

National Judicial Institute - Fall 2023 Update

As the CAPCJ representative on the National Judicial Institute (NJI) Board of Governors, I am pleased to provide this report at the Fall 2023 CAPCJ Board meetings. The last NJI Board of Governors meeting was held on March 16, 2023. The next NJI Board of Governors meeting is scheduled to be held on November 22, 2023.

NJI is a bilingual institution responsible for developing and providing judicial education in English and French for Canadian judges. NJI also has an international role in providing judicial education in many foreign jurisdictions. Under the guidance of the NJI's Chief Judicial Officer, Justice Tom Crabtree, NJI's professional development is judge-led and judging focused to deliver relevant, timely and high-quality judicial education for Canadian judges.

During the Covid 19 pandemic, NJI developed a vast array of online programs and digital resources such as self study programs and short podcasts. While those resources remain available and have even been enhanced, NJI officials have repeatedly advised the NJI Board of Governors of the value and importance of in-person judicial professional development in Canada and NJI continues to provide first-class in-person educational opportunities for judges.

A few examples of the bilingual digital self-study resources available on the NJI website are the New Judges Survival Guide, Criminal and Family Law Fundamentals, Sentencing Black offenders, the excellent and regularly updated Sexual Assault Judicial Toolkit, which includes commentary on the substantive law as well as various motions in those matters, and constant updates on recent developments through the Criminal and Family Law E-Letters. In addition, bilingual "Tutorials" have been developed in relation to the Youth Criminal Justice Act, Intimate Partner Violence and AI and Judging. The Montréal office of NJI is now open and is providing programming for French-speaking judges in Canada with substantial French language legal content.

In previous reports, I advised that a draft Memorandum of Understanding (MOU) had been negotiated between the NJI, the Canadian Judicial Council (CJC) and the Canadian Council of Chief Judges (CCCJ) to allocate dedicated spaces at NJI national in-person programs for Provincial/Territorial Judges. As part of that MOU, CCCJ provided additional funding to NJI to secure up to 175 seats at NJI in-person programs. The MOU has gone forward as a two-year "pilot project" to determine if any adjustments would be required to fully implement the draft MOU. The "pilot project" is expected to conclude at the end of Summer 2024.

CCCJ, CJC and NJI have worked closely to refine the process for identifying participants and allocating spaces for Provincial/Territorial Court Judges at NJI programs. CCCJ has worked out a formula for the fair distribution of those dedicated spaces and the NJI Board of Governors has been advised that the MOU is going well. CCCJ was able to ensure that PCJ's registrations have been confirmed for the dedicated seats at NJI's in-person programs for 2022-23. CCCJ planned to establish a similar allocation of seats for PCJ's at specific programs for the 2023-24 fiscal year. NJI has also indicated that they are looking at various initiatives to create extra spaces for PCJ's at programs, for which a judge has been approved to attend by their Chief Judge or Chief Justice.

In closing, I wanted to note that there are two seats on the NJI Board of Governors that have been dedicated to represent the interests of Provincial or Territorial Court Judges. One of those seats is made available to a CAPCJ representative with the appointment of that representative to the Board of Governors being made by the Chief Justice of Canada, the Right Honourable Richard Wagner, who chairs the Board of Governors. I have had the distinct pleasure of being the CAPCJ representative on the Board of Governors for the last two years.

The other Provincial or Territorial judicial representative on the NJI Board of Governors is made available to the CCCJ, and until the conclusion of the spring 2023 meeting, Chief Justice Lise Maisonneuve of the Ontario Court of Justice was the CCCJ representative. I want to acknowledge the tremendous contribution that Chief Justice Maisonneuve made to the NJI Board of Governors on behalf of PCJ's during her term on that Board. Chief Justice Maisonneuve's term as Chief Justice ended earlier this year and she has been replaced as the CCCJ representative on the Board of Governors by Chief Judge Melissa Gillespie of the British Columbia Provincial Court.

Respectively submitted,

Judge Theodore K. Tax