, 2004**

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**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  
Mezzanine Level

**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

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

### 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

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0745 - 0845 **Breakfast Laurier Room**  
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

0730 - 0845 **Introductory sessions for new IOJT committee chairs/IOJT executive meeting Executive Board Room**

0900 - 1000 **PLENARY: Ballroom**  
**JUDICIAL EDUCATION AS A SUPPORT TO JUDICIAL INDEPENDENCE AND MAJOR JUSTICE REFORM**

**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

**PLENARY:**

**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**

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**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**

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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.

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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

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

**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 Nditia  
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;  
Division for the Advancement of Women, United Nations

**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**

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**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?