

*Session 8.0*

*Organising Pan-Continental Legal Training – Building Connections to Share Learning*

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- 1 The first presentation from each of us will be on, why a network, and, what is a network? The Second part of our presentations will be, how we support the network, and we will finish up with, challenges in maintaining and sustaining the network.
- 2 When I was first approached about doing this panel I immediately thought that I would be doing a presentation on international networks. That seemed to me the logical thing. Then I spoke with Victor and Sandra, and both of them said, ‘but Canada is a network. Why don’t you start off looking at a national network’, and that they would look at the international networks. So, it was interesting because I had never thought about what we do at the National Judicial Institute as a network, but they convinced me that it was so hopefully this is going to work.
- 3 We are going to look first at a national network and see what we can learn from a national network that hopefully can be adapted internationally, and share some lessons. It might not be immediately obvious why we would characterise judicial education within Canada as a network. In fact, it took some convincing on their part to convince me, but I am now convinced. Due to the various characteristics of Canada politically, legally, geographically and demographically, as well as the philosophy and approach taken to judicial education, the delivery of judicial education in Canada does indeed have much in common with international networks of education. Canada, like Australia, is a federal state with a federal government, ten provincial governments and three territorial governments. While that is fewer than the European governments and Commonwealth governments that Sandra and Victor deal with, it is still a lot of governments, and a lot of laws.
- 4 We have laws enacted by our federal government, which apply across the country, and provincial laws which are specific to each province. Not only are there different sets of laws by virtue of the different levels of government but the Canadian justice system is also both bi-jural and bilingual. The civil law applies in Quebec, but the common law applies in the rest of the country. French and English are the official languages in our courts. Some would also say that there is a third system of law emerging in Canada, the aboriginal law and legal system. Not only do we have two levels of government that pass laws but we have two levels of government that appoint and pay judges. The provincial governments appoint judges to the first trial level and the federal government appoints the rest. As you can well imagine, this provides challenges for the delivery of judicial education, not the least of which is different sources and levels of funding.
- 5 In addition to the unique features of our political and legal system there are other challenges in delivering judicial education in Canada, some of which are mirrored in the international context. The first is that, as you probably know, the country is large. That means that the cost of bringing judges from across the country to plan or attend judicial education programs is significant, and ways have to be found to look at other approaches to judicial education, to deal with that significant cost issue. We have six

time-zones. You can just imagine the challenge of scheduling coast-to-coast program planning meetings. We go through that frequently. Another challenge is the diversity of our population. Other than our first-nations people we are and we continue to be a country of immigrants. Our population is multi-racial, multi-cultural and multi-lingual. The face of Canada is constantly changing. There are cities in Canada that will soon have majority aboriginal populations and there are cities that will soon have a majority non-white population. Unfortunately the face of the Canadian judiciary does not reflect this diversity.

- 6 Prior to the establishment of the National Judicial Institute there was an ad hoc approach to education in Canada. NJI was established in 1988 to try to address the problems of duplication, gaps and lack of coordination as a result of this ad hoc approach. The intention in creating NJI was to create a single national bilingual education body to provide overall coordination and information-sharing for judicial education in Canada. It was not intended to be, however, the sole deliverer of judicial education. Since 1988, NJI has developed and continues to experiment with ways to deliver or coordinate judicial education amidst all this diversity, the diversity of laws, legal systems, funding, language, population and geography.
- 7 While we do not often think of NJI as a network it is indeed just that. NJI is committed to serving all Canadian judges, whether they are working in the common-law system or the civil law system, whether they are in federal or provincial courts. It is also committed to working both nationally and locally and that means that courses are offered both to judges from across the country and at the individual-court level. NJI is also not the only body in Canada offering judicial education. It has partnerships not just with all the courts across the country but with other judicial education bodies and organisations as well. In fact, next week NJI is delivering, in cooperation with the Canadian Chapter of the International Association of Women Jurists, a program on women, girls and the justice system. That is just one example of the kinds of partnerships that it engages in.
- 8 Perhaps the most significant feature of the NJI model is that it is based on judicial leadership and ownership of judicial education. That means that it is sitting judges from across the country who are actively involved in designing, planning and delivering judicial education, of course with the tremendous support of NJI staff, without whom none of it would be possible. We have, then, in Canada, a model based on a network of courts, judges and organisations.
- 9 The primary mode of judicial education continues to be the traditional face-to-face judicial education programs. There are about eighty-five such programs delivered every year. The programs may be court-based, that is, delivered by individual courts to their judges with the help of NJI, or NJI may offer them to judges from across the country, or they may be offered in association with other bodies, and I just gave an example of that. In addition to these courses, NJI also provides resources that judges can access online. A judicial library, bench-books on a variety of topics that judges can bring with them into the courtroom on things like evidence, child witnesses, dealing with self-represented litigants, and there are also course modules.
- 10 A relatively small but growing number of courses are offered online each year to judges across the country. The experience with these online programs is that they are an extremely effective judicial education tool. They give judges flexibility as to when

and how they are going to participate, which is obviously something judges welcome. They are also a response to our geographical challenges. One of the challenges that we are finding with the online programs, however, is sustaining interest over a five- to six-week period. Typically, we find that interest is very high in the opening weeks and then decreases as the course goes on. Obviously, this is something that we need to work on.

- 11 There is the potential for international online courses. We have had a few international online courses with judges from New Zealand and Australia. There is one actually underway on youth justice, with those countries as well as New York State. We think this has tremendous potential for us to partner together, to learn from each other.